



Monitoring and Evaluation Framework

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Acknowledgement of Country

Victoria's declared mines and the Mine Land Rehabilitation Authority office are situated on the lands of the Braiakalung people of the Gunaikurnai Nation. We pay our respects to their elders past, present and emerging.



Executive Summary

Under Clause 84AZC (1) of the *Mineral Resources (Sustainable Development) Act 1990*, the Mine Land Rehabilitation Authority (the Authority) is required to establish a Monitoring and Evaluation Framework (the Framework) for assessing the effectiveness of declared mine rehabilitation planning activities and the regional rehabilitation strategy.

The Authority is a Statutory Authority working with community, industry and government to oversee the rehabilitation of declared mine land for the purpose of ensuring the transition to safe, stable and sustainable post-mining landforms in Victoria. A declared mine is a mine deemed to pose significant risk to public safety, infrastructure, and/or the environment due to complex geotechnical, hydrogeological, hydrological or water quality issues. Currently, the only declared mines in Victoria are the Latrobe Valley's three brown coal mines: Hazelwood, Yallourn and Loy Yang.

This Framework is designed to provide clarity and guidance to key stakeholder groups and the wider community on the Authority's role in declared mine rehabilitation planning, oversight and outcomes, and the Authority's expectations with respect to the progress and quality of planning and outcomes. The key stakeholders consist of the declared mine licensees (operators of the three Latrobe Valley brown coal mines), the Latrobe Valley Regional Rehabilitation Strategy (an inter-departmental government project that provides guidance for the Latrobe valley mines) development team and public sector bodies, such as Earth Resources Regulation or the Environment Protection Authority Victoria.

For each stakeholder group, the Authority has identified oversight focus areas including community engagement and research. For each of these groups the Framework outlines: the individual activities where material progress needs to be demonstrated; the evidence required to demonstrate that progress; the process-based opportunities where the Authority can verify progress and outputs; and the Authority's expectations with respect to the quality and timing of the activity.

Finally, the Framework sets out the arrangements for carrying out strategic audits in relation to the implementation of regional rehabilitation planning activities.

The Framework is designed to be implemented during any phase of a declared mine's operational lifecycle, recognising that each of the declared mines are at different phases in these cycles. The Authority intends to use existing operational arrangements and interactions between stakeholder organisations; for example for regulatory reporting, to undertake the required monitoring and evaluation activities. New processes or reporting to meet the objectives of the Framework are to be minimised as far as practicable.

The Framework will be reviewed and updated at a frequency of once every three years or less dependent on circumstances.



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Definitions and Abbreviations

Term	Definition
MLRA	Mine Land Rehabilitation Authority (the Authority)
Declared mine land	<p>Land covered by a mining licence that includes a declared mine (whether or not the licence is in force)</p> <p>Declared mine land currently comprises the land covered by the following licences:</p> <ul style="list-style-type: none"> • mining licence No. 5004 (Engie Hazelwood) • mining licence No. 5003, No. 5216 and No. 5304 (Energy Australia Yallourn) • mining licence No. 5189 (AGL Loy Yang)
Declared mine	A mine where geotechnical, hydrogeological, water quality or hydrological factors are considered to pose a significant risk to public safety, the environment or infrastructure
Declared mine licensee	Holder or former holder of a declared mine licence to operate
EES	Environment Effects Statement. An assessment of the potential environmental impacts, or effects, of a proposed development under the Environment Effects Act 1978
HMFI	Hazelwood Mine Fire Inquiry. Victorian government inquiry into the 2014 Hazelwood mine fire
Latrobe Valley licensee	Holder or former holder of a declared licence to operate for the three Latrobe Valley brown coal mines
Latrobe Valley region	Region constituted principally by the municipal district of the Latrobe City Council, but may also refer to bordering areas of Baw Baw Shire Council and Wellington Shire Council
MRSDA	Mineral Resources (Sustainable Development) Act 1990 (Vic)



Term	Definition
Public sector body	<p>Includes the following State entities:</p> <ul style="list-style-type: none"> • the Department of Jobs, Precincts and Regions (DJPR) • Earth Resources Regulation (ERR) • the Department of Environment, Land, Water and Planning (DELWP) • the Environment Protection Authority (EPA) • the Victorian Work Cover Authority (Worksafe) • a responsible authority within the meaning of the Planning and Environment Act 1987, such as Latrobe City Council (LCC), that performs functions under that Act in the Latrobe Valley region • an Authority within the meaning of the Water Act 1989 that performs functions under that Act in the Latrobe Valley region, such as Gippsland Water (GW) and Southern Rural Water (SRW) • the Aboriginal Heritage Council • the Victorian Rail Track (VicTrack) • the V/Line Corporation • the Roads Corporation • a public sector body as prescribed per the Public Administration Act, 2004
Referral investigation	Investigation of a matter commenced by referral from the Minister for Resources to the MLRA
LVRRS	Latrobe Valley Regional Rehabilitation Strategy. The Victorian State's strategy for the rehabilitation of coal mine land
Rehabilitation planning activity	<p>An activity carried out by a public sector body or a declared mine licensee in order to plan the rehabilitation of coal mine land, including any of the following:</p> <ul style="list-style-type: none"> • preparation of a research plan • undertaking research • undertaking a technical investigation • undertaking a rehabilitation trial • the preparation of a rehabilitation plan (or activity) to assist in preparation of the regional rehabilitation strategy
IMRG	Integrated Mines Research Group. A collaboration of the Latrobe Valley mine licensees to undertake mine rehabilitation related research



Term	Definition
Rehabilitation phases	<ol style="list-style-type: none"> 1. Progressive – undertaken during mining activities when part of the final landform can be put in place 2. Interim – temporary works to manage the safety and stability of land prior to undertaking final rehabilitation landform works 3. ‘No regrets’ – works undertaken after cessation of mining required for landform management, prior to the final approved rehabilitation plan 4. Final rehabilitation – completion of rehabilitation works according to the approved Rehabilitation and Closure Plan 5. Maintenance and Monitoring - the period after final rehabilitation is complete where maintenance and monitoring is undertaken to demonstrate the rehabilitated landform meets the closure criteria set out in the approved Rehabilitation and Closure Plan 6. Post-closure – land management phase after the mine rehabilitation is complete and the licence has been relinquished
PCP	Post Closure Plan. The document outlining work to be done in order to maintain rehabilitated land in a safe, stable and non-polluting condition
RCP	Rehabilitation and Closure Plan. Document prepared by mine licensees which outlines the final rehabilitation design and closure works, following cessation of mining. The RCP is a live document that matures with additional knowledge gained during mining. The RCP is largely conceptual during early mine development. By mine closure, it should be largely complete with few, or no, concepts requiring additional research.
Registered mine land	Declared mine land that has been registered after the licence has been relinquished in the declared mine land register . The register is a mechanism for continued maintenance and monitoring of declared mine land post-closure.



1. Introduction

Under the *Mineral Resources (Sustainable Development) Act 1990* (the Act), the Mine Land Rehabilitation Authority (the Authority) is required to establish a Monitoring and Evaluation Framework (the Framework) for assessing the effectiveness of rehabilitation planning activities and the regional rehabilitation strategy. The Framework must outline the outcomes to be achieved, the measures to be undertaken to achieve the specified outcomes and evaluation of the effectiveness of the measures. The Framework must also provide for the carrying out strategic audits.

This document has been prepared in accordance with this requirement. It sets out the Authority's expectations with respect to progress and quality of declared mine rehabilitation planning and outcomes for each key stakeholder group, including community engagement and research activities.

Finally, it sets out the arrangements for carrying out strategic audits in relation to the implementation of regional rehabilitation planning activities.

1.1. Background

The Authority is a Statutory Authority working with community, industry and government to oversee the rehabilitation of declared mine land for the purpose of ensuring the transition to safe, stable and sustainable post-mining landforms in Victoria. A declared mine is a mine deemed to pose significant risk to public safety, infrastructure, and/or the environment due to complex geotechnical, hydrogeological, hydrological or water quality issues. Currently, the only declared mines in Victoria are the Latrobe Valley's three brown coal mines:

- Hazelwood: owned by ENGIE (mining licence No. 5004).
- Yallourn: owned by EnergyAustralia (mining licence Nos 5003, 5216, 5304).
- Loy Yang: owned by AGL (mining licence No. 5189).

1.1.1. Establishment of the Authority

Recommendation 15 of the 2015/16 Hazelwood Mine Fire Inquiry Volume IV (HMF1, 2016) proposed the establishment of an independent Latrobe Valley Mine Rehabilitation Authority to act as a coordinating body for mine rehabilitation within the Latrobe Valley. An amendment to the MRSDA on the 30th June 2020, established the Authority as a statutory body replacing the Latrobe Valley Mine Rehabilitation Commissioner (the Commissioner), who had occupied a coordinating role since 2017.

1.1.2. Objectives and Functions of the Authority

The Authority engages and works with a range of public and private sector stakeholders, and community groups to ensure that appropriate rehabilitation outcomes are achieved for declared mines. The Authority's responsibilities include providing advice to the Minister for Resources, and assurance to stakeholders and the Victorian community.

Clause 84AE of the Act, presents the objectives of the Authority. In order to achieve these above, Division 3 (Clause 84AL) of the Act prescribes the Authority's functions powers.. The Authority has additional functions compared to the former Commissioner with respect to ensuring that following



mining licence relinquishment, the mitigation of long-term residual risks is adequately resourced and managed (principally functions (ka) to (kk)).

84AE Objectives of the Rehabilitation Authority

(a) to provide assurance to the Victorian community—

(i) that public sector bodies and the Latrobe Valley licensees are implementing the regional rehabilitation strategy; and

(ii) that public sector bodies and the declared mine licensees are planning for the rehabilitation and ongoing management of declared mine land; and

(b) to promote the participation of the community and stakeholders from the Latrobe Valley, in the implementation of the regional rehabilitation strategy; and

(c) to promote the effective and consistent rehabilitation of coal mine land in accordance with the regional rehabilitation strategy; and

(d) to promote the sustainable and beneficial use of coal mine land in accordance with the regional rehabilitation strategy; and

(e) to promote the effective and consistent rehabilitation of declared mine land in accordance with any Ministerial direction.

84AL Functions and powers of the Rehabilitation Authority

(1) The Rehabilitation Authority has the following functions—

(a) to monitor and evaluate the implementation of the regional rehabilitation strategy in accordance with the monitoring framework;

(b) to carry out strategic audits of public sector bodies and declared mine licensees in relation to the implementation of rehabilitation planning activities and the regional rehabilitation strategy;

(c) to monitor and evaluate implementation and effectiveness of rehabilitation planning activities and the regional rehabilitation strategy in accordance with the monitoring framework;

(d) to review any research plan in relation to the rehabilitation of declared mine land prepared by a declared mine licensee and make recommendations, if any, following a review to the relevant declared mine licensee;

(e) to coordinate rehabilitation planning activities;

(f) to engage with the following groups and persons in relation to the rehabilitation of declared mine land—

(i) the Victorian community;

(ii) other stakeholders;

(iii) public sector bodies;

(iv) the declared mine licensees;



(g) to conduct and support meetings between the following groups and persons in relation to rehabilitation planning activities that promote communication and the resolution of issues—

- (i) the Victorian community;*
- (ii) other stakeholders;*
- (iii) public sector bodies;*
- (iv) the declared mine licensees;*

(h) to provide advice and recommendations to the Minister in relation to—

- (i) the possible changes to the regulatory framework; and*
- (ii) the outcomes of any engagement by the Rehabilitation Authority with the Victorian community or stakeholders; and*
- (iii) the planning for the monitoring, and completion, of the rehabilitation of declared mine land; and*
- (iv) the planning for the monitoring and maintenance of declared mine land that has been rehabilitated; and*
- (v) the regional rehabilitation strategy; and*
- (vi) the declared mine rehabilitation plans of the declared mine licensees;*

(i) to provide information and education to the Victorian community about—

- (i) the planning for the rehabilitation of declared mine land; and*
- (ii) the regional rehabilitation strategy;*

(j) to carry out investigations on the referral of the Minister under Division 4;

(k) to provide advice, reports and recommendations to the Minister on matters referred to the Rehabilitation Authority under Division 4;

(ka) to monitor and evaluate the risks posed by geotechnical, hydrogeological, water quality or hydrological factors for declared mine land in relation to public safety, the environment and relevant infrastructure;

(kb) to ensure the monitoring and maintenance for registered mine land is carried out;

(kc) to establish and maintain a register of declared mine land;

(kd) to register declared mine land in the declared mine land register in accordance with the prescribed requirements and procedures;

(ke) to provide advice to the Minister regarding conditions that may apply to the registration of declared mine land;

(kf) to assess the amount of funds to be paid by declared mine licensees or land holders of declared mine land to the Rehabilitation Authority for payment into the Declared Mine Fund on the registration of declared mine land;

(kg) to obtain and hold any entitlement, licence or permission required for the purpose of rehabilitating, monitoring and maintaining registered mine land;

(kh) to rehabilitate, monitor, maintain and manage registered mine land in accordance with the relevant registered post-closure plan;

(ki) to purchase, acquire and dispose of declared mine land or land in close proximity to declared mine land;



- (kj) to provide advice and recommendations to the Minister in relation to—
 - (i) rehabilitation planning activities of declared mine licensees; and*
 - (ii) any aspect of regional, local or environmental planning that may be impacted by or impact on declared mine land; and*
 - (iii) declared mine land and registered mine land; and*
 - (iv) the regulatory framework and declared mine land;**
 - (kk) to provide for the preservation of relevant records and information in respect of registered mine land;*
 - (l) to provide advice, recommendations and reports to the Minister on the exercise of the Rehabilitation Authority's functions;*
 - (m) other functions conferred on the Rehabilitation Authority under this Act;*
 - (n) to develop and maintain, in consultation with the community, stakeholders, public sector bodies and Latrobe Valley licensees, a framework for—
 - (i) the monitoring and evaluation of the implementation and effectiveness of rehabilitation planning activities and the regional rehabilitation strategy; and*
 - (ii) the achieving of the outcomes set out in the framework; and*
 - (iii) the carrying out of strategic audits of public sector bodies and Latrobe Valley licensees in relation to the implementation of rehabilitation planning activities and the regional rehabilitation strategy.**
 - (o) to monitor and report, in accordance with the monitoring framework, on—
 - (i) the implementation by public sector bodies and Latrobe Valley licensees of the regional rehabilitation strategy; and*
 - (ii) the effectiveness of the regional rehabilitation strategy.**
- (2) The Rehabilitation Authority has all the powers that are necessary or convenient to perform the Rehabilitation Authority's functions under this Part.*



2. Introduction to Monitoring and Evaluation

Monitoring and evaluation is undertaken to provide clear and accurate assessment of programs or projects (IFCR, 2011) and facilitates reporting and feedback to stakeholders.

In the context of mine monitoring rehabilitation planning and outcomes, there is a focus on process and results monitoring:

- Results monitoring tracks outputs and outcomes via evaluation, including impact (IFCR, 2011).
- Process or activity monitoring tracks the use of inputs and resources, the progress of activities and the delivery of outputs (IFCR, 2011), including efficiency (time and resources) of delivery.

Compliance monitoring is also adopted in the review of the application of rehabilitation standards, industry best-practice guidance and principles such as those established for the LVRRS. We note that while the Authority tracks stakeholder compliance with regulations, it is up to the individual regulatory bodies to assess and enforce compliance.

Evaluation, should be objective, transparent, linked to activity or program goals, and lead to the improvement of current or future programs or activities. It can be applied at multiple points during the activity or program, including:

- During the implementation phase to provide an interim assessment of outcomes and assist in identifying areas of rectification.
- After activity/program completion to evaluate how well objectives were met and inform future projects.

	Monitoring & Reviews	Evaluations	Audits
Why?	Check progress, inform decisions and remedial action, update project plans, support accountability	Assess progress and worth, identify lessons and recommendations for longer-term planning and organizational learning; provide accountability	Ensure compliance and provide assurance and accountability
When?	Ongoing during project/programme	Periodic and after project/programme	According to (donor) requirement
Who?	Internal, involving project/programme implementers	Can be internal or external to organization	Typically external to project/programme, but internal or external to organization
Link to logical hierarchy	Focus on inputs, activities, outputs and shorter-term outcomes	Focus on outcomes and overall goal	Focus on inputs, activities and outputs
Uses	More used for the continuous improvement of project delivery and performance	Learning and accountability to improve the specific project and/or future ones	Main use is for quality assurance



Figure 1 depicts the difference in the application of monitoring and evaluation and observes that monitoring alone can be completed internally, while evaluation can include external input. In this context, the Authority is the external evaluator for declared mine rehabilitation planning processes and outcomes.

Another pertinent feature of Figure 1 is the application of audits compared to monitoring and evaluation. Function 84AL(1)(b) states that the Authority will carry out strategic audits. Strategic audits apply to organisational processes and systems implementation efficiency and outcomes as opposed to a traditional audit which verifies compliance with established rules, regulations, procedures or mandates. This is consistent with the Commissioner for Environmental Sustainability's application of strategic audits (CES, 2012).

The findings of a strategic audit should assist and encourage an organisation to improve its processes., i.e. where evaluation has indicated that an organisational process is inefficient and inhibiting rehabilitation planning processes and/or outcomes. Monitoring and evaluation does not inevitably lead to an audit, but the Authority will use findings from monitoring and evaluation activities to determine whether a strategic audit should be undertaken. The process for undertaking a strategic audits is presented in Section 8.



	Monitoring & Reviews	Evaluations	Audits
Why?	Check progress, inform decisions and remedial action, update project plans, support accountability	Assess progress and worth, identify lessons and recommendations for longer-term planning and organizational learning; provide accountability	Ensure compliance and provide assurance and accountability
When?	Ongoing during project/programme	Periodic and after project/programme	According to (donor) requirement
Who?	Internal, involving project/programme implementers	Can be internal or external to organization	Typically external to project/programme, but internal or external to organization
Link to logical hierarchy	Focus on inputs, activities, outputs and shorter-term outcomes	Focus on outcomes and overall goal	Focus on inputs, activities and outputs
Uses	More used for the continuous improvement of project delivery and performance	Learning and accountability to improve the specific project and/or future ones	Main use is for quality assurance

Figure 1: Comparing Monitoring, Evaluation and Audit (modified from IFCR, 2011)

3. Framework Design

3.1. Legislative Requirements

The Authority has prepared this Framework in accordance with Division 7, Section 84AZC of the Act, noting that the Framework can be amended at any time (Section 84AZE).

84AZC Rehabilitation Authority must prepare monitoring framework

- (1) *The Rehabilitation Authority must prepare a document that sets out a framework for the monitoring and evaluation of the implementation and effectiveness of -*
- (a) *rehabilitation planning activities; and*
 - (b) *the regional rehabilitation strategy.*
- (2) *Without limiting subsection (1), the monitoring framework must provide for—*
- (a) *the outcomes to be achieved, including measures to be undertaken to achieve the outcomes and the effectiveness of those measures; and*
 - (b) *the carrying out of strategic audits of public sector bodies and Latrobe Valley licensees in relation to the implementation of the regional rehabilitation planning activities.*
- (3) *The Rehabilitation Authority must prepare the monitoring framework in consultation with— :*
- (a) *community members and stakeholders of the Latrobe Valley region; and*
 - (b) *public sector bodies; and*



- (c) the Latrobe Valley licensees; and*
- (d) the declared mine licensees.*

84AZD Making the monitoring framework

The Rehabilitation Authority must cause the monitoring framework to be published on an Internet site maintained by the Department as soon as practicable after the framework is made.

84AZE Amendment of monitoring framework

The Rehabilitation Authority may amend the monitoring framework at any time.

84AZF Making an amendment to the monitoring framework

- (1) The Rehabilitation Authority must cause to be published on an Internet site maintained by the Department the monitoring framework, as amended under section 84AZE.*
- (2) As soon as practicable after the amended monitoring framework is published under subsection (1), the Rehabilitation Authority must publish a notice stating the date of the publication of the amended monitoring framework under subsection (1) in the Government Gazette.*



3.2. Framework Design and Structure

3.2.1. Background

The Latrobe Valley Mine Rehabilitation Commissioner developed and implemented the *Latrobe Valley Rehabilitation Monitoring & Evaluation Framework 2018* (LVMRC, 2018). This framework was designed primarily to cover monitoring and evaluation in the period through to June 2020 but was also generally applicable to the first two years of the implementation of the Latrobe Valley Rehabilitation Strategy. For this reason, the Authority continued to implement the Commissioner's framework for monitoring and evaluation to allow time for the present monitoring and evaluation framework to be completed and published.

3.2.2. Framework Development

In order to develop the Framework, the Authority held internal workshops to review the content and application of the Commissioner's framework, as well the stakeholder groups requiring evaluation and their individual progress in rehabilitation planning and the Authority's legislated functions applicable to monitoring and evaluation activities and Framework development. Key findings of the review were as follows:

- The adoption of the log-frame design in the Commissioner's Framework, facilitated the identification and integration of stakeholder activities, outputs, outcomes and goals. It was explicit on output expectations, but not on content; for example, that a rehabilitation plan would be completed, but not what a good rehabilitation plan should comprise. Furthermore, to promote equity amongst stakeholders, expectations should be consistent and transparent for each member of a stakeholder group.
- Stakeholder domains historically adopted by the Commissioner were now out of date and required review to reflect the release of the LVRRS and its transition into an implementation action phase and a broader application of research to all stakeholders, not only the mine licensees' Integrated Mine Research Group.
- The use of 'through the work' processes applied by Commissioner's Office for monitoring and evaluation was effective, built solid stakeholder relationships and facilitated timely input into rehabilitation planning processes. A key function of this process was to use existing outputs, instead of requesting additional documentation for monitoring and evaluation.

Furthermore, any monitoring and evaluation program is only applicable to a defined scope and timeframe. In this instance, the Framework can only be designed for Victoria's existing declared mines; any additional declared mines would require revision. This Framework can only apply while a declared mine licence is active, i.e., during mine rehabilitation planning and execution.

3.2.3. Guiding Principles

Prior to developing the Framework's structure, the Authority developed and adopted the following guiding principles for what the Framework should:

1. Be focused and feasible in relation to available resources;
2. Provide timely information to support decision making;
3. Be useful to rehabilitation planning and decision making as well as wider knowledge-sharing among stakeholders;
4. Be credible, valid and reliable to the extent possible given available resources;



5. Be ethical, for example in relation to data consent and protection; and

Guiding principle 1 recognises the need for monitoring and evaluation activities to not exceed organisational and financial capacity of the Authority, but also that the process must be respectful of stakeholder resources. Guiding principle 2 is critical to effective monitoring and evaluation: both inputs and output to the process must be timely. To this end, the Authority will apply monitoring and evaluation activities to each stakeholder's existing operational programs and utilise existing reporting pathways, including statutory and regulatory reporting, feedback to stakeholders. The Authority has purposefully chosen this 'through the work' monitoring and evaluation paradigm to:

- Minimise additional Authority-specific reporting requirements for stakeholders, ensuring they can focus resources on delivering mine rehabilitation planning programs and outputs. This does not prevent the Authority, however, from noting where these programs or processes require additional stakeholder resources to achieve positive rehabilitation outcomes. Furthermore, the Authority still requires documentation for evaluation, such as schedules, technical studies, audit outcomes, however these will be in the form prepared for the original audience and not specifically for the Authority.
- Embed the Authority in the process as an independent observer, advisor and reviewer, which facilitates timely advice and evaluation as opposed to providing feedback after the process's completion.

Guiding principles 3 recognise that the Framework and the Authority's approach to its implementation must add value to rehabilitation planning processes and all stakeholders (not just those being evaluated). Guiding principles 4 and 5 recognise that stakeholder relationships are key to the Authority's activities and that it must not apply the Framework in a way that would compromise these or rehabilitation outcomes.

3.3. Purpose

The purpose of the Framework is to provide clarity and guidance to relevant stakeholder groups and the wider community on the Authority's:

- role in rehabilitation planning and outcomes oversight.
- expectations with respect to progress and quality of rehabilitation planning and outcomes.

The Framework provides guidance on how each of the different stakeholder groups are monitored, the areas of interest and whether declared mine rehabilitation activities (undertaken by public sector bodies and mine licensees) adequately consider the broad range of factors and risks inherent in planning and implementing rehabilitation works. Outcomes from the Framework's implementation are fed back to stakeholders to inform their ongoing activities and inform reporting to the Minister for Resources (see Figure 2 for reporting structure).

3.4. Scope of Framework

The purview of the Authority, and therefore of this Framework, is on stakeholder rehabilitation planning activities and outcomes for the Latrobe Valley's three brown coal mines (Loy Yang, Hazelwood and Yallourn) as, currently, these are the State's only Declared Mines..



This Framework applies only to declared mine land while an active licence is in place. Once the licence is relinquished, other land management and monitoring processes will be implemented according to the requirements stipulated in the Post Closure Plan.

3.4.1. Evaluated Stakeholder Groups

This Framework evaluates the stakeholder groups responsible for declared mine rehabilitation planning and execution (Figure 2), comprising:

1. Declared Mine Licensees – owners and operators of the State’s declared mines.
2. The Latrobe Valley Regional Rehabilitation Strategy (LVRSS) development team - government groups assessing the resource and regulatory requirements for rehabilitating the Latrobe Valley mines.
3. Public Sector Bodies – Government groups not participating in the LVRSS, such as Earth Resources Regulation and the Environment Protection Authority, who have key roles in rehabilitation planning and conduct.

Other stakeholders, such as community groups and Traditional Owners, must be consulted as part of declared mine planning processes but are not evaluated, as they are not legally responsible for delivering the plans or outcomes.

As per the Act, stakeholder groups and community members have been consulted on the draft Framework prior to its finalisation to ensure alignment with respective stakeholder mine rehabilitation work programs and community expectations for consultation during these programs.



Figure 2: MLRA Reporting Lines for Evaluated Stakeholder Groups

Figure 2 demonstrates the MLRA’s reporting framework for the evaluated stakeholder groups, with the MLRA required to provide advice and recommendations to the Minister for Resources (per functions 84AL(1)(h) and 84AL(1)(kj) of the Act).



3.5. Framework Structure

The Framework's structure is purpose-built and based upon the findings of the internal review process. Each stakeholder group is provided with its own chapter which outlines the focus areas for monitoring and evaluation, including rehabilitation planning programs, stakeholder and community engagement, and research.

For each focus area, the Framework presents the purpose of the Authority's monitoring and evaluation activities and any key points to note. A table outlining the focus area's specific monitoring and evaluation criteria is then presented covering the following:

- **Activity for Monitoring and Evaluation:** for a specific activity where material progress needs to be demonstrated for successful declared mine rehabilitation planning and outcomes.
- **Evidence:** what needs to be provided to demonstrate successful completion of the activity.
- **MLRA Verification:** appropriate activity-related processes and outputs which provide evidence of activity progress and opportunity for Authority evaluation and feedback.
- **MLRA Evaluation Output:** The type of feedback to be provided to the stakeholder for each activity. Note that appropriate timeframes will be determined in conjunction with each stakeholder as this will be activity and scope specific.
- **MLRA expectation:** '*what would good look like?*' for each activity, i.e., the Authority's expectations on progress, process and quality with respect to activities and outputs.

3.6. Operational Timeframe

The Framework is designed to be implemented during any phase of a mine's operational lifecycle, recognising that each of the declared mines are at different phases in these cycles. For example, activities currently being undertaken by ENGIE (Hazelwood mine closed 2017) are focussed on achieving rehabilitation outcomes designed during the rehabilitation planning phase, while AGL (Loy-Yang - currently operational) are commencing their rehabilitation design studies.

The Framework will be reviewed and updated at a frequency of once every three years or less dependent on circumstances. Events that may trigger an update include declaration of an additional mine, or a change in the regulatory frameworks affecting reporting outputs, which the Authority relies upon for monitoring purposes. Future updates to the Framework will be undertaken in consultation with the relevant stakeholder(s).



4. Background on Declared Mine Rehabilitation Planning

Rehabilitation planning for the Latrobe Valley's three mines (see section 1.1) encompasses a broad range of actions that are subject to oversight. These actions include the work of the Latrobe Valley Regional Rehabilitation Strategy project, planning by the three mine licensees, the collective research program of the three mine licensees and deliberations of public-sector bodies with a stake in the rehabilitation outcomes of the mines.

4.1. Latrobe Valley Brown Coal Mines

Mining of brown coal has a long history in the Latrobe Valley with the earliest mining taking place in the late 19th Century. The State Electricity Commission of Victoria was the primary architect of the major expansion of brown coal mining for electricity generation in the region. Coal extraction commenced at the Yallourn mine in the 1920s. Mining commenced at Hazelwood mine in 1955, with its associated power station constructed between 1964 and 1971. The Loy Yang mine was commissioned later, in the early 1980s, to service a substantial expansion of power generation including construction of the Loy Yang A and Loy Yang B power stations, which were completed in 1988 and 1996, respectively. All three mines and their associated power stations were privatised in the 1990s. At the height of power generation, the Latrobe Valley was generating ninety percent of Victoria's electrical power needs. This has led to three very large pits, following recovery of more than 2.5 billion tonnes of brown coal (to date). Figure 1 presents the mining leases, current extents of areas extracted and relationships to the local townships and infrastructure.

Each mine is required to operate in accordance with an approved work plan. Original work plans included outline plans for the remediation of the sites and plans for some progressive rehabilitation prior to mine closure, although details of the plans were largely conceptual with little assessment of feasibility. The lack of adequate feasibility assessment or underpinning research was highlighted after the Hazelwood mine fire in 2014. The fire in the mine burned for 45 days, leading to two inquiries that highlighted significant gaps in knowledge required for rehabilitation, which needed to be addressed in order to demonstrate the validity of either a partial or filled pit lake for each mine – the technically and licensee preferred rehabilitation landform. The findings of the second inquiry also highlighted the need for a significant increase in the rate of progressive rehabilitation and rehabilitation-related research by the mine operators.

The unanticipated early cessation of mining operations in March 2017 at the Hazelwood mine, owned by ENGIE, highlighted the rapidly changing economic environment for brown coal mining and the need for mine rehabilitation preparedness. Since its closure, ENGIE has completed regulator-agreed 'no regrets' rehabilitation works, which have included buttressing select batters and placing surcharge on others, decreasing the gradient of batters above the proposed final pit lake's water line to 3:1 (horizontal:vertical) and covering these slopes with clay. ENGIE has also commenced the demolition and removal of mining infrastructure from within and around the pit and in 2020, submitted a work plan variation including a Rehabilitation and Closure Plan proposing a full pit lake as the final rehabilitation concept. As part of emergency management measure for the Morwell River Diversion repairs at Yallourn mine, ENGIE received permission to cease dewatering the pit in 2021.

In March 2021 the operator of Yallourn mine, Energy Australia, announced that mining and power generation at the Yallourn site will cease four years ahead of schedule in 2028. The Loy Yang mine, operated by AGL Energy Limited (AGL), is licensed to extract coal until 2048. It is noted that a date as



early as 2032 for the cessation of coal-fired power generation has been modelled (AEMO, 2021), which may impact on the mining life of Loy Yang. Both Yallourn and Loy Yang mines have had their mining licences extended (to 2051 and 2065, respectively), allowing for a period of rehabilitation and closure works to deliver safe, stable and sustainable landforms within the licence period. Furthermore, a demerger by AGL is currently underway (anticipated for completion in fourth quarter, 2022) and involves multiple generation assets, including the Loy Yang complex, becoming part of Accel Energy Limited. The demerger, along with other economic and socio-political influences on power generators will be monitored by the Authority for any impacts on rehabilitation planning progress and outcomes at each of the declared mines.

Figure 3 presents the timing for each mine's closure and the licensee's current preferred rehabilitation scenario. All declared mine licensees have an obligation to consult with the community on the development of the final rehabilitated pit landforms and identification of future land uses.



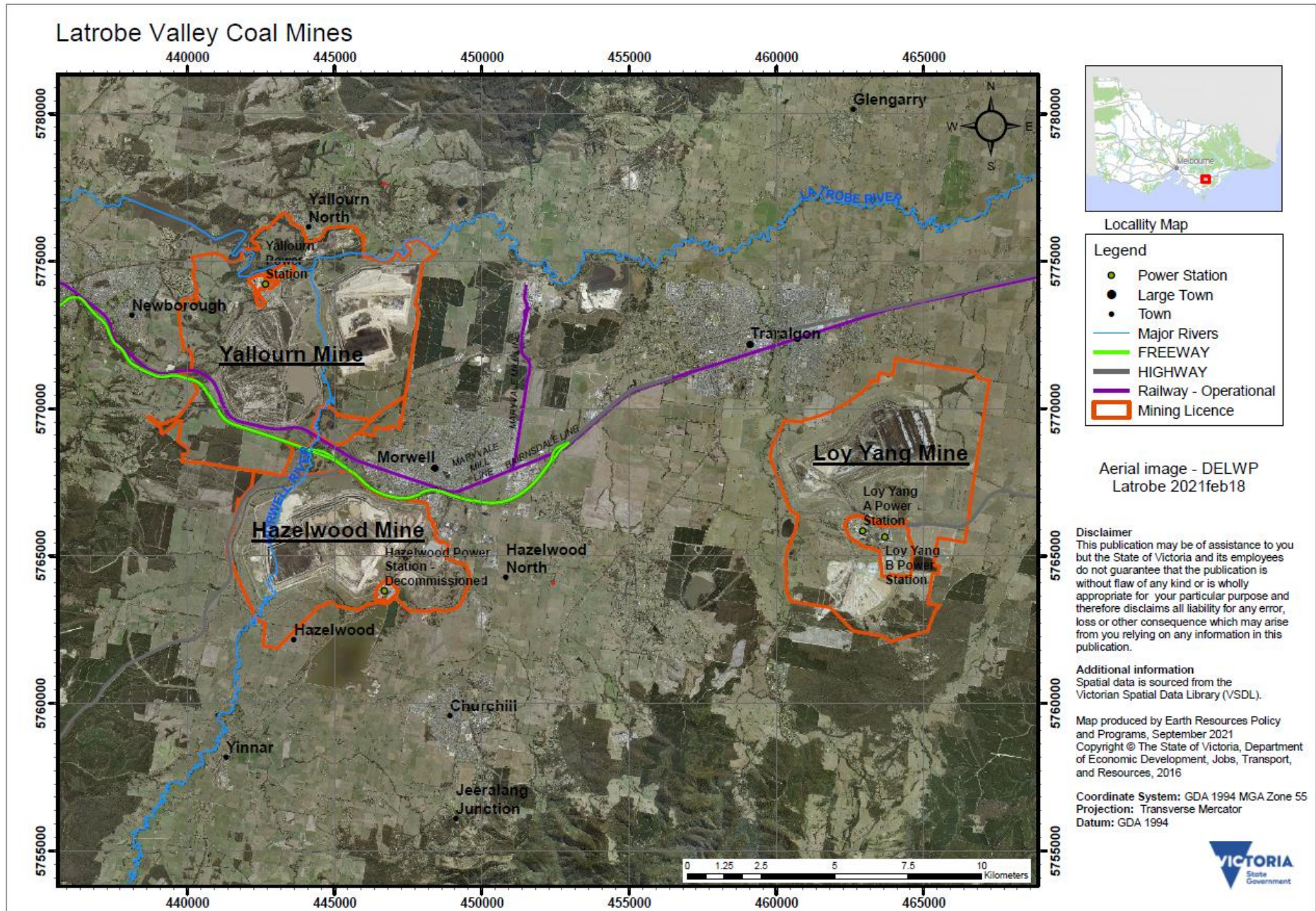


Figure 3 Location map for the Yallourn, Hazelwood and Loy Yang brown coal mines

4.2. Latrobe Valley Regional Rehabilitation Strategy (LVRRS)

Currently Victoria has in place a proponent-led mining and rehabilitation system, meaning that rehabilitation is the individual responsibility of each mine licensee. Given the closeness of the mines and their size within the surrounding landscape, the potential to collectively impact the environment and future socio-economic development of the region must be considered. The LVRRS is a joint project by the Department of Jobs, Precincts and Regions (DJPR) and the Department of Environment, Land, Water and Planning (DELWP), and provides guidance to support mine rehabilitation planning and approvals for the Latrobe Valley's declared mines. The Authority's role includes providing assurance of the effective development and implementation of the LVRRS to the Minister for Resources, the mine licensees and the community.

The LVRRS is underpinned by the following concepts:

- As the three Latrobe Valley mines are on privately owned land, the rights and obligations of landholders apply.
- The Act places responsibility for rehabilitation of individual mine sites on mine licensees, including planning, rehabilitation works and associated costs.
- The government's role is to provide policy and guidance, and to facilitate or support investment by industry where there is a clear community benefit. Its role should not constrain the ability of industry to find new and innovative solutions to mine rehabilitation.
- There are social, cultural, environmental and economic factors that may change the feasibility of rehabilitation options available in the future, including significant uncertainties associated with climate change and water availability.
- Rehabilitation at each site will likely take decades following the cessation of mining and the community should have the opportunity to be involved during this time.

The published LVRRS sets out principles to guide the planning associated with mine rehabilitation, and the monitoring and evaluation of mine land after rehabilitation is complete. These principles are:

1. The fire risk of the rehabilitated land should be no greater than that of the surrounding environment.
2. Ground instability and ground movement risks and impacts during rehabilitation and in the long term, and requirements for ongoing management to sustain a safe and stable landform, should be minimised as far as reasonably practicable.
3. Mine rehabilitation should plan for a drying climate. Rehabilitation activities and final landforms should be climate resilient.
4. Any water used for mine rehabilitation should not negatively impact on Traditional Owners' values, environmental values in the Latrobe River systems, or the rights of other existing water users.
5. Traditional Owners should be involved and partnered with in rehabilitation planning, assessment and decision-making.
6. The community should be consulted on rehabilitation proposals, the potential impacts, and have the opportunity to express their views.
7. Mine rehabilitation and regional land use planning should be integrated, and the rehabilitated sites should be suitable for their intended uses.



The LVRRS also recognises and embeds the key legislative changes that form part of the overarching implementation of mine rehabilitation. This includes the development and implementation of the Declared Mine regulations that will define the requirements for the Latrobe Valley brown coal mines for rehabilitation planning and post closure monitoring and maintenance of mine land.

A key theme in the LVRRS is the acknowledgement of risks arising from the use of water for mine rehabilitation over extended periods, as predictions for water availability in the Latrobe Valley suggest a progressive decline in flows in the Latrobe River system. This aspect of mine rehabilitation has created the most concern for the community and has been a major focus of community conversations.

4.2.1. Implementation Actions

The Government's plan for implementing the LVRRS included undertaking the following six implementation actions, which commenced July 2020 with studies to be completed by the end of 2021:

1. Provide guidance on the use of climate change scenarios for water resource planning for mine rehabilitation.
2. Develop new Declared Mine Regulations.
3. Produce guidance on potential water sources and access arrangements for mine licensees to undertake rehabilitation.
4. Assess the feasibility of alternative water sources that could be used for mine rehabilitation.
5. Identify alternative/contingency rehabilitation options to manage land stability and fire risks if sufficient water is not available.
6. Support the Integrated Mines Research Group.

Initial findings from the implementation action studies suggest that while water from the Latrobe River system could be extracted under conditions that would meet Principle 3 (to not negatively impact on Traditional Owners' values, environmental values in the Latrobe River systems, or the rights of other existing water users), drying climate projections indicate that rehabilitation as pit lakes would be difficult to complete due to decreased reliability of inflows into the river system. Furthermore, Implementation Action 5 has indicated that minimising ground instability risks (Principle 2) is likely infeasible using non-water means (i.e., solid fill). As such, without additional water resources, it is unlikely that the LVRRS principles can all be met in their current form.

The LVRRS has a three-yearly review and update cycle, with the first update due in 2023 to be informed by the findings of the implementation actions. The Authority expects that this update will set out a clear definition of what an acceptable level of ground instability and movement risk is and will identify the pathways to deliver the materials (water and solid) needed to achieve this.

4.3. Requirements for Declared Mine Rehabilitation

Prior to the completion of declared mine-specific rehabilitation regulations (LVRRS Implementation Action 2), rehabilitation goals and requirements are outlined in the *Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019*. Under these regulations, the declared mine licensee must prepare a Rehabilitation and Closure Plan that presents a rehabilitated landform that is safe, stable and sustainable and capable of supporting proposed future land use(s) developed in



consultation with the community. For the licensee, the goal of rehabilitation and closure is to relinquish the license and release the mined land for these future uses.

Licensees may also require other regulatory or statutory approvals for a Rehabilitation and Closure Plan, including those related to the environment and land use planning. Planning approvals may require that the licensee refer the project to the relevant Minister for a determination on whether an Environment Effects Statement (EES) is required. Federal referrals under the *Environment Protection and Biodiversity Conservation Act 1999* may also be required.

4.3.1. General Environmental Duty

The general environmental duty, Section 25(1) of the Environment Protection Act 2017, states that ‘A person who is engaging in an activity that may give rise to risk of harm to human health or the environment from pollution or waste must minimise those risks, so far as reasonably practicable’. Rehabilitation plans, designs and activities need to comply with this obligation.

4.3.2. Environmental Effects Statements

If an EES is required, the following aspects must be considered:

- Recognition that rehabilitation should mitigate existing environmental risks as far as reasonably practicable.
- The EES should be specific to potentially significant environmental issues that may occur from rehabilitation.
- The EES’s terms of reference recognise that rehabilitation must occur and the EES’s findings should enable the licensee to deliver a feasible and positive rehabilitation outcome.

4.4. Rehabilitation Timeframes for the Latrobe Valley Mines

Understanding the timeframes involved in rehabilitating the Latrobe Valley mines is essential to understanding whether approvals and rehabilitation phases are progressing for each mine. Under an integrated mine planning approach defined for the Framework, rehabilitation progresses in phases throughout the mine’s lifecycle. The types of rehabilitation works and sequencing are presented in the following subsections.

In considering the timeframes of these phases, it is important to note that presently there is no indication that safe and stable landforms can be achieved for brown coal mine land without ongoing environmental management; the selection of safe and stable landscapes is therefore dependent on a long-term environmental management effort that is considered acceptable. This ongoing management also impacts future post-closure monitoring requirements. Under these conditions, agreements on future landforms and land uses are needed, alongside agreements on acceptable future management, which will allow development of closure criteria applicable to land use immediately post-closure. Each step becomes an essential component of rehabilitation and closure planning, as all stakeholders have a role to play in completing these steps. These include mine licensees, the community, Earth Resources Regulation (ERR), the Authority, and any other post-closure regulators and land managers.

Rehabilitation phases based on the declared mine licensees’ current closure dates are presented in Figure 4, with currently preferred rehabilitated landform designs for full pit lakes including estimated fill



rates. These timeframes may contract or extend depending on the final approved landform and rehabilitation approach.

4.4.1. Operational Mining

Rehabilitation Planning

Rehabilitation planning activities include any technical studies or research required to underpin a Rehabilitation and Closure Plan, including associated approvals. Studies are undertaken during the operational mining phase but will continue into the final rehabilitation phase.



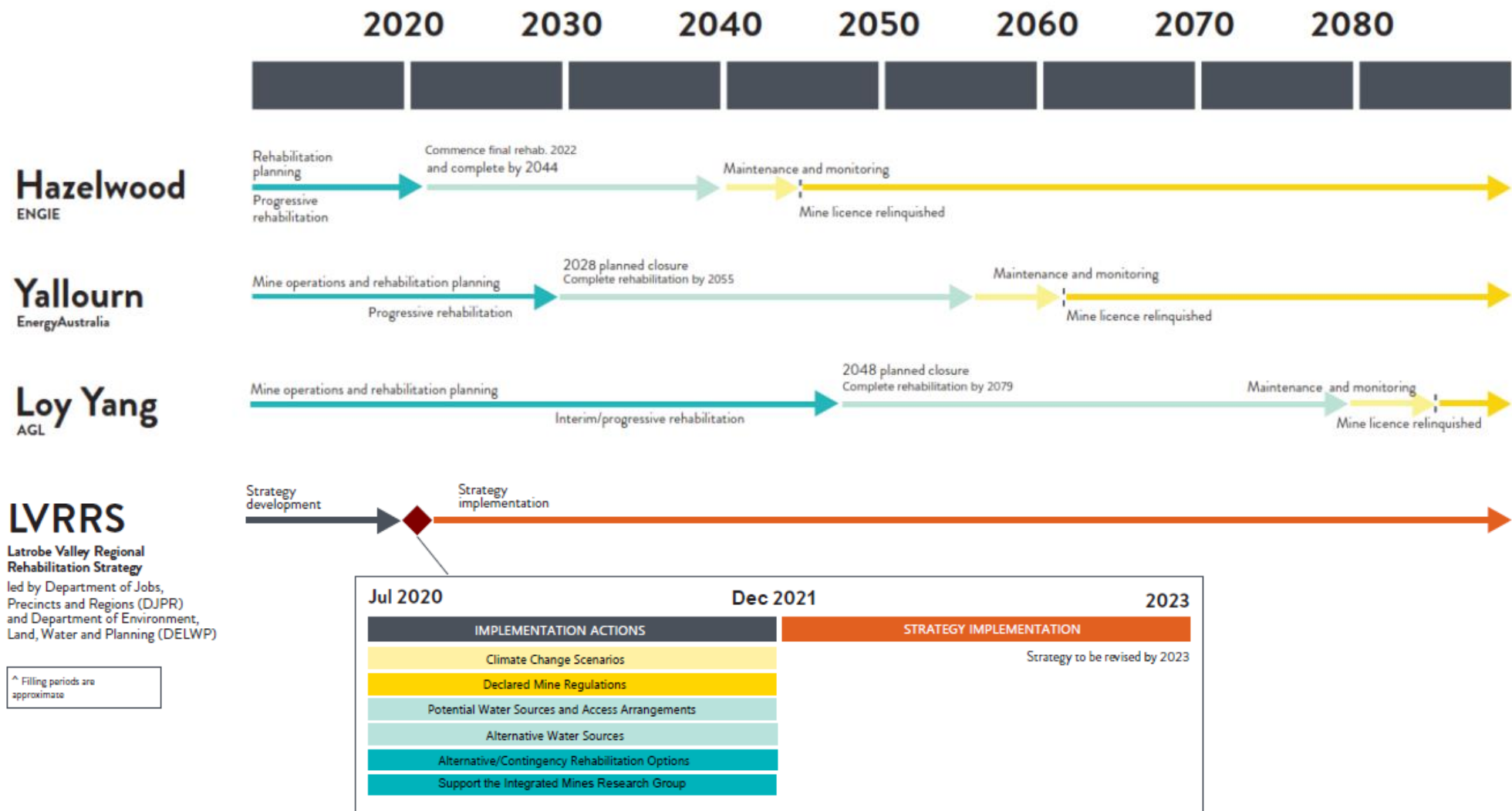


Figure 4 Projected Rehabilitation Timeframes for the three Latrobe Valley brown coal mines



Progressive Rehabilitation

Progressive rehabilitation is undertaken during the operational mining phase, with works contributing to the final rehabilitation landform.

One of the observations from the Hazelwood Mine Fire Inquiry (Recommendations 14 and 19, HMF1 Volume IV) is that the rate of progressive rehabilitation for each of the mines should increase, to be encouraged and monitored by the regulator (ERR). For the Latrobe Valley mines, these works are currently based on conceptual rehabilitation plans, as none of the mines currently have a Rehabilitation and Closure Plan with final landform design approved.

Each declared mine licensee prepares a biannual progressive rehabilitation report for ERR. The Authority will request copies for monitoring and evaluation purposes.

Interim Rehabilitation

Interim rehabilitation is also undertaken during the operational mining phase, but unlike progressive rehabilitation is not necessary to create the final rehabilitated landform. It comprises management and maintenance measures undertaken to ensure the safety and stability of the mine and reduce any potential offsite impacts. For example, soil cover may be placed on the mine-floor to reduce the surface area of exposed coal, to prevent fires and dust emissions. If the mine-floor is to be later inundated, soil cover may not be required for the final rehabilitated landform. The Authority will nevertheless monitor these works as they may influence, or become part of, final rehabilitation design. At present, these works are most applicable to Loy Yang due to the operational time remaining (20+ years).

4.4.2. Rehabilitation and Closure

Final rehabilitation is undertaken during the Rehabilitation and Closure period (once mining has ceased), according to the approved Rehabilitation and Closure Plan. As rehabilitation works should be completed during the mining licence period, the government has extended the mining licences for the Yallourn and Loy Yang mines until 2051 and 2065, respectively. Based on the timeframes (Figure 4), however, it seems unlikely that either mine will be at the point of relinquishment by their respective licence-end dates.

Where approvals are not in place, 'no regrets' rehabilitation comprising works required to achieve rehabilitation may be undertaken, regardless of the final approved landform design. Since 2017, ENGIE have been undertaking principally no regrets works to progress rehabilitation while the approvals process is underway. In order to receive approvals for their Rehabilitation and Closure Plans prior to ceasing mining, including obtaining any required planning permissions, such as environmental effects statements, EnergyAustralia and AGL have already commenced rehabilitation planning and design for their mines. Ideally this will also improve progressive rehabilitation outcomes, particularly for Loy Yang due to its later closure year.

The timeframes in Figure 4 demonstrate sequencing and overlap of rehabilitation periods for the three declared mines. If Loy Yang closes earlier than 2048, the overlap will increase with final rehabilitation potentially underway at all three mines simultaneously. In this scenario the demand for fill resources may outweigh supply, impacting rehabilitation timeframes.



4.4.3. Maintenance and Monitoring

Following final rehabilitation, a period of maintenance and monitoring will be undertaken. This is done to ensure that the rehabilitated landform meets the closure criteria set out in the approved Rehabilitation and Closure Plan, and the land within the mine licence boundaries is appropriate for the agreed future land use(s). The duration of this period is influenced by the quality of rehabilitation undertaken.

When the licensee is satisfied that closure criteria have been met, they can apply to the Minister for Resources to relinquish their mining licence. License relinquishment requires that the Minister, based on the advice of the regulator, agrees that closure criteria have been met and that any residual risks applicable to the mined land can be appropriately managed by the state and/or transferred to future landowners.

Prior to license relinquishment, the declared mine licensee must prepare a Post-Closure Plan and contribute an agreed sum into a post-closure fund.

4.4.4. Post-closure Maintenance and Monitoring

After relinquishment, post-closure maintenance and monitoring is undertaken by the landowner. The MLRA will become the responsible party for ensuring the landowner undertakes the required maintenance and monitoring works. For declared mines, the Authority may become the landowner for areas with high residual risk. The Authority will also become the responsible body for ensuring the collective regional risks are also managed and monitored. This phase is not included in the scope of this Framework.



5. Monitoring and Evaluation – Declared Mine Licensees

The function of the Authority is to assist declared mine licensees to deliver a final landform that satisfies the prescribed Closure Criteria. The Authority's monitoring program will help facilitate final approval and licensee progress relative to the mine Rehabilitation and Closure Plan (RCP), to ensure rehabilitation milestones are met on the path to mine closure and land relinquishment.

The Framework addresses all phases of mine rehabilitation: interim, progressive, and final rehabilitation, and maintenance and monitoring. It covers:

- Planning – timeframes and processes for rehabilitation design, including design research/study and objectives.
- Outcomes – completed rehabilitation works and their resulting residual risk profiles.
- Engagement – community communication and feedback on rehabilitation planning and outcomes.
- Research – programs undertaken to address data gaps in rehabilitation planning.

5.1. Rehabilitation Planning

Key Outcomes – an approved RCP is the high level outcome of Rehabilitation Planning. A final, approved RCP will be in place prior to cessation of mining to facilitate the transition to final rehabilitation activities. The Authority will evaluate planning progress to assist licensees in maturation and approval of the RCP, and will monitor activities outlined in Table 1 to evaluate progression towards final approval of the RCP. Key purposes of monitoring are that:

- Maturation of Rehabilitation and Closure Plans is commensurate with the current stage of mining and rehabilitation.
- Rehabilitation and Closure Plans are designed and implemented according to each declared mine's individual closure timeframe.
- approaches to determine rehabilitation design and closure criteria are being implemented.
- evidence is supplied to support the plan, including assessments of risks posed by geotechnical, hydrogeological, water quality or hydrological factors.
- an review process for the Rehabilitation and Closure Plan is in place and being implemented.
- the design and risk levels outlined in the Rehabilitation and Closure Plan are being achieved and, if required, mitigation measures are being implemented.
- necessary approvals for rehabilitation, including environmental and planning, are in place or being sought.

Points to note:

- The MLRA will work closely with licensees and stakeholders to provide timely feedback during review cycles for RCP scoping and development. If in the future pre-determined timeframes are included, the Framework will include those.
- Until the RCP process matures detailed timeframes and expectations will be captured and revised within the MLRA Implementation Plan
- Each mine has undertaken varying degrees of interim and progressive rehabilitation, as each is at a different point in rehabilitation plan development relative to respective mine and rehabilitation timeframes. Monitoring and evaluation activities will reflect each mine's point in their life cycle.



- Definition of, and approval for, proposed final landforms and land use for each mine are at different stages. Supporting objectives and criteria are also at a differing stage of definition.
- Early mine closure risks need to be envisaged during rehabilitation plan preparation and approvals.
- Outlined activities and expectations cover all mine domains within a declared mine licence.
- The Authority may provide advice on the scope and content of an EES, to address specific issues related to the Authority’s role in rehabilitation planning and long-term rehabilitated land management.
- The Authority will receive a statutory referral from the Minister for Resources for review of the Rehabilitation and Closure Plan submitted as part of Work Plan Variation applications for declared mine licensees.

Table 1: Rehabilitation and Closure Plan (RCP) development monitoring and evaluation activities

Activity for Monitoring & Evaluation	Evidence	MLRA Verification	MLRA Evaluation Outputs	Expectation
Schedule: Development of RCP and approvals	An RCP development and approvals schedule has been prepared to facilitate RCP approval prior to cessation of mining.	Receipt and review of proposed schedule for RCP development, submission and approval	Acknowledgement of receipt of schedule. Written feedback on schedule content	Licensee demonstrates understanding of required regulatory and planning approvals, such as EES/EPBC Act referrals or environmental approvals, and their lead times. RCP documentation preparation and submission, its supporting studies, and relevant environmental and planning approvals are scheduled appropriately to the timeline for cessation of mining. Review and update phases are included in schedule.
RCP development and review	RCP developed and reviewed according to schedule.	Participation as an observer in periodic RCP development and review meetings. Receipt of RCP amendments.	Verbal feedback during meetings. Written feedback on relevant action items Written feedback on RCP amendments	RCP is recognised as a 'live' document by licensee. RCP review cycles adequately capture changes and progress of rehabilitation planning activities.



Activity for Monitoring & Evaluation	Evidence	MLRA Verification	MLRA Evaluation Outputs	Expectation
<p>RCP submission and approvals</p>	<p>RCP submitted and approved.</p>	<p>Receipt of submitted RCP. Receipt of evidence of RCP approval.</p>	<p>Written feedback on submitted RCP or any items requiring recycle</p> <p>Acknowledgement of receipt of approvals.</p>	<p>RCP clearly presents the conceptual model for the rehabilitated landform and demonstrates:</p> <ul style="list-style-type: none"> - how rehabilitation works will result in a safe and stable landform that is sustainable in the long-term. - how rehabilitation will minimise the risks of harm to human health or the environment, so far as is reasonably practicable. - achievable closure criteria and milestones. - that rehabilitation concepts are technically robust through incorporation of rehabilitation designs. - how the residual risk profile of that landform will be managed. - how risks to achieving rehabilitation outcomes will be mitigated. - how community input has been incorporated into the rehabilitation concept. - that any EES and planning requirements have been incorporated into designs. <p>RCP and proposed rehabilitated landform are based on current industry standards and guidance.</p> <p>RCP documentation will facilitate the approvals process.</p>
<p>Regulatory and statutory approvals, including rehabilitation, environmental and planning</p>	<p>Schedule of statutory, regulatory or other approvals processes documented.</p> <p>Approvals granted.</p>	<p>Receipt of schedule.</p> <p>Receipt of evidence of application and subsequent approval.</p>	<p>Acknowledgement of receipt of schedule, application notification, and approval.</p>	<p>Approvals are in place in advance of work commencement or 'no regrets' agreements are in place.</p> <p>Schedule reflects appropriate lead times for application for approvals.</p> <p>All approvals processes are accounted for in planning.</p>



Activity for Monitoring & Evaluation	Evidence	MLRA Verification	MLRA Evaluation Outputs	Expectation
Environmental Effects Statement Referrals	EES referral submitted (if necessary).	Receipt and review of EES referral documents.	Acknowledgement of receipt of EES referral documents.	Licensee proactively works to determine the need for an EES referral. Referral reflects the significant environmental risks that rehabilitation may pose.
Environmental Effects Statement	EES documents, including study and consultation plans submitted. EES findings incorporated into RCP.	Receipt of EES documents.	Acknowledgement of receipt of documents. Feedback provided via Technical Reference Group and/or public consultation processes.	Documents submitted address the identified EES scope / terms of reference and facilitate the EES process.
Rehabilitation designs	Designs incorporated into Work Plan Variation and RCP	Receipt and review of draft design program and outputs. Receipt of final design program and outputs. Participation as an observer for relevant design strategy workshops.	Written feedback on outputs. Acknowledgement of receipt of final design programs and outputs. Verbal feedback during workshops with written feedback on relevant action items.	Designs meeting rehabilitation goals and are focussed on rehabilitation outcomes related to land use and long-term risk management. Designs are technically supported and are subject to ongoing review as rehabilitation progresses. Designs take into consideration all applicable regulatory/statutory processes, instruments, permissions, or requirements, such as an EES, environmental audit or planning requirements, or environmental protection permissions. Where interim rehabilitation works are redesignated as progressive or final rehabilitation, the design is technically supported.



Activity for Monitoring & Evaluation	Evidence	MLRA Verification	MLRA Evaluation Outputs	Expectation
Completion Criteria	Completion criteria or criteria development program incorporated into the RCP.	Participation as an observer in criteria development process. Receipt and review of draft criteria. Receipt of documented criteria – interim or finalised.	Verbal feedback during any workshops with written feedback on relevant action items. Written feedback on draft criteria. Acknowledgement of receipt of interim and final criteria.	Criteria are focussed on rehabilitation outcomes related to landform and land use and associated long-term risk management. Criteria are technically supported and are subject to ongoing review as rehabilitation progresses.
Rehabilitation and closure risk assessment	Closure Risk Assessment prepared and incorporated into Work Plan and RCP.	Participation as an independent technical advisor in risk assessment workshops. Receipt and review of risk assessment documentation.	Verbal feedback during workshops with written feedback on relevant action items. Written feedback on risk assessment outputs. Acknowledgement of receipt of final risk assessment output.	Risk assessment underpins preparation of the RCP and is subject to ongoing review as rehabilitation progresses.
Risk mitigation strategies and controls	Risk mitigation plans prepared and incorporated into Work Plan and RCP or development program identified.	Receipt and review or draft documentation. Receipt of final documentation.	Written feedback on draft document. Acknowledgement of receipt of final document.	Risk mitigation is based on comprehensive risk assessment and is subject to ongoing review as rehabilitation progresses.
Rehabilitation Monitoring Plans	Rehabilitation Monitoring Plans developed and implemented for interim, progressive and final rehabilitation.	Receipt and review of draft monitoring plans. Receipt of final monitoring plans.	Written feedback on draft document. Acknowledgement of receipt of final document.	Comprehensive plans are focussed on risk issues and monitored outcomes are reported with reference to performance against criteria or other expected outcomes. Monitoring plans undergo periodic evaluation and update.



Activity for Monitoring & Evaluation	Evidence	MLRA Verification	MLRA Evaluation Outputs	Expectation
Knowledge management system implemented	Rehabilitation planning technical studies and research captured in knowledge management system, including relevant external research and historical studies.	Receipt of knowledge management system design. System demonstration with interrogation and review.	Written feedback on knowledge management system design and implementation.	All knowledge, including historical data and studies, is captured. Knowledge is available for transition to post-closure land manager along with the Post-Closure Plan.
Post Closure Plan (PCP)	Post-Closure Plan developed and submitted for statutory review. Costings completed.	Receipt and review of draft PCP. Receipt of final PCP. Receipt and review of post-closure monitoring and maintenance costings.	Written feedback on draft document and costings. Acknowledgement of receipt of final document and costings.	PCP provides a detailed expectation of post closure site conditions, ongoing risk to be managed together with a detailed site management plan and work cost estimate.

5.2. Rehabilitation Progress

Key Outcomes – Progressive and final rehabilitation works completed in accordance with the Rehabilitation and Closure Plan (RCP), with achievement of interim milestones mapping a clear trajectory to deliver the planned final landform. All rehabilitation planning and works, including any changes, are auditable against the RCP. Table 2 outlines the activities the Authority will monitor with respect to rehabilitation progress and delivery of rehabilitation outcomes. Key purposes of monitoring are that:

- Progressive rehabilitation aligns with final landforms and proposed future land use(s).
- Final rehabilitation works are progressing and will facilitate the eventual relinquishment of the mining licence as they will result in a safe and stable landform with viable, agreed future land use(s).

Points to note:

- The Authority is not a regulatory body and therefore not the responsible party for monitoring of rehabilitation outcomes to meet the approved Rehabilitation and Closure Plan.
- As a potential future landowner and manager of residual risk post-closure, the Authority must have confidence that rehabilitation works will mitigate safety and stability risks and facilitate the proposed land use(s).
- Under the Act, ERR can request that a mine licensee engage an EPA-appointed auditor to confirm that rehabilitation has been undertaken in line with an approved rehabilitation plan. If this occurs, the MLRA would request to review the Auditor’s findings as part of monitoring and evaluation activities.



Table 2: Rehabilitation progress and outcomes monitoring and evaluation activities

Activity for Monitoring & Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
Interim / progressive rehabilitation works	<p>Reported rehabilitation works align with final landforms and proposed future land uses.</p> <p>Performance of rehabilitated areas reported.</p>	<p>Receipt and review of interim and progressive rehabilitation outputs and performance reports.</p> <p>Visual inspection of outcomes.</p>	<p>Written feedback on interim and progressive outputs and performance reports.</p> <p>Verbal feedback during visual inspections with written feedback relevant action items.</p>	<p>Progressive rehabilitation will assist in achieving final rehabilitation outcomes.</p> <p>Progressive rehabilitation aligns with proposed land use; observed performance incorporated into Rehabilitation and Closure Plan (RCP) review.</p> <p>Where interim rehabilitation may be redesignated as progressive rehabilitation it meets all the requirements of progressive rehabilitation.</p> <p>Progressive rehabilitation is prioritised to minimise outstanding rehabilitation works after cessation of mining.</p>
Final rehabilitation works	<p>Works progress documented.</p> <p>Design deviations are documented.</p>	<p>Receipt and review of works schedule, progress and quality reports.</p> <p>Receipt of design deviations.</p>	<p>Written feedback on schedule and reports.</p> <p>Acknowledgement of design deviations.</p>	<p>Quality assurance programs are implemented to demonstrate that works meet landform design and ultimately end land use.</p> <p>Mitigation measures proactively applied and documented.</p> <p>Rehabilitation work schedule is appropriate for the proposed final landform and reflects available resources.</p> <p>Significant delays to schedule or changes to rehabilitation outcomes are proactively communicated.</p>



Activity for Monitoring & Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
Monitoring data acquisition & evaluation	Rehabilitation performance monitoring schedule developed and reported. Updated RCP, rehabilitation designs, and risk assessments. Monitoring data visible in knowledge management system.	Receipt and review of performance monitoring schedule and outputs. Receipt and review of amendments to rehabilitation planning documentation, including RCP. Demonstration of knowledge management system.	Acknowledgement of receipt of performance monitoring schedule and outputs. Written feedback on amended rehabilitation planning documentation. Verbal feedback on knowledge management system with written feedback on relevant action items.	Monitored data is regularly reported against expected outcomes and performance criteria and divergence from expectations and criteria noted. Where outcomes are outside acceptable range mitigation activities are identified. Monitoring data is incorporated into and interrogable within the knowledge management system. Outcomes incorporated into rehabilitation design program, risk mitigation and RCP updates.

5.3. Stakeholder and Community Engagement activities for Licensees

Key Outcomes – The MLRA can verify licensee engagement with Community, Traditional Owner, and public sector bodies. Engagement activities, including the receipt and implementation of feedback, are clearly documented within the RCP.

A high level outcome for stakeholder and community engagement activities is assuring appropriate consultation with all stakeholder groups and partners. The Authority’s goal in monitoring community, Traditional Owner and stakeholder engagement programs of mine licensees is to ensure that communication with stakeholders is occurring in a planned and meaningful way (Table 3). Stakeholder participation and feedback should be appropriately incorporated into rehabilitation planning, reflected in the development and implementation of the RCP, and in rehabilitation outcomes. Communication should be occurring between mine licensees and public sector bodies as mine rehabilitation planning progresses, and between both of these groups and the community as proposed final landforms and rehabilitation resource requirements are considered.

Key purposes of engagement activities are that:

- engagement plans are commensurate with the stage of mining and rehabilitation.
- engagement plans are suitably designed and implemented according to each declared mine’s individual closure timeframe.
- engagement plans include the full cross-section of licensee stakeholders and is appropriate for each stakeholder group’s needs.
- engagement is demonstrable.
- Community, Traditional Owner, and stakeholder visions and feedback is integrated into rehabilitation designs and outcomes.



Points to note:

- The Authority runs its own engagement and education programs. In order to prevent over-engagement with all stakeholder groups, the Authority will confer with licensees on the type and timing of select activities.
- The Authority may decide to verify licensee engagement findings through independent discussions with key stakeholder groups, such as Traditional Owners.

Table 3: Licensee engagement program monitoring and evaluation activities

Activity for Monitoring & Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
<p>Community engagement program</p>	<p>Finalised community engagement plan.</p> <p>Outcomes documented.</p> <p>RCP published.</p>	<p>Receipt and review of draft engagement plan.</p> <p>Participation as an observer in select engagement activities.</p> <p>Receipt and review of engagement feedback and response</p>	<p>Written feedback on draft engagement plan.</p> <p>Verbal feedback on activities observed with written feedback on relevant action items.</p> <p>Written feedback on licensee response to engagement feedback.</p>	<p>Program is designed to be implemented in all phases of rehabilitation: design/planning, progressive and final rehabilitation works.</p> <p>Community groups provided opportunity for engagement program co-design.</p> <p>Program’s aims and outcomes are transparent and well communicated to the community.</p> <p>Engagement is timely and relevant to development and review of the RCP and PCP.</p> <p>Rehabilitation and Closure Plan (RCP) includes explicit reference to community opinions and how they’ve been incorporated into rehabilitation designs.</p> <p>Diverse community views are sought.</p> <p>Community vision and feedback transparently influences rehabilitation designs and outcomes, including guiding principles for rehabilitation and the overarching vision.</p>



Activity for Monitoring & Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
Traditional Owner Engagement	Traditional Owner engagement program design documented. RCP published	Participation as an observer in select engagement activities, if deemed appropriate by Traditional Owners. Receipt of engagement program design and outcomes.	Acknowledgement of receipt of engagement outcomes. Authority may request Traditional Owner input on provided outcomes.	Mine licensees endeavour to undertake culturally safe engagement practices that facilitate Traditional Owner partnership into mine rehabilitation planning and execution. Engagement program to be co-designed by Traditional Owners. Traditional Owner vision for Country is understood and reflected in rehabilitation plans, designs and outcomes.
Mine licensee engagement with public sector bodies	Documented RCP approval pathway with public sector bodies	Receipt of engagement outputs. Participation as an observer in select engagement activities. Receipt of agreed RCP approval pathway.	Acknowledgement of receipt of engagement outputs.	Engagement is timely and will facilitate development and approval of the WPV, RCP and PCP, any planning requirements, such as an EES process. Outputs accurately document public sector body expectations and requirements, as well as how licensees will meet them.

5.4. Rehabilitation Research Programs

Key Milestones: – Any relevant research in collaboration with licensees addresses an identified gap in rehabilitation knowledge and that licensees can clearly demonstrate progress or incorporation of beneficial research results into rehabilitation planning.

The Authority’s goal in monitoring research programs supported by mine licensees is to have confidence in the quality of the programs and that the results of these programs are being exploited in an effective and timely way (Table 4).

The Authority’s monitoring of licensee research programs includes consultation with the Integrated Mines Research Group (IMRG), a collaboration between the three Latrobe Valley mine licensees. It also includes any other studies the licensees commission, including under the Cooperative Research Centre for Transformations in Mining Economies (CRC TiME), of which EnergyAustralia is a partner. Where other research programs have findings relevant to Victoria’s declared mines (e.g., broader or



from other regions), the Authority’s expectation is that these are identified by licensees and incorporated into declared mine rehabilitation planning.

Key purposes of programs:

- Address research needs to ensure declared mine-specific research is linked to principal rehabilitation risks.
- Build on existing information and identify how outcomes will be beneficial to ongoing rehabilitation planning and works.
- Where appropriate, provide feedback to research groups on scope, quality and outputs.
- Ensure implementation of research outputs is appropriate for the research project, as needed, including the incorporation into declared-mine rehabilitation planning and implementation activities.
- Ensure that licensees are collating and appropriately storing all relevant historical and recent research findings that can be readily accessed for rehabilitation plan review and approvals processes.

Points to note:

- Research activities can require a considerable period of time to conclude, and outputs can be inconclusive. Research into rehabilitation and closure planning should therefore commence early enough for results to be implemented. Early identification by Stakeholders of research needs and programming are essential to achieving successful declared mine rehabilitation.
- A necessary part of undertaking research involves monitoring research quality, which is most effectively achieved by expert peer review.

Table 4: Rehabilitation research program monitoring and evaluation activities

Activity for Monitoring / Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectations
IMRG/Declared Mine Research Registers	Register shared with MLRA and other relevant stakeholders.	Receipt and review of research register.	Written feedback on research register.	Licensees develop research registers based on their individual needs. The register identifies research priorities based on data gaps and includes a timeline for investigation. Register is updated appropriately to include progress made and interim findings.
Research program design	Research program design shared with relevant stakeholders.	Receipt review of research program design.	Written feedback on research program design.	Research program design will result in quality outcomes. Research program design complements licensee's



Activity for Monitoring / Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectations
				<p>identified data gaps, critical research path and timeframes.</p> <p>Research program scope, methodology and timing are appropriate to answer the identified research question.</p>
<p>Research outputs</p>	<p>Relevant research outputs shared/published.</p> <p>Research outputs incorporated into rehabilitation planning activities.</p>	<p>Receipt and review of research outputs.</p> <p>Where appropriate, receipt and review of interim results and analysis.</p> <p>Receipt and review of evidence research findings have influenced rehabilitation planning activities.</p>	<p>Written feedback on research outputs, including draft and interim results, where provided.</p> <p>Written feedback on evidence of incorporation of research findings.</p>	<p>Research outputs are of sufficient quality to adequately address identified data gaps.</p> <p>Licensees identify and incorporate relevant, non-commissioned research outputs into declared mine rehabilitation planning activities.</p>
<p>Research knowledge management</p>	<p>Historical and current research database in place.</p>	<p>Research database sighted.</p>	<p>Acknowledgement that research database was sighted.</p>	<p>Research database captures historical and current/future research projects and outputs.</p> <p>Facilitates research output inclusion into rehabilitation planning and implementation.</p> <p>Can be transferred to the MLRA upon land registry and license relinquishment to inform post-closure monitoring and maintenance programs.</p>



6. Monitoring and Evaluation – LVRRS Development Team

The high-level objective of the LVRRS Development Team is to deliver an independent technical advice that supports the development of RCPs to meet prescribed Closure Criteria. The Authority should support this process as the mine RCP requires final approval prior to cessation of mining and will define the desired outcomes of the MLRA monitoring program.

The Framework covers Latrobe Valley Regional Rehabilitation Strategy (LVRRS) Implementation Actions and ongoing three-yearly updates to the Strategy:

- Scoping and conduct of implementation action studies and Strategy revisions.
- Stakeholder engagement during the studies and on plan release.

6.1. Implementation Actions

Key outcomes – The Authority will assist the LVRRS Development Team in delivering a comprehensive set of implementation actions. Implementation actions should be delivered to mine licensees for review in a timely manner to facilitate incorporation into the RCP.

The Authority will monitor and evaluate the key activities of the LVRRS implementation actions outlined in Table 5. Key purposes of the activities:

- Ensure assumptions and limitations within the studies are appropriately identified and incorporated into study findings.
- Monitor completion of the studies and ensure completion risks are identified and managed
- Study activities and outcomes are supported by evidence in study reports and implementation action documentation.
- Studies acknowledge broader regulatory, planning and environmental objectives in formulating study outcomes.

Points to note:

- To date, the Authority's has undertaken a content-led engagement process with the LVRRS development teams since the project's inception in July 2020, including frequent meetings with the development teams in DJPR and DELWP.
- Implementation actions are due for delivery by the end of 2021.



Table 5: Implementation Action monitoring and evaluation activities

Activity for Monitoring and Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
Conduct of technical studies	Draft findings shared with stakeholders for review. Finalised technical studies published.	Participation as an independent technical advisor in relevant workshops. Receipt and review of stakeholder workshop outputs. Review of draft plans, scopes of work and technical reports. Receipt and review of stakeholder engagement outcomes.	Verbal feedback in workshops for inclusion in minutes. Written feedback on relevant action items and workshop outputs. Written feedback on draft documentation. Written feedback on stakeholder engagement outcomes.	Work programs are delivered on time; scopes are appropriate and will deliver meaningful outcomes for declared mine licensees and other stakeholders. Supporting evidence is clearly set out and linked to project conclusions and recommendations. Stakeholder input is requested and incorporated at appropriate intervals.
Knowledge management system implemented	Knowledge management system in place.	Demonstration of knowledge management system.	Verbal feedback on knowledge management system with written feedback on relevant action items.	All knowledge, including LVRSS technical studies and supporting data, historical data and studies and relevant external research, is captured. Knowledge is readily available for 3-yearly updates and transition to post-closure land manager.

6.2. Strategy Updates and Implementation

Key outcomes – The Authority will assist the LVRSS Development Team in implementation of the LVRSS and review its effectiveness with stakeholders. The Authority will monitor implementation to inform subsequent updates to the Strategy, including assisting the Development Team to conclude appropriate supporting studies.

The Authority will monitor and evaluate the key activities of the LVRSS processes and outcomes outlined in Table 6. The key purposes of monitoring are:

- The review includes an assessment of LVRSS implementation effectiveness, and outcomes enable improved strategy implementation.



- Ensure assumptions and limitations underpinning the update or supporting studies are appropriate.
- Monitor update progress and completion of any supporting studies, to ensure completion risks are identified and managed.
- Review outcomes are supported by evidence and appropriately documented.
- The review acknowledges any changes to regulatory, planning and environmental frameworks since the previous review.
- Content-led engagement processes continue between the Authority and the LVRRS update team.

Points to note:

- The LVRRS is to be reviewed/updated every three years, with the first update due in 2023.
- The level of effort from the development team will fluctuate during the three-year review cycle.

Table 6: LVRRS review and update monitoring and evaluation activities

Activity for Monitoring and Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
LVRRS Implementation post-2021	Strategy referenced in rehabilitation planning and regulatory guidance and actions	Receipt and review of evidence of draft documentation incorporating the Strategy into policy development and regulatory practice. Participation as an independent technical advisor in relevant workshops on Strategy incorporation. Receipt of final documentation referencing the Strategy.	Written feedback on Strategy incorporation into rehabilitation processes. Verbal feedback in workshops for inclusion in minutes. Written feedback on relevant action items and workshop outputs. Acknowledgement of receipt of final documentation.	The Strategy: <ul style="list-style-type: none"> • Is used as a key document for rehabilitation planning. • Provides a clear definition of what an acceptable level of ground instability and movement risk is and identifies the pathways to deliver the materials (water and solid) needed to achieve this. • Provides certainty for mine licensees and regulators, facilitating the completion and regulatory approval of rehabilitation plans and facilitates integration into regional development plans and land use planning scheme.



Activity for Monitoring and Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
3-Yearly Strategy review and update	Updated strategy published.	Receipt and review of existing strategy evaluation. Receipt and review of Strategy update plan, draft technical studies and updated draft Strategy. Participation as an independent technical advisor in relevant workshops. Receipt of final technical studies and Strategy.	Written feedback on submitted documentation. Verbal feedback in workshops for inclusion in minutes. Written feedback on relevant action items and workshop outputs. Acknowledgement of receipt of final documentation.	Use and performance of the Strategy is reviewed, and findings incorporated into the updated version. Deficiencies in strategy effectiveness identified. Updates provide a sound, consistent basis for rehabilitation planning. Proposed amendments detail purpose, application and expected outcomes. Stakeholder engagement is incorporated into all phases of Strategy review and updated.

6.3. Stakeholder and Community Engagement

Key Milestone – The Authority ensures that LVRSS engagement activities on the Strategy with stakeholders are delivered in a timely and transparent fashion, to allow for meaningful and reflective feedback. Engagement activities, feedback and suggested implementation actions are well-documented and available to stakeholders.

The Authority will monitor engagement activities relating to all phase of the LVRSS, to confirm that strategy outcomes are communicated to stakeholders, and that feedback is incorporated into the implementation actions and updates outlined in Table 7.



Table 7: LVRRS engagement program monitoring and evaluation activities

Activity for Monitoring and Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
Stakeholder and community engagement	<p>Engagement plan published.</p> <p>Engagement outcomes published.</p> <p>Strategy update published.</p>	<p>Provision of draft stakeholder engagement plan for review.</p> <p>Inclusion as an observer in key stakeholder engagement processes or events.</p> <p>Receipt and review of key engagement outcomes and demonstration of how they are incorporated into the Strategy.</p>	<p>Written feedback on draft plan.</p> <p>Verbal feedback in workshops for inclusion in minutes. Written feedback on relevant action items and workshop outputs.</p> <p>Acknowledgement of receipt of final documentation.</p>	<p>Engagement plan identifies all appropriate community and stakeholder groups for engagement.</p> <p>Engagement plan provides transparency for stakeholders and facilitates timely opportunities for meaningful input.</p> <p>Engagement is timely and provides sufficient detail for stakeholders to adequately consider and comment on content.</p> <p>Stakeholder feedback and engagement outcomes are demonstrably and appropriately incorporated into the Strategy.</p>
Traditional Owner Engagement	<p>Traditional Owner engagement program design documented.</p>	<p>Participation as an observer in select engagement activities, if deemed appropriate by Traditional Owners.</p> <p>Receipt of engagement program design and outcomes.</p>	<p>Acknowledgement of receipt of engagement outcomes.</p> <p>Authority may request Traditional Owner input on provided outcomes.</p>	<p>Strategy development team endeavours to undertake culturally safe engagement practices that facilitate Traditional Owner partnership with the Strategy update.</p> <p>Engagement program is co-designed by Traditional Owners.</p> <p>Traditional Owner vision for Country is understood and reflected in the updated Strategy.</p>



6.4. Research

Key outcomes: The Authority can attribute research undertaken to address knowledge gaps identified by the LVRSS Development Team as the Strategy is implemented (Table 8), or additionally highlight research appropriate to the LVRSS. Research framing, progress, results and any actions are well-documented to enable incorporation into subsequent strategy updates.

Key purposes of research monitoring:

- Ensure research is linked to principal regional rehabilitation risks, builds on existing information and identifies how outcomes will be beneficial to regional rehabilitation planning
- Ensure revision of the LVRSS includes awareness of research completed by other stakeholders if relevant to regional rehabilitation risk planning.

Points to note:

- Data gaps will likely be identified during development of the implementation actions and Strategy reviews, but may need to be addressed by other parties, such as licensee-led research programs.

Table 8: LVRSS research monitoring and evaluation activities

Activity for Monitoring and Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
LVRSS research recommendations	Data gap register documented	Receipt and review of data gap/research register	Written feedback on data gap register.	Data gaps arising from LVRSS studies are clearly described and set out as suitable for research That research is linked to Strategy implementation and can be incorporated in Strategy updates
Stakeholder research programs	Summary of stakeholder research documented. Strategy update published.	Receipt and review of documentation. Receipt and review of draft updated Strategy.	Written feedback provided on documentation.	LVRSS updates acknowledges stakeholder research and incorporates relevant findings.
Knowledge Management	LVRSS knowledge management system in place.	Demonstration of knowledge management system.	Verbal feedback on knowledge management system with written feedback on relevant action items.	LVRSS program maintains an up-to-date knowledge management system to collate research and studies developed as part of the Strategy as well as relevant external research.



7. Monitoring and Evaluation – Public Sector Bodies

The goal of the Authority's interaction with Public Sector Bodies is facilitate collaboration and progression in rehabilitation planning as regulatory frameworks, land use planning or review processes evolve or mature.

Public sector bodies include government departments or agencies that have either a role in approving rehabilitation plans, or whose policies or legislation can impact upon rehabilitation planning and implementation timeframes and outcomes (Table 9). These include, but are not exclusive to:

- Environment Protection Authority (EPA) Victoria
- Department of Environment, Land, Water and Planning (DELWP)
- Department of Jobs, Precincts and Regions (DJPR), including Earth Resources
- Latrobe City Council

The inclusion of public sector bodies in the Authority's Monitoring Framework is to ensure the following are designed to support declared mine rehabilitation:

- Legal and organisational frameworks
- Land use planning
- Regulatory and guidance documentation

7.1. Rehabilitation Planning and Approvals

Key outcomes: The Authority promotes collaboration with public sector bodies, providing technical review and advice to help identify potential impediments and facilitate rehabilitation planning. Outcomes include advice to licensees on evolving governance requirements, to enable rehabilitation planning and approvals to progress in accordance with any evolving regulatory, land-use or legislative requirements.

Key purposes of monitoring:

- Confirm public sector bodies are working collaboratively and are actively engaged in planning for rehabilitation and closure.
- Ensure rehabilitation and closure plans are objectively reviewed, to meet requirements for safe, stable and sustainable outcomes according to risk-based and sustainable development principles.
- Ensure land use planning activities and frameworks include and facilitate all phases of mine rehabilitation.
- Ensure public sector body policies, legislation, regulations and guidance facilitate progression of declared mine rehabilitation, and are clearly communicated to stakeholders.
- Ensure public sector bodies take a holistic approach in identifying and addressing rehabilitation risks when developing policies and considering statutory determinations.
- Ensure that regulatory monitoring of all rehabilitation activities (planning and implementation) is appropriately scoped, undertaken by suitably qualified personnel and addresses risk mitigation as far as is practicable.
- Ensure legal and organisational frameworks for rehabilitation and closure planning, and implementation, will not lead to perverse rehabilitation outcomes. To acknowledge the need for



ongoing review and knowledge capture in rehabilitation and closure monitoring and risk management.

- Ensure regulatory considerations and decisions for rehabilitation, closure and land use planning are communicated to all stakeholders.

Points to note:

- Declared mine specific rehabilitation and closure plan regulations are currently in development for enactment in 2022. It will be important to ensure these are designed to provide both licensees and regulators clear expectations regarding declared mine rehabilitation plans, and that adequate guidance is prepared for licensees and regulators to be able to interpret and consistently apply regulation objectives.
- Public sector engagement with stakeholders, particularly community groups, can be time consuming in terms of communicating the complexity of the issues and the number of different groups involved. Clear communication plans explaining objectives and engagement timeframes should be in place.
- Applications for water licenses for rehabilitation will only be accepted by the Minister for Water from mine licensees five years prior to cessation of mining.

Table 9: Public Sector Body rehabilitation planning and approvals monitoring and evaluation activities

Monitoring / Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
Legislation / Acts	<p>Legislation passed through Parliament.</p> <p>Periodic review of legislation effectiveness scheduled and undertaken.</p>	<p>Receipt and review of draft legislation.</p> <p>Participation as a technical advisor in relevant legislation development workshops.</p> <p>Receipt of evidence updated legislation has been shared with stakeholders.</p> <p>Receipt of legislation review schedule, invites to participate (where applicable) and outcomes.</p>	<p>Written feedback on draft legislation.</p> <p>Verbal feedback in workshops for inclusion in minutes. Written feedback on relevant action items and workshop outputs.</p> <p>Acknowledgement of receipt of evidence.</p> <p>Acknowledgement of receipt of review schedule and outcomes.</p>	<p>Relevant parliamentary Acts are reviewed and updated when issues adversely affecting declared mine rehabilitation progress are identified.</p> <p>Legislation is subject to periodic review by responsible authorities, during which stakeholder views are sought.</p> <p>Stakeholder feedback is sought out on draft legislation amendments and justification of its use or exclusion provided to stakeholder.</p>



Monitoring / Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
<p>Regulatory frameworks application</p>	<p>Regulatory applications made, statutory referrals complete, and approvals achieved.</p> <p>Inter-agency agreements in place.</p>	<p>Receipt of evidence of applications.</p> <p>For statutory referrals:</p> <ul style="list-style-type: none"> • receipt of documentation for Authority review. • receipt of statutory referral and approvals schedules for application process. • Receipt of evidence that Authority advice is appropriately incorporated into regulatory body decision making. <p>Receipt of evidence of regulator decision on approvals processes.</p> <p>Inter-agency agreements sighted.</p>	<p>Acknowledgement of receipt of evidence relating to applications and statutory referrals.</p> <p>Acknowledgement of sighting inter-agency agreements.</p>	<p>Regulatory frameworks are effectively applied with clear inter-agency arrangements in place:</p> <ul style="list-style-type: none"> • Regulations are consistently and transparently applied. • Regulatory approvals processes are adequately resourced to provide timely assessment. • Statutory referrals are undertaken according to required timeframes. • Statutory referral body advice is incorporated into the decision-making process. • Applicant is provided timely feedback on application outcome. <p>Regulatory frameworks and statutory requirements are publicly accessible.</p> <p>Inter-agency agreements are in place and allow timely and consistent approach to regulatory actions.</p>



Monitoring / Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
<p>Regulatory frameworks – amendments/ proposed</p>	<p>Regulatory review documentation published and outlines any identified deficiencies.</p> <p>Proposed amendment documentation published.</p> <p>Stakeholder feedback published.</p> <p>Updated regulations published</p>	<p>Receipt of regulation review schedule</p> <p>Participation as a technical advisor in relevant framework development workshops.</p> <p>Receipt of draft regulatory frameworks for review.</p> <p>Receipt of updated regulations.</p> <p>Receipt of evidence that review findings and updated regulations have been shared with stakeholders.</p>	<p>Acknowledgement of receipt of review schedule.</p> <p>Verbal feedback in workshops for inclusion in minutes. Written feedback on relevant action items and workshop outputs.</p> <p>Written feedback on draft regulations.</p> <p>Acknowledgement of receipt of updated regulations.</p> <p>Acknowledgement of receipt of evidence.</p>	<p>Regulators implement a framework monitoring and evaluation process.</p> <p>Deficiency in current regulatory framework identified as the basis for regulatory change.</p> <p>Deficiencies in current regulatory framework shared with stakeholders along with timings for revision and update programs.</p> <p>Proposed amendments detail purpose, application and expected outcomes.</p> <p>Stakeholder feedback sought and published on proposed amendments.</p>
<p>Rehabilitation planning guidance</p>	<p>Up to date guidance published</p>	<p>Receipt and review of draft guidance.</p> <p>Participation as a technical advisor in relevant guidance development workshops.</p> <p>Receipt of evidence of published guidance and that it has been shared with stakeholders.</p>	<p>Written feedback on draft guidance.</p> <p>Verbal feedback in workshops for inclusion in minutes. Written feedback on relevant action items and workshop outputs.</p> <p>Acknowledgement of receipt of evidence.</p>	<p>Rehabilitation approvals pathways are clearly defined and consistently applied and integrated across agencies.</p> <p>Guidance outlines regulatory intent and regulatory practice.</p> <p>Guidance is publicly accessible, clear in intent and transparent in regulatory application.</p> <p>Guidance material is risk focussed, evidence based and acknowledges evolution of rehabilitation plan development</p>



Monitoring / Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
<p>Land use planning</p>	<p>Land use planning frameworks published.</p> <p>Publication of draft planning materials for public input.</p> <p>Publication of input from public.</p>	<p>Receipt and review of publicly available planning frameworks.</p> <p>Receipt and review of draft updates to relevant planning frameworks.</p> <p>Participation as a rehabilitation advisor in relevant planning workshops.</p> <p>Participant as an independent observer of community engagement activities.</p> <p>Receipt of updated land use planning frameworks.</p>	<p>Written feedback on planning frameworks and draft updates.</p> <p>Verbal feedback in workshops for inclusion in minutes. Written feedback on relevant action items and workshop outputs.</p> <p>Written feedback on community engagement activities.</p> <p>Acknowledgement of receipt of updated planning frameworks.</p>	<p>Land use planning considerations acknowledge long mining and rehabilitation timelines.</p> <p>State and local government land planning requirements for rehabilitation are documented, integrate with broader planning strategies, acknowledge risks and facilitate rehabilitation outcomes and post-mining land uses.</p> <p>Community engagement is taking place and feedback is actively incorporated into post-mining land use planning.</p>



Monitoring / Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
Environmental Effects Statements (EES)	<p>Guidance on the appropriate application of an EES for rehabilitation is published.</p> <p>If referral is undertaken, referral outcome is published.</p> <p>If EES is undertaken, scope and findings published.</p>	<p>Receipt and review of draft guidance.</p> <p>Participation as a technical advisor in relevant guidance development workshops.</p> <p>Receipt of evidence published guidance has been shared with stakeholders.</p> <p>Request for input on EES referral, where appropriate.</p> <p>Receipt and review of EES scope.</p>	<p>Written feedback on draft guidance.</p> <p>Verbal feedback in workshops for inclusion in minutes. Written feedback on relevant action items and workshop outputs.</p> <p>Acknowledgement of receipt of evidence.</p> <p>Written feedback provided on referral as requested.</p> <p>Written feedback on EES scope.</p>	<p>EES scoping process engages all relevant parties and identifies all relevant environmental matters to be covered in the EES.</p> <p>EES scope recognises that rehabilitation must occur and the EES's findings should enable the licensee to deliver a feasible and positive rehabilitation outcome.</p> <p>EES facilitates inclusion of all interested community and stakeholder groups.</p> <p>EES process outcomes are published and incorporated into public sector body decision making.</p>
Other jurisdictions	<p>Review documented.</p>	<p>Receipt of review outcomes.</p>	<p>Written feedback on review outcomes.</p>	<p>Regulatory and guidance outcomes in other jurisdictions are reviewed for learnings that may be applicable locally, including guidance documentation, regulatory frameworks, regulatory application, and requirements for technical support for rehabilitation plans.</p>

7.2. Stakeholder and Community Engagement

Key outcomes: The Authority ensures that engagement activities of Public Sector bodies with stakeholders are appropriate to the maturation of mine operations (mining or rehabilitation) and provide transparency. Engagement activities, feedback and suggested implementation actions are well-documented and available to stakeholders.

public sector engagement programs is to have confidence that communication between these bodies and stakeholders is occurring in a planned and meaningful way (Table 10).



Key purposes are that:

- Engagement plans are commensurate with the stage of mining and rehabilitation.
- Engagement plans are suitably designed and implemented according to the stakeholders engaged.
- Engagement is undertaken and feedback meaningfully integrated into public sector rehabilitation planning processes.

Table 10: Public Sector Body engagement monitoring and evaluation activities

Activity for Monitoring and Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
Stakeholder and community engagement	Engagement plan published. Engagement outcomes published and incorporated into relevant activity.	Provision of draft stakeholder engagement plan for review. Inclusion as an observer in key stakeholder engagement processes or events. Receipt and review of key engagement outcomes and demonstration of how they are incorporated into the Strategy.	Written feedback on draft plan. Verbal feedback in workshops for inclusion in minutes. Written feedback on relevant action items and workshop outputs. Acknowledgement of receipt of final documentation.	Engagement plan identifies all appropriate community and stakeholder groups for engagement. Engagement plan provides transparency for stakeholders and facilitates timely opportunities for meaningful input. Engagement is timely and provides sufficient detail for stakeholders to adequately consider and comment on content. Stakeholder feedback and engagement outcomes are demonstrably and appropriately incorporated into the public sector body's activities.
Traditional Owner Engagement	Traditional Owner engagement program design documented.	Participation as an observer in select engagement activities, if deemed appropriate by Traditional Owners. Receipt of engagement program design and outcomes.	Acknowledgement of receipt of engagement outcomes. Authority may request Traditional Owner input on provided outcomes.	Public sector body endeavours to undertake culturally safe engagement practices that facilitate Traditional Owner partnership into the activity. Engagement program is co-designed by Traditional Owners. Traditional Owner vision for Country is understood and reflected in the activity.



7.3. Research

Key outcomes: The Authority can attribute research undertaken to address knowledge gaps identified by Public Sector bodies, as declared mine regulations are progressively implemented. (Table 11). Research framing, progress, results and any implementation actions are well-documented to promote wide dissemination of learnings.

Key purposes of research monitoring:

- To ensure that data gaps arising from the regulation of declared mine rehabilitation and future land use planning are identified and appropriately addressed, and do not prevent the progression of rehabilitation planning and outcomes.

Points to note:

- Data gaps will likely be identified during the application of regulatory and legislative instruments due to the unique setting of declared mines and the resulting implications for their rehabilitation.
- Research for public sector bodies is not restricted to externally sourced research or studies, but includes work undertaken internally.



Table 11: Public Sector Bodies' research monitoring and evaluation activities

Activity for Monitoring and Evaluation	Evidence	MLRA Verification	MLRA Evaluation Output	Expectation
Research program design	Research program design documented and shared with relevant stakeholders.	Receipt and review of research program design. Receipt of evidence shared with relevant stakeholders.	Written feedback on research program design. Acknowledgement of receipt of evidence.	Research program design will result in quality outcomes and timely resolution of identified data gap.
Research outputs	Research outputs shared/published Demonstration findings are integrated into public sector body advice/programs.	Receipt and review of research outputs. Receipt of evidence of integration into advice/programs.	Written feedback provided on outputs. Acknowledgement of receipt of evidence.	Research outputs are of sufficient quality to adequately address identified data gaps. Research outputs are integrated into public sector body advice/programs.
Knowledge Management	Knowledge management system in place	Demonstration of knowledge management system.	Verbal feedback on knowledge management system with written feedback on relevant action items.	Public sector bodies maintain up-to-date knowledge management systems to collate research study and declared mine data.



8. Strategic Audits

The Framework is obligated to include an approach to carrying out strategic audits of public sector bodies and declared mine licensees as required, in relation to implementation of rehabilitation planning activities and the regional rehabilitation strategy (LVRRS).

A strategic audit is an in-depth review to determine if an organisation (any relevant public sector body or mine licensee) is meeting its organisational objectives in the most efficient way. It also examines if the organisation is utilising its resources appropriately for the specific issues being addressed. The primary goal of any audit will be to assist and encourage an organisation to improve its processes.

To be useful for improving rehabilitation planning activities, strategic audits undertaken by the Authority must be warranted, but mindful of other activities the organisation is undertaking.

As per the MRSDA, steps requested by the Minister for Resources to meet these two requirements are:

- 1) If the Authority notes un-substantiated divergences between rehabilitation planning activities, as outlined by the Monitoring and Evaluation Framework, and organisational activities that give cause for concern: a letter will be sent to the organisation detailing the concern and explaining its significance to rehabilitation planning, identifying potential shortcomings in the approach of the organisation that underpin the concern. Distribution will be by both email and surface mail.
- 2) A response from the organisation to the concern raised will be requested within three weeks by the Authority.
- 3) If all divergences are substantiated the response will be deemed satisfactory, the issue will be closed and filed for future reference.
- 4) If residual concerns remain after the response, the second stage of the strategic audit will be implemented.
- 5) The second stage entails five additional steps:
 - a) A request for a face-to-face meeting with representatives of the organisation within three weeks of receiving the response. The purpose of this meeting is to interactively examine the organisation's approach to addressing the concern including identifying staff involved, planning steps previously undertaken and future plans.
 - b) A request for relevant documentation identified during the meeting are to be provided electronically to the Authority's office for review.
 - c) Meetings to be held individually and confidentially with each of the key staff members involved in the planning activities, following review of the relevant documentation.
 - d) A second face-to-face meeting with representatives of the organisation, after examination of the relevant documentation and interviews of the key staff. This meeting will study findings and explore issues identified from review processes, with to reach agreement on necessary changes.
 - e) Preparation of an audit report detailing steps of the audit procedure and key findings. Any recommendations to changes of practice and approach are to be clearly listed for future implementation by the organisation, and the audit report delivered to the organisation.
- 6) A final follow-up meeting with the organisation will be requested by the Authority no later than three months after delivery of the audit report, to establish the extent of changes made in response to the audit. Review outcomes to be documented and made available to the Minister for any further action deemed necessary.



9. Monitoring and Evaluation Outputs

Outputs from the Authority's monitoring and evaluation of activities (verification activities outlined in Tables 1 to 11) will provide feedback to stakeholders on the adequacy and effectiveness of their rehabilitation related activities and assess them against the Authority's expectations as well as industry regulations, guidance and best practice.

Output from verification activities will be commensurate with the scope of the activity evaluated. The Authority may also need to provide feedback to stakeholders on rehabilitation-related matters outside of the stakeholder's activity schedule, particularly in relation to findings from engagement activities undertaken by the Authority.

Feedback may be presented in the following formats:

- For workshops and meetings: verbal feedback will be provided for inclusion on meeting minutes during the event. A note will be prepared summarising only those elements that are of special interest for follow-up at a later date. Note: meeting content will be recorded for internal Authority record keeping.
- For interim, draft and final documents relating to any activity: a review report will be prepared, in the form of a letter, comprising key comments arising from the review and an annotated copy of the reports.

For each activity, output or outcome evaluated, the Authority will agree with the stakeholder on an appropriate timeframe for feedback, as timing will be activity and scope-specific.

Authority evaluation outputs will be provided electronically to the originating stakeholder for incorporation into the activity and work program. Stakeholder responses to the provided reviews will be monitored to determine if and how the responses have been addressed. Outputs will be stored for future audit purposes, as appropriate.

Where monitoring and evaluation outputs lead to unresolved and significant concerns about the planning for rehabilitation of an organisation, a strategic audit process will be implemented as described in the preceding section.

Monitoring and evaluation outputs will be deemed to be confidential to the Authority and the organisation involved. However, if the Minister for Resources requests access to the outputs or the outputs have led to a strategic audit, the Minister's office will be provided with all relevant outputs. Furthermore, in order to meet the Authority's statutory reporting obligations, summary monitoring interactions and, where appropriate, outcomes will be included in the Authority's Annual Report. A draft will be disseminated to each relevant stakeholder group for comment prior to publication. Wider dissemination of outputs will be by agreement between the Authority and the organisation involved.

Output from monitoring will also be used to identify where improvements can be made to the Authority's monitoring and evaluation program.



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