



DRAFT

Mine Closure Completion Guideline –

For demonstrating completion of
mine closure in accordance with an
approved Mine Closure Plan

Document Hierarchy for mine closure plans under the *Mining Act 1978*

Legislation	<i>Mining Act 1978</i>
Statutory Documents	Statutory Guidelines for Mine Closure Plans
Policy	Environmental Regulatory Strategy Environmental Objectives Policy for Mining
Guidelines	This Document Mine Closure Plan Guidance – How to Prepare Mine Closure Plans in accordance with Part 1 of the “Statutory Guidelines for Mine Closure Plans”. Technical Guidance – A framework for developing mine-site completion criteria in Western Australia (2019). The Western Australian Biodiversity Science Institute, Perth, Western Australia.
Procedures	Environmental Applications Administrative Procedures

Version History

Version	Date	Changes
0.1	February 2021	Draft for consultation

1. PURPOSE

To provide guidance on the evidence required to receive formal acceptance from the Department of Mines, Industry Regulation and Safety (DMIRS) that rehabilitation and closure obligations under the *Mining Act 1978* (Mining Act), and agreed to in an approved mine closure plan (MCP), have been met.

This guideline sets out how to present the evidence to DMIRS for consideration.

If DMIRS accepts that the completion criteria from the MCP have been achieved, the corresponding mining activities will be considered to be concluded and DMIRS will:

- issue formal written acknowledgement that rehabilitation obligations pertaining to the Mining Act and closure outcomes and completion criteria as outlined in the approved MCP have been achieved;
- remove the relevant tenement conditions related to submission of annual environmental reports (AERs) and MCPs; and
- initiate a review of any relevant unconditional performance bonds held for compliance with tenement conditions related to the rehabilitation that has been completed.

This guideline sets out how to present the evidence to DMIRS for consideration.

2. OBJECTIVES

To provide advice to industry and the community on:

- the information required by DMIRS for formal acceptance that rehabilitation of mine sites has been completed, in the form of a Mine Closure Completion Report; and
- how this guideline relates to other statutory requirements.

3. SCOPE

This guideline specifically relates to the completion of rehabilitation and closure obligations identified in approved MCPs required under the Mining Act.

This document does not relate to disturbances that are the result of exploration and prospecting activities approved under Programme of Work (PoW) applications. For these matters, tenement holders should submit a rehabilitation report form provided on the DMIRS website upon completion of rehabilitation of exploration and prospecting activities.

This guideline does not relate to acceptance of rehabilitation and closure obligations under any other legislation.

4. REGULATORY CONTEXT

4.1 Mining Act

The Mining Act provides for conditions to be imposed on tenements for “*preventing, or reducing, or making good, injury to the natural surface of the land or injury to anything on the natural surface of that land.*” Standard tenement conditions relating to rehabilitation and closure are imposed for mining operations.

Rehabilitation requirements have varied over the years and have progressively developed in line with a greater understanding of environmental management and responsible resources development. Today, with the benefit of an outcome-based approach, the standard rehabilitation condition requires rehabilitation to be undertaken progressively where possible to meet the defined closure objective. The current standard rehabilitation tenement condition is:

On the completion of operations or progressively where possible, all waste dumps, tailings storage facilities, stockpiles or other mining related landforms must be rehabilitated to form safe, stable, non-polluting structures which are integrated with the surrounding landscape and support self-sustaining, functional ecosystems comprising suitable, local provenance species or alternative agreed outcome, to the satisfaction of the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.

Under Section 700 of the Mining Act, a MCP forms part of every Mining Proposal and must meet the form and content requirements of the statutory guideline and be approved by a relevant prescribed official. The purpose of a MCP is to ensure that there is a planning process in place so that the mine can be closed, decommissioned and rehabilitated to meet the DMIRS environmental objectives. The objectives are outlined in DMIRS [Environmental Objectives Policy for Mining](#).

Mine closure planning should be integrated into all stages of mine development and operation, and it is intended that the MCP is continuously refined over the life of the mine. Section 84AA of the Mining Act requires MCPs to be reviewed and lodged for approval by the relevant prescribed official every three years (or at an alternative time as approved in writing by the prescribed official).

A standard condition is also imposed on tenements requiring the management of mine closure to be carried out in accordance with an approved MCP. Tenement holders are required to undertake rehabilitation and closure of all mining activities in accordance with an approved MCP and any relevant tenement conditions.

4.2 Mining Rehabilitation Fund

The *Mining Rehabilitation Fund Act 2012* requires reporting of areas of mining infrastructure or land in rehabilitation liability categories. Land on which rehabilitation has been completed in accordance with the closure obligations can be classified as 'rehabilitated land'. This land does not need to be reported for the purposes of the Mining Rehabilitation Fund as there is no applicable 'rehabilitation liability category'.

4.3 Contaminated Sites Act

This guideline does not cover the regulatory process under the *Contaminated Sites Act 2003*, which sits separate to any processes under the Mining Act. Where contaminated sites exist, the Contaminated Sites Act takes precedence; however, it is acknowledged that the Mining Act has a role in the management of closure risks including risk of contamination.

For example, DMIRS may require a suitable contaminated site assessment be completed as part of the completion criteria within a MCP. Additionally, if one or more contaminated sites are present as a result of the mining operation, the extent to which mine closure can be considered complete from a DMIRS perspective whilst Contaminated Sites Act process are still ongoing is likely to be dependent on the specific circumstances of each site, and hence be assessed on a case-by-case basis.

5. GUIDELINE

In order to achieve formal acceptance from DMIRS, the tenement holder will need to submit a Mine Closure Completion Report that demonstrates:

- the agreed closure outcomes and completion criteria as outlined in the approved MCP have been met;
- compliance with relevant environmental, rehabilitation and mine closure tenement conditions;
- confirmation of adequate consultation and agreement with key stakeholders and post-mining land managers; and
- all residual risks have been appropriately considered.

Mine Closure Completion reports can be completed and submitted to DMIRS in a staged approach as portions of a mine disturbances are rehabilitated, or for the entirety of a mine.

Prior to submitting a Mine Closure Completion Report, it is recommended that tenement holders contact DMIRS to confirm they meet the requirements. The relevant contact details for the Environmental Compliance Branch can be found on the DMIRS website. DMIRS will review the eligibility of an application for mine closure completion based on the considerations outlined above prior to accepting it for assessment.

Providing quality information and monitoring data will enable DMIRS to assess whether completion criteria have been achieved and determine whether there are any significant residual risks that have not previously been identified. Where information is considered insufficient to demonstrate achievement of completion criteria, further information may be requested from the tenement holder.

The Mine Closure Completion Report should contain the following information:

1. Corporate endorsement

The corporate endorsement must be given by the tenement holder(s) or a senior representative authorised by the tenement holder(s), such as a Registered Manager or Company Director.

2. Project overview

The report should clearly define the mining disturbances for which the tenement holder is seeking formal acceptance, and provide the following background information:

- Underlying land uses, land holders and land managers
- Brief overview of project (description of the mining activities undertaken)
- Rehabilitation “envelope” clearly showing the relevant rehabilitated areas. This should be provided as a figure(s) and an ESRI shapefile.

3. Stakeholder Engagement

This section must clearly detail who the key stakeholders are, what consultation has been undertaken and what the outcomes of the consultation were. The level of stakeholder engagement will be dependent on the specific post mining land use and completion criteria relevant to each site.

It is expected that prior to submission of the Mine Closure Completion Report, appropriate engagement has been undertaken to determine the acceptability of rehabilitation to the underlying land users, land managers or other relevant stakeholders. Any negotiated commitments or agreement with agencies or stakeholders in relation to closure should be outlined in the Mine Closure Completion Report.

The Department’s standard requirement is that all equipment and infrastructure is removed and/or appropriately disposed. Where infrastructure will be retained it must be formally transferred to a third party who can inherit the management liability. Formal evidence of this transfer should be provided.

Copies of any documentation relating to stakeholder consultation may be included in the Mine Closure Completion Report as appendices. This may include providing an updated stakeholder engagement register.

4. Post mining land use

This section must demonstrate that the agreed post mining land use as outlined in the approved MCP has been achieved.

5. Closure outcomes and completion criteria

This section should provide a detailed assessment, supported by suitable evidence, of whether the completion criteria in the approved MCP have been achieved, demonstrating that closure outcomes have been fulfilled. It is recommended a summary of this assessment is provided in table format using the example provided in Table 1.

The assessment against the completion criteria must include the following information:

- Summary and discussion of monitoring results;
- Findings and results of relevant survey work, for example flora and vegetation survey, landform stability assessment, tailings storage facility rehabilitation and decommissioning report, agronomy report;
- Description of any remedial activities that have been undertaken (inclusive of an explanation as to how these were effective); and
- Details of any maintenance activities and clarify whether on-going maintenance will be required (and who will assume this responsibility).

This section should provide clear and comprehensive information on the performance of rehabilitation together with interpretation of results by an appropriately qualified person. Any relevant studies and/or reports should be included as appendices.

In order to submit the report, appropriate monitoring data or other relevant evidence should have been gathered to demonstrate that completion criteria have been achieved. Monitoring should have been completed in accordance with the MCP and until it can be demonstrated that criteria have been met.

Table 1: Suggested format for the assessment against completion criteria.

Closure Objective	Approved Completion Criteria	Assessment against approved criteria	Supporting evidence

6. Determination of Post Closure Risks

This section should contain a summary of the closure risks identified in the MCP, demonstrating how the risks have been addressed and an assessment of the remaining residual risks. The acceptability of any residual closure risks will be dependent on the specific circumstances of the site and will be considered by DMIRS on a case-by-case basis.

7. Appendices

Appendices may include any additional technical information/consultant reports or supporting evidence required to demonstrate achievement of completion criteria.

GLOSSARY

Environmental conditions

Refers to conditions which may be imposed upon the grant of a mining tenement or at any subsequent time for the purpose of preventing or reducing, or making good, injury to the land in respect of which the tenement was granted, or injury to anything on or below the natural surface of that land or consequential damage to other land.

Closure Obligations

Commitments, outcomes, criteria, conditions or obligations relating to closure that apply to the mining disturbances whether under a tenement condition, mining proposal, mine closure plan or otherwise.

Completion Criteria

Set of criteria outlined in the approved Mine Closure Plan that provide the basis on which successful rehabilitation and mine closure are determined.

Consultation

A process that permits and promotes the two-way flow of ideas and information. Effective consultation is based on principles of openness, transparency, integrity and mutual respect.

Key Stakeholder

The term "key stakeholders" refers to post mining land owners/managers and relevant regulators.

Mine Closure Plan

A document defined under section 700(1) of the *Mining Act 1978* and containing the information required by the relevant statutory guidelines about the rehabilitation and closure of a mine.

Mine Closure Completion Report

A document containing the information required by the "Mine Closure Completion Guidelines" (this document) demonstrating that the completion criteria have been achieved and the completed rehabilitation has been accepted by the post mining land managers.

Mining disturbances

Features created during mining activities e.g. waste dumps, haul roads, plant site, tailings storage facilities, stockpiles accommodation village, etc.

Mining Proposal

A document defined under Section 700(1) of the *Mining Act 1978* and containing the information required by the relevant statutory guidelines about the proposed mining operations. The instrument in which to obtain approval to undertake mining activities.

Post mining land use

Term used to describe a land use that occurs after the cessation of mining operations.

Project

The total integrated mining operations in which a number of sites contribute to the overall operation to supply ore, processing facilities and disposal of waste products.

Rehabilitation

The return of disturbed land to a safe, stable, non-polluting/non-contaminating landform in an ecologically sustainable manner that is productive and/or self-sustaining consistent with the agreed post mining land use.

Rehabilitation obligations

Commitments, objectives, criteria, conditions or obligations relating to rehabilitation that apply to the mining disturbances whether under a tenement condition, mining proposal, mine closure plan or otherwise.

Tenement

Land tenure granted under the *Mining Act 1978* e.g. Mining Lease, Exploration Licence, Prospecting Licence, Miscellaneous Licence and General Purpose Lease.

Tenement holder

The registered holder of a tenement granted under the *Mining Act 1978*.

Unconditional Performance Bond (UPB)

The form of mining security required by the Minister (or his delegate). An unconditional performance bond is a guarantee issued by a financial institution in favour of the Minister that may be called in on by the Minister at will. The Minister is not obligated to discharge an unconditional performance bond.

Government of Western Australia

**Department of Mines, Industry Regulation
and Safety**

8.30am – 4.30pm

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