



# 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	<b>This Document</b>  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
1.0	November 2021	Initial publication

## 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, have been met. This process is commonly referred to as 'relinquishment'. 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 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 agreed closure obligations 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 Mine Closure Plans (MCPs) required under the *Mining Act 1978*.

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 in the form provided on the DMIRS website.

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

This guideline does not apply to the process for surrendering tenure under Section 95 the *Mining Act 1978*. It is noted however that the mine closure completion process may provide assurance to tenement holders that closure obligations under the Mining Act have been met upon surrender of tenure.

## 4. REGULATORY CONTEXT

### 4.1 Mining Act 1978

#### *Mine Closure Planning*

A Mine Closure Plan forms part of every Mining Proposal under section 700 of the *Mining Act 1978*, and must meet the form and content requirements of the statutory guideline and be approved by a relevant prescribed official. 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).

The purpose of a Mine Closure Plan 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. Mine closure planning should be integrated into all stages of mine development and operation, and it is intended that the Mine Closure Plan is continuously refined over the life of mine. As per the Statutory Guidelines for Mine Closure Plans, these must include post-mining land uses, closure outcomes and completion criteria.

Once post-closure monitoring demonstrates achievement against the completion criteria and closure outcomes over a sufficient timeframe, proponents can consider lodging a Mine Closure Completion Report. DMIRS has developed a life of mine schematic to demonstrate how the closure completion report fits into the relinquishment pathway under the Mining Act (Figure 1).

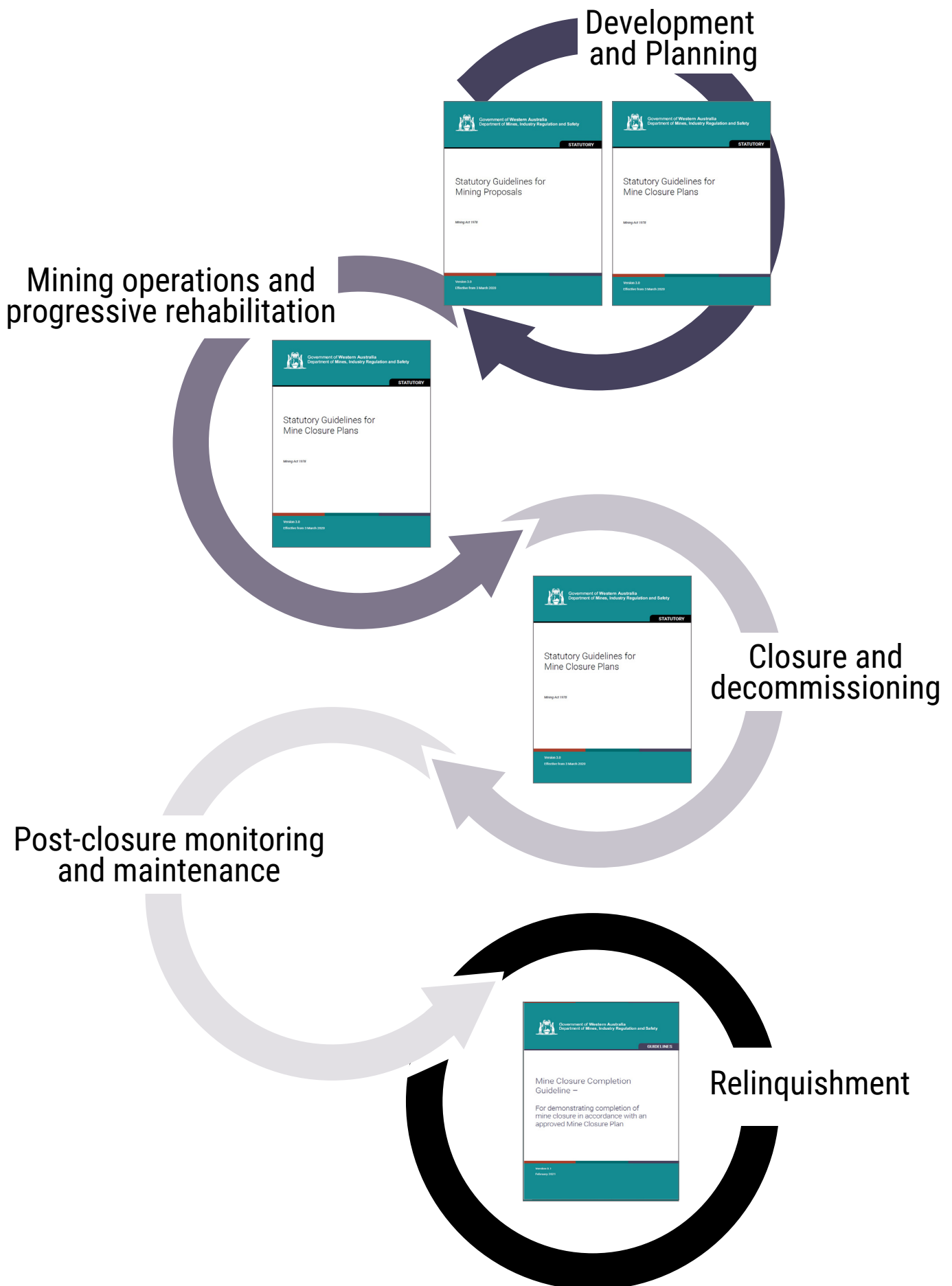


Figure 1 - Mine Closure Process

## 4.2 Environmental Objectives for Closure

The objectives for environmental regulation under the *Mining Act 1978* are identified in *DMIRS Environmental Objectives Policy for Mining*. The objective for rehabilitation and closure is:

“Mining activities are rehabilitated and closed in a manner to make them physically safe to humans and animals, geo-technically stable, geo-chemically non-polluting/non-contaminating, and capable of sustaining an agreed post-mining land use, and without unacceptable liability to the State.”

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 of mining disturbances to be undertaken progressively where possible to ensure they are safe, stable, non-polluting and non-contaminating and capable of sustaining an agreed post-mining land use, without unacceptable liability to the State.

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

## 4.3 Mining Rehabilitation Fund

The *Mining Rehabilitation Fund Act 2012* requires reporting of areas of mining disturbances 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 MRF as there is no applicable ‘rehabilitation liability category’.

## 4.4 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. It is acknowledged, however, that the Mining Act has a role in management of closure risks including the risk of contamination.

For example, DMIRS may require a suitable contaminated site assessment be completed as part of the completion criteria within a Mine Closure Plan. 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

Prior to submitting a Mine Closure Completion Report, it is recommended that tenement holders contact DMIRS to confirm they meet the requirements. Questions for proponents to consider prior to lodging a mine closure completion report are illustrated in Figure 2. 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 below prior to accepting it for assessment.

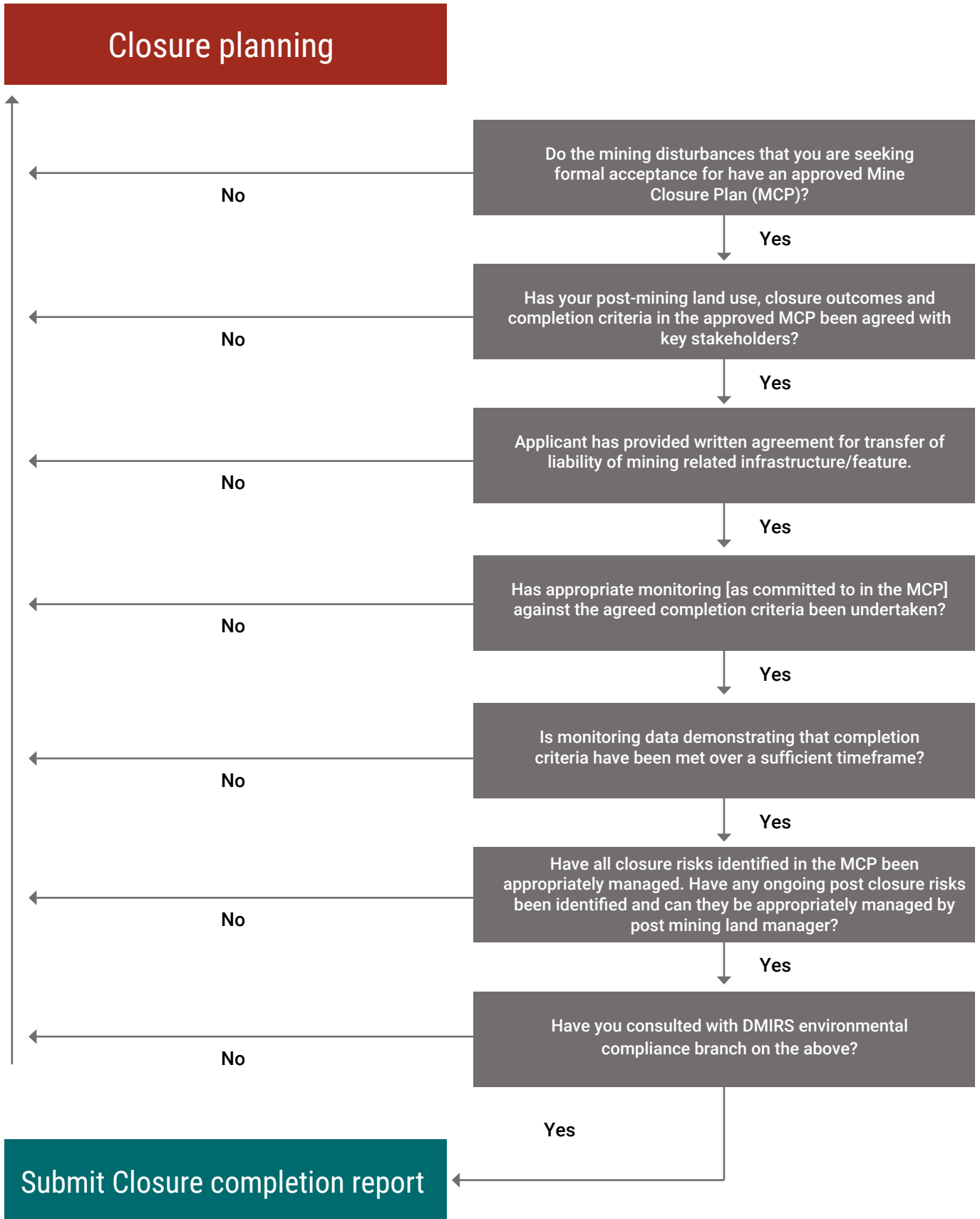


Figure 2 - Mine Closure Completion Report Submission

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.

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.

DMIRS will only consider the closure outcomes and completion criteria as outlined in an approved MCP. Amendments to closure outcomes and completion criteria can be made through revision and resubmission of the MCP to DMIRS 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).

### **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 and all remaining areas within the mining lease/s. This should be provided as a figure(s) and an ESRI shapefile.

### **3. Stakeholder Engagement**

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.

The level of stakeholder engagement will be dependent on the specific post mining land use and completion criteria relevant to each site.

This section should identify:

- Who the key stakeholders are, what consultation has been undertaken and what the outcomes of the consultation were.
- Any negotiated commitments or agreement with agencies or stakeholders in relation to closure.
- Where the closure obligations permit surface equipment infrastructure to be retained, evidence of ongoing management arrangements or transfer of management liability to a third party.
- Copies of any documentation relating to stakeholder consultation as appendices, which 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

Prior to submitting a Mine Closure Completion 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.

This section should provide:

- a detailed assessment, supported by suitable evidence, demonstrating that the completion criteria and the closure outcomes in the approved MCP have been achieved; and
- clear and comprehensive information on the performance of rehabilitation together with interpretation of results.

It is recommended a summary of this assessment be provided in table format using the example provided in Table 1.

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

Closure Outcome	Approved Completion Criteria	Assessment against approved criteria	Supporting evidence

The assessment against the completion criteria should 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 maintenance and activities that have been undertaken in response to not meeting agreed targets (inclusive of an explanation as to how these were effective).

Any relevant studies and/or reports should be included as appendices.

#### 6. Determination of Post Closure 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.

This section should contain:

- a summary of the closure risks identified in the MCP; and
- analysis of how the risks have been addressed and assessment of the remaining residual risks. The assessment should consider whether ongoing monitoring or maintenance activities are required to effectively manage the residual risks, how long the activities will be required and who will be responsible for implementation of the activities.

#### 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 that 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.

### **Closure Outcomes**

Required outcome for each aspect that will allow 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 and is consistent with the agreed post-mining land use.

### **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.

### **DMIRS Closure Objective**

"Mining activities are rehabilitated and closed in a manner to make them physically safe to humans and animals, geo-technically stable, geo-chemically non-polluting/non-contaminating, and capable of sustaining an agreed post-mining land use, and without unacceptable liability to the State."

### **DMIRS Environmental Objectives**

The related environmental objective for each environmental factor is the desired goal that, if met, will indicate that the proposed activities are not expected to have a significant impact on that factor of the environment. These objectives are identified in the Environmental Objectives Policy for Mining (2020).

### **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.

**Residual Risk**

Risk remaining after risk treatment.

**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

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8.30am – 4.30pm

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