

GUIDELINE

FORM AND WAY FOR REHABILITATION OBJECTIVES AND REHABILITATION COMPLETION CRITERIA STATEMENTS FOR SMALL MINES



GUIDELINE

Rehabilitation objectives and rehabilitation completion criteria statements for small mines

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June 2021	1	First published
October 2022	2	Minor updates, including new sections, to reflect the online lodgement of the annual rehabilitation report and forward program via the Regulator Portal. Re-ordered certain sections to be consistent with the online form. Additional explanatory notes provided regarding examples of rehabilitation objectives and rehabilitation completion criteria. Included the relevant definition of 'small mine' in the Glossary.
February 2024	3	Amended 'Purpose' and 'Mandatory requirements' sections to make it clear that the online forms on the Resources Regulator Portal are the approved form and way pursuant to clause 9 of Schedule 8A to the Mining Regulation 2016. Minor amendments to reflect the format of the online forms. Update of the 'Glossary' to amend the 'Form and way' definition to refer to the online forms on the Resources Regulator Portal.

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Purpose

This document provides additional information for the online preparation and submission of the rehabilitation objectives and rehabilitation completion criteria statements for small mines.

Clause 9 of Schedule 8A to the Mining Regulation 2016 states that rehabilitation documents must:

- be in a form approved by the Secretary, and
- if required to be given to the Secretary - be given in a way approved by the Secretary.

The Secretary has approved the online form on the Resources Regulator Portal (accessible at <https://nswresourcesregulator.service-now.com/regulator>) as the prescribed form and way for rehabilitation objectives and rehabilitation completion criteria statements for small mines, in accordance with Clauses 9 and 12 of Schedule 8A to the Mining Regulation 2016.

The rehabilitation objectives statement and the rehabilitation completion criteria statement are two separate documents.

Mandatory requirements

The rehabilitation objectives statement and rehabilitation completion criteria statement must be submitted using the online form on the Resources Regulator Portal accessible at <https://nswresourcesregulator.service-now.com/regulator>.

The rehabilitation objectives statement and the rehabilitation completion criteria statement are two separate documents.

Where a part, section or subsection is not relevant or applicable, it must be noted as such and a justification provided.

1. Part 1 – Rehabilitation objectives statement

Part 1 sets out the components of the online form for the rehabilitation objectives statement accessible at <https://nswresourcesregulator.service-now.com/regulator>.

1.1. Applicant details

This section must provide:

- applicant's name (being the relevant lease holder)
- name of the relevant mining operation/mine.

1.2. Development consents

This section must provide:

- the development consent reference number(s) of all development consents granted under the *Environmental Planning and Assessment Act 1979* that are relevant to the mining area
- each of the rehabilitation objectives already approved under the development consent (which must be matched against the relevant development consent reference number).

Explanatory note 1: Rehabilitation objectives already approved under the development consent

Pursuant to clause 12(2) in Schedule 8A of the Mining Regulation 2016, the rehabilitation objectives statement must be consistent with any rehabilitation objectives already approved under the relevant development consent.

In some cases these rehabilitation objectives may be set out in the conditions of the development consent. In other cases the rehabilitation objectives may be:

- included in the Environmental Impact Statement that was approved as part of the development consent, and/or
- included in a Rehabilitation Strategy that was required as a condition of the development consent.

Each of the approved rehabilitation objectives should be matched against the relevant development consent reference number.

1.3. Rehabilitation objectives

This section must provide the rehabilitation objectives that the lease holder is seeking approval for pursuant to Clause 12 in Schedule 8A of the Mining Regulation 2016.

The lease holder has the option to adopt the rehabilitation objectives provided in Table 2 of the department's [Guideline: Rehabilitation objectives and rehabilitation criteria](#). If the lease holder adopts the rehabilitation objectives from Table 2 and they are approved, the rehabilitation completion criteria

from Table 2 will also be submitted for approval without the need to complete a separate rehabilitation completion criteria statement application (refer to Part 2 below).

If the lease holder proposes to submit rehabilitation objectives that are different to those in the department's guideline, then they must upload their rehabilitation objectives using the table provided in the online form and include the following columns:

- a. Rehabilitation objective category (sourced from the drop down list)
- b. Rehabilitation objectives – see Explanatory Note 2.

Explanatory note 2: Examples of rehabilitation objectives

Examples of rehabilitation objectives for small mines are included in Table 2 of the department's Guideline: Rehabilitation objectives and rehabilitation criteria available on the website at www.resourcesregulator.nsw.gov.au

The rehabilitation objectives must describe the desired features and/or characteristics of the final land use domain.

The rehabilitation objectives statement submitted for approval must be consistent with any final land use(s) and associated rehabilitation objectives approved in the development consent. If rehabilitation objectives approved in the development consent are broad, non-specific, or non-existent, you must develop specific rehabilitation objectives to demonstrate that each final land use domain will be returned to a condition capable of achieving the final land use.

1.4. Finalise

This section must be completed prior to submission. Copies of the following, as relevant, must also be attached:

- the relevant development consent(s)
- the final land use and landform plan(s) as approved under the development consent(s)
- any rehabilitation strategy under the development consent (pending draft or approved).

2. Part 2 – Rehabilitation completion criteria statement

Part 2 sets out the components of the online form for the rehabilitation completion criteria statement accessible at <https://nswresourcesregulator.service-now.com/regulator>.

A rehabilitation completion criteria statement can only be lodged once the corresponding rehabilitation objectives statement has been lodged with, and approved by, the Secretary.

As set out in section 1.3, if the lease holder adopts the rehabilitation objectives from Table 2 in [Guideline: Rehabilitation objectives and rehabilitation criteria](#) and they are approved, the rehabilitation completion criteria from Table 2 will also be submitted for approval without the need to complete a separate rehabilitation completion criteria statement application.

2.1. Applicant details

This section must provide:

- applicant's name (being the relevant lease holder)
- name of the relevant mining operation/mine.

2.2. Rehabilitation completion criteria

This section must provide the rehabilitation completion criteria that the lease holder is seeking approval for pursuant to Clause 12 in Schedule 8A of the Mining Regulation 2016. This section must include the following columns:

- a. Reference no. of the approved rehabilitation objectives (e.g. ROBJ000123)
- b. Approved rehabilitation objectives (sourced from Section 1.3)
- c. Rehabilitation completion criteria – see Explanatory Note 3.
- d. Record (which will provide the evidence that the completion criteria have been achieved) – see guidelines referred to in Explanatory Note 3.

Explanatory note 3: Examples of rehabilitation completion criteria

Examples of rehabilitation completion criteria for small mines are included in Table 2 in Guideline: Rehabilitation objectives and rehabilitation criteria guidelines available on the website at www.resourcesregulator.nsw.gov.au

The rehabilitation completion criteria statement must set out the criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives and the final land use.

Rehabilitation completion criteria set the benchmark values for key attributes (indicators) proposed to demonstrate that the rehabilitation objectives have been met. The criteria must include the record that will be relied upon as evidence that the benchmark has been achieved. The rehabilitation completion criteria statement submitted for approval must be consistent with the approved rehabilitation objectives and final land use(s).

2.3. Finalise

This section must be completed prior to submission, including the declaration that the information provided in the application is true and correct.

Glossary

TERM	DEFINITION
Domain	An area (or areas) of the land that has been disturbed by mining and has a specific operational use (mining domain) or specific final land use (final land use domain). Land within a domain typically has similar geochemical and/or geophysical characteristics and therefore requires specific rehabilitation activities to achieve the associated final land use.
Final land use	As defined in the Mining Regulation 2016.
Final land use domain	A land management unit with a final land use. A mining lease may have one final land use (e.g. returning the entire mining lease to native vegetation) or several final land use units (e.g. a mix of pasture areas and native ecosystems). Each final land use unit represents a separate final land use domain.
Form and way	Means the form and way approved by the Secretary pursuant to clause 9 in Schedule 8A in the Mining Regulation 2016. The Secretary has approved the online form on the Resources Regulator Portal as the prescribed form and way.
Indicator	An attribute of the biophysical environment (e.g. pH, topsoil depth, biomass) that can be used to approximate the progression of a biophysical process. It can be measured and audited to demonstrate (and track) the progress of an aspect of rehabilitation towards a desired completion criterion (defined end point). It may be aligned to an established protocol and used to evaluate changes in a system.
Land	As defined in the <i>Mining Act 1992</i> .
Lease holder	The holder of a mining lease.
Mining area	As defined in the <i>Mining Act 1992</i> .
Mining domain	A land management unit with a discrete operational function (for example, overburden emplacement), and therefore similar geophysical characteristics, that will require specific rehabilitation treatments to achieve the final land use(s).
Mining lease	As defined in the <i>Mining Act 1992</i> .

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TERM	DEFINITION
Rehabilitation	As defined in the <i>Mining Act 1992</i> .
Rehabilitation completion	<p>The final phase of rehabilitation when a rehabilitation area has achieved the final land use for the mining area:</p> <ul style="list-style-type: none">■ as stated in the approved rehabilitation objectives and the approved rehabilitation completion criteria■ for large mines – as spatially depicted in the approved final landform and rehabilitation plan. <p>Rehabilitation areas may be classified as complete when the NSW Resources Regulator has determined in writing that rehabilitation has achieved the final land use following submission of the relevant application by the lease holder.</p>
Rehabilitation completion criteria	Rehabilitation completion criteria set out the criteria the achievement of which will demonstrate the achievement of the rehabilitation objectives.
Rehabilitation objectives	Means the rehabilitation objectives required to achieve the final land use for the mining area.
Small mine	As defined in the Mining Regulation 2016.