

GUIDELINE

FORM AND WAY FOR REHABILITATION OBJECTIVES STATEMENT, REHABILITATION COMPLETION CRITERIA STATEMENT AND FINAL LANDFORM AND REHABILITATION PLAN FOR LARGE MINES



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Form and way for rehabilitation objectives statement, rehabilitation completion criteria statement and final landform and rehabilitation plan for large mines

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AMENDMENT SCHEDULE

Date	Version	Amendment
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 online submissions, spatial reference code and examples of rehabilitation objectives and rehabilitation completion criteria.
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 include a definition for a 'Final void' and amended 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 statement, the rehabilitation completion criteria statement and the final landform and rehabilitation plan for large 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 the rehabilitation objectives and rehabilitation completion criteria statements for large mines, in accordance with Clauses 9 and 12 of Schedule 8A to the Mining Regulation 2016.

The Secretary has approved the Mine Rehabilitation Portal (accessible at <http://www.minerehabilitationportal.nsw.gov.au/>) as the prescribed form and way for the final landform and rehabilitation plan for large 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. The final landform and rehabilitation plan is a spatial plan.

Mandatory requirements

The rehabilitation objectives statement and the 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 final landform and rehabilitation plan must be submitted using the Mine Rehabilitation Portal accessible at <http://www.minerehabilitationportal.nsw.gov.au/>.

The rehabilitation objectives statement and the rehabilitation completion criteria statement are two separate documents. The final landform and rehabilitation plan is a spatial plan.

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 should utilise (as relevant) the rehabilitation objectives provided in Table 1 of the department's [Guideline: Rehabilitation objectives and rehabilitation criteria](#).

This section must include the following columns:

- a. Rehabilitation objective category (sourced from the drop-down list)
- b. Rehabilitation objectives – see Explanatory Note 2
- c. Spatial reference – see Explanatory Note 3
- d. Details of any “Other” domain selected – see Explanatory Note 3.

Explanatory note 2: Examples of rehabilitation objectives

Examples of rehabilitation objectives for large mines are included in Table 1 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.

Explanatory note 3: Spatial reference code

The spatial reference field is an alphanumeric code used for spatially linking rehabilitation objectives with the final land use polygon(s) that forms part of the final landform and rehabilitation plan (i.e. the final land use spatial data theme lodged in the Mine Rehabilitation Portal).

The spatial reference is created by combining the code of the final land use domain and mining domains for each polygon as set out in the table below (e.g. A2 would be the spatial reference for a final land use of native ecosystem that has a mining domain of tailings storage facility). Lease holders must ensure that this rehabilitation objective spatial reference matches that of the corresponding final land use polygon that forms part of the final landform and rehabilitation plan in the Mine Rehabilitation Portal. The use of 'Other' as a final land use domain and mining domain should be used only in exceptional circumstances (i.e. the domain list options provided should be used as far as reasonably possible). If 'Other' is used, lease holders must provide further details in the "Specify 'Other' Domain" column to describe the final land use domain and mining domain.

FINAL LAND USE DOMAIN	CODE	MINING DOMAIN	CODE
Native ecosystem	A	Infrastructure area	1
Agricultural – grazing	B	Tailings storage facility	2
Agricultural – cropping	C	Water management area	3
Rehabilitation biodiversity offset area	D	Overburden emplacement area	4
Industrial	E	Active mining area (open cut void)	5
Water management areas	F	Underground mining area (SMP)	6
Water storage (excluding final void)	G	Beneficiation facility	7
Heritage area	H	Other (add details in additional information field to name the mining domain)	8
Infrastructure	I		
Final void	J		
Other	K		

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.

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. Indicator(s) – see Glossary
- d. Rehabilitation completion criteria – see Explanatory Note 4
- e. Validation method – see guidelines referred to in Explanatory Note 4.

Explanatory note 4: Examples of rehabilitation completion criteria

Examples of rehabilitation completion criteria for large mines are included in Table 1 of the department's Guideline: Rehabilitation objectives and rehabilitation criteria 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 justification/validation methods 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.

3. Part 3 - Final landform and rehabilitation plan

Part 3 sets out the key requirements for the final landform and rehabilitation plan for large mines.

Lease holders must submit all spatial data themes listed in Table 1 below to the mine rehabilitation portal accessible at <http://www.minerehabilitationportal.nsw.gov.au/>.

Table 1: Spatial data themes to be submitted to support the final landform and rehabilitation plan

SPATIAL DATA THEMES

- Final land use (mandatory theme)
- Final landform features (as relevant)
- Project approval boundary (mandatory theme)
- Final landform contours (mandatory theme)

Explanatory note 5: Final landform and rehabilitation plan

Information regarding how to access the mine rehabilitation portal and lodge the spatial themes associated with the final landform and rehabilitation plan is provided in Guideline: Mine rehabilitation portal available on the website at www.resourcesregulator.nsw.gov.au

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 landform and rehabilitation plan	As defined in the Mining Regulation 2016.
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.
Final void	<p>A final void is demarcated by the extent of an area that does not free drain to the surrounding surface environment. In other words the void's planar extent is defined by the lowest point of the voids crest, often referred to as the spill point level (or spill level). The spill level is the elevation in the void, which if filled with water, water would spill into the surrounding landscape. A final void typically comprises the following:</p> <ul style="list-style-type: none"> ■ an area whereby material was extracted as a result of mining and a void remains after mining is complete; and / or ■ highwalls; and / or ■ low walls; and / or ■ ramps.
Form and way	<p>Means the form and way approved by the Secretary pursuant to clause 9 in Schedule 8A in the Mining Regulation 2016.</p> <p>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 the rehabilitation objectives and rehabilitation completion criteria statements for large mines.</p> <p>The Secretary has approved the Mine Rehabilitation Portal (accessible at http://www.minerehabilitationportal.nsw.gov.au/) as the prescribed form and way for the final landform and rehabilitation plan for large mines.</p>

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TERM	DEFINITION
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> .
Large mine	As defined in the Mining Regulation 2016.
Lease holder	The holder of a mining lease.
Mine rehabilitation portal	<p>Means the NSW Resources Regulator's online portal that lease holders must use (via a registered account) to:</p> <ul style="list-style-type: none">■ upload rehabilitation geographical information system (GIS) spatial data■ develop rehabilitation GIS spatial data (using online tracing functions)■ generate rehabilitation plans and rehabilitation statistics using the map viewer and Rehabilitation Key Performance Indicator functionalities. <p>Data submitted to the mine rehabilitation portal is collated in a centralised geodatabase for use by the NSW Resources Regulator to regulate rehabilitation performance of lease holders.</p>
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> .
Rehabilitation	As defined in the <i>Mining Act 1992</i> .
Rehabilitation completion	The final phase of rehabilitation when a rehabilitation area has achieved the final land use for the mining area:

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TERM	DEFINITION
	<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.