

August 2024

# Rehabilitation completion on a mining / petroleum production lease and/or notification of mine or petroleum site closure

*Mining Act 1992 and Petroleum (Onshore) Act 1991*

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## When to use this form

This form is to be used by:

- holders of **mining leases** issued under the *Mining Act 1992*
- holders of **petroleum production leases** issued under the *Petroleum (Onshore) Act 1991*

This form is to be used by a **holder** to:

- **Seek formal confirmation from the department that rehabilitation on a mining lease / petroleum production lease has been successful** (i.e. complies with the authority conditions and has achieved the approved final land use for the mining area as set out in the approved rehabilitation objectives statement, the approved rehabilitation completion criteria statement and the approved final landform and rehabilitation plan (large mines only) – refer to clause 6 in Schedule 8A of Mining Regulation 2016. This can include partial/progressive rehabilitation or the completion of all rehabilitation activities

The information requested in this form may not be specifically referenced in the *Mining Act 1992*, Mining Regulation 2016, *Petroleum (Onshore) Act 1991* and Petroleum (Onshore) Regulation 2016, however its inclusion in the approved form validates the authority of the Department of Primary Industries and Regional Development, Resources Regulator (the department) to request it.

If there is insufficient room in the fields, please provide the information as an attachment.

## When not to use this form

This form must not be used to:

- **Seek confirmation of rehabilitation completion on an exploration / prospecting authority under the *Mining Act 1992*** (such as an exploration licence or assessment lease). The Rehabilitation Completion / Annual Report Form available online via the [Regulator Portal](#) must be used for this purpose.
- **Seek confirmation of rehabilitation completion on an exploration / prospecting title under the *Petroleum (Onshore) Act 1991*** (such as a petroleum exploration licence or petroleum assessment lease). The Rehabilitation Completion / Annual Report Form available online via the [Regulator Portal](#) must be used for this purpose.

- **Seek a review of the security deposit** which is required to be provided under any authority under the *Mining Act 1992* (e.g. exploration licence / assessment lease / mining lease) or any title under the *Petroleum (Onshore) Act 1991* (e.g. exploration licence / assessment lease / production lease). The Rehabilitation Cost Estimate Form available online via the [Regulator Portal](#) must be used for this purpose. This can include any increase or decrease in security (e.g. where rehabilitation has been partially or fully completed and a partial or full return of the security deposit is being sought).

## Further information regarding rehabilitation completion

Further information regarding rehabilitation completion is available on [our website](#) and includes the following:

- Guideline: Achieving Rehabilitation Completion (Sign-Off)
- Guideline: Rehabilitation Objectives and Rehabilitation Completion Criteria

## Important notes

If this application is lodged by any party other than the authority holder (i.e. an agent), the department may seek confirmation of that authority and any limits of that authority given to that other party by the authority holder (Section 163F of the *Mining Act 1992* and section 97F of the *Petroleum (Onshore) Act 1991*). The agent will need to complete the declaration at the end of this form and supply evidence of their appointment, if not already supplied to the department.

## How to submit this form

- By email: Send an electronic copy of the form including any attachments to: [nswresourcesregulator@service-now.com](mailto:nswresourcesregulator@service-now.com)
- By mail: Mail your form and attachments to: Resources Regulator, Mining Act Inspectorate, PO Box 344, Hunter Region Mail Centre NSW 2310.
- In person: Submit your application in person at Department of Primary Industries and Regional Development, Resources Regulator, 516 High Street, Maitland, NSW. Office hours are 9.30am to 4.30pm.

## How this application will be processed

Details regarding the assessment process are provided in Guideline: Achieving Rehabilitation Completion (Sign-Off).

Once your application has been registered the department will undertake an **adequacy review within 30 business days** to determine whether the application:

- includes all the relevant information as detailed in this Form, including all supporting records, specialist reports and sign offs from relevant landholders / government agencies (including monitoring data/reports which demonstrate that rehabilitation is self-sustainable for the long term)
- contains sufficient information to demonstrate achievement of the approved rehabilitation objectives and rehabilitation completion criteria

- contains sufficient information to demonstrate achievement of the approved final land use and final landform.

If the application is deemed **not to be adequate**, it will be rejected and the applicant will be notified in writing of the reasons for the rejection.

If the application is deemed to be **adequate**, the department will undertake a detailed assessment to determine whether rehabilitation has achieved the final land use. The applicant will then be notified in writing following determination by the department.

# 1. Authority details

Field	Details
Authority type and number (e.g. ML123, PPL123)	
Act authority granted under	
Expiry date	

## Additional authority details

If there is more than one authority, then provide the authority type and number; Act authority was granted under and expiry date of the additional authorities.

Additional details

# 2. Authority holder details

Field	Details
Name	
ACN/ABN/ARBN	
Registered street address	
Postal address	<input type="checkbox"/> Same as above If different, please enter here

Field	Details
Name	
ACN/ABN/ARBN	
Registered street address	
Postal address	<input type="checkbox"/> Same as above If different, please enter here

## Additional authority holders

Additional authority holders

### 3. Contact for this application

Any correspondence in relation to this application will be sent to this person. Correspondence may also be issued to the authority holder as well as the authorised agent and or nominated contact person (refer clause 19 in Schedule 8A of Mining Regulation 2016).

Field	Details
Contact name	
Position held	
Company	
Postal address	
Phone (including area code)	
Mobile	
Email	

### 4. Completion of rehabilitation

#### 4.1. What approvals/plans is the completed rehabilitation associated with?

Field	Details
Planning approval/development consent details (include dates/reference numbers/project name)	
Rehabilitation management plan details (include dates/reference numbers/project name) (only relevant to large mines as per Schedule 8A of Mining Regulation 2016 and petroleum production leases).	
Approved rehabilitation objectives statement reference no. (e.g. ROBJ0001234)	
Approved rehabilitation completion criteria statement reference no. (e.g. RCC0001234)	
Approved final landform and rehabilitation plan reference no. (e.g. FLRP0001234) (only relevant to large mines as per Schedule 8A of Mining Regulation 2016)	
Total area of completed rehabilitation subject of this application	

## 4.2. Rehabilitation objectives and rehabilitation completion criteria submission

Provide written evaluation and evidence as to how the rehabilitation has met each of the approved rehabilitation objectives and rehabilitation completion criteria. This should be in a table format as per **Appendix 3** (for large mines) or **Appendix 4** (for small mines) in Guideline: Achieving Rehabilitation Completion (Sign-Off). The approved validation methods for each rehabilitation completion criteria must be specified and/or attached (e.g. specialist reports/advice/records confirming that specific aspects of the completion criteria have been met). Examples may include ecological monitoring, geotechnical, groundwater and site remediation reports).

Provide a list of the documents in the table below:

Reference no.	Document name and author	Date

## 4.3. Large mines<sup>1</sup> – spatial data themes

Submit the ‘Rehabilitation’ theme spatial data to the Mine Rehabilitation Portal showing the extent of the completed rehabilitation area to which this application applies (submitted in accordance with the spatial data formatting and submission requirements outlined in Guideline: Mine rehabilitation portal).

Provide a summary of spatial data themes below:

OBJECTID of spatial data theme	Date uploaded to Mine Rehabilitation Portal

## 4.4. Provide plans/maps

Provide plans/maps showing location of areas of completed rehabilitation relevant to the application. For large mines under the *Mining Act 1992* these plans/maps can be generated from the Mine Rehabilitation Portal. Plans/maps to include:

- mining lease boundaries / mine operations area
- final land use and mining domains
- location of completed rehabilitation relevant to the application area(s).

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<sup>1</sup> Large mines are defined in Schedule 8A of Mining Regulation 2016 – mean a mine the subject of one or more mining leases, the carrying out of activities under at least one of which requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

Provide a list of the plans / maps in the table below:

Reference no.	Document name and author	Date

#### 4.5. Provide photographs

Provide photographs of all rehabilitation sites, including a plan illustrating where the photograph was taken from and its aspect. Photographs should show evidence of:

- condition of the receiving environment prior to disturbance
- rehabilitation activities performed
- progress/completion of rehabilitation.

Plan reference no.	Name of plan illustrating where photos were taken	Date

Photo reference no.	Name/title of photo and aspect	Date

#### 4.6. What rehabilitation has been undertaken?

Provide below or attach a written statement outlining the rehabilitation activities undertaken for the rehabilitation completion area(s) (for example, revegetation; sealing of boreholes; management of access tracks; water and waste management and disposal; reshaping works and soil management; weed control; erosion management; ongoing maintenance and monitoring).

Details

**4.7. Has borehole/petroleum well sealing and/or backfilling been undertaken?**

- Not applicable. Proceed to **Question 4.8.**
- No. Provide justification/further details below (append separate documents/reports as required).

Further details

- Yes. Complete details below and attach reports as relevant.

Provide details of contractors engaged to seal/backfill boreholes/petroleum wells.

Field	Detail
Contractor name	
Address	
Telephone number	
Details of sealing and/or backfilling works undertaken (append separate documents/reports as required)	

**4.8. Will you be seeking a change to the security deposit amount?**

Completion of rehabilitation may result in a change to the security deposit amount required to be held for the mining lease / petroleum production lease. This can include an increase or decrease in security (e.g. where rehabilitation has been partially or fully completed and a partial or full return of the security deposit is being sought). To seek a review of the security deposit you must use the Rehabilitation Cost Estimate Form available online via the [Regulator Portal](#).

- Yes
- No

Provide any further details below including the reference number of your rehabilitation cost estimate application submitted via the Regulator Portal (e.g. RCE0001234):

Further details

**4.9. Will you be seeking part / full relinquishment of the mining lease / petroleum production lease**

Completion of rehabilitation may result in an application being lodged with the department for the part / full relinquishment of the mining lease / petroleum production lease. This is a separate application to the department which should be made following written confirmation from the



department that rehabilitation has been completed. The relevant lease relinquishment form is available on [our website](#).

Yes

No

Provide any further details below

Further details

#### 4.10. Is the landholder/s satisfied with the rehabilitation?

While not mandatory, landholder satisfaction with completed rehabilitation may assist the department’s assessment. The landholder rehabilitation statement provided in Appendix A can be used for this purpose. Notwithstanding, rehabilitation obligations, completion and performance must also be to the satisfaction of the department and in accordance with the conditions of the authority.

Yes

No

Provide any further details below

Further details

Indicate if a landholder rehabilitation statement (refer to Appendix A) is attached.

Property details	Landholder/contact	Telephone	Attached?
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

#### 4.11. Evidence of consultation with relevant government agencies

Rehabilitation completion will generally require consultation with relevant government agencies and may include satisfying regulatory requirements under other legislation. This may include but not necessarily be limited to the following:

- consultation with and written confirmation from the relevant development consent authority confirming there are no outstanding rehabilitation obligations / commitments under the development consent
- consultation with and written confirmation from the NSW Environment Protection Authority (for large mines) that all relevant obligations under an environment protection licence (EPL) can/have been met or the EPL has/will be surrendered

- consultation with Dam Safety NSW where the land includes a declared dam under the *Dam Safety Act 2015* – which may involve an application to remove a dam or tailings dam from the list of declared dams following rehabilitation
- consultation with and written confirmation from the relevant water regulator (e.g. Water NSW, Natural Resources Access Regulator) that any obligations under water licences / approvals have been met
- consultation with and written confirmation from the relevant government department(s) regarding matters relevant to the mining lease area relating to Aboriginal heritage impact permits, biobanking agreements, biodiversity offsets, heritage permits, plant / species licences, etc
- consultation with and documented acceptance from relevant utility companies regarding the decommissioning and removal or retention of utilities or infrastructure within the mining lease including electricity, water, gas, telecommunication and rail services
- consultation with and written confirmation from the Commonwealth Department of Agriculture, Water and the Environment that obligations relevant to the mining lease area have been met under any relevant approvals granted pursuant to the *Environment Protection and Biodiversity Conservation Act 1999*.

Provide evidence of consultation with relevant government agencies in the table below. Include copies of documents with this application:

Government agency	Document title/reference no.	Attached?
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

## 5. Checklist of items to be included with this application

List any supporting documentation attached to this application in the table below:

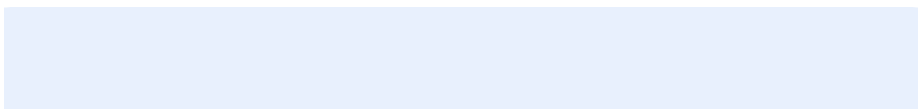
Item	Reference
Written evaluation and evidence as to how the rehabilitation has met each of the approved rehabilitation objectives and rehabilitation completion criteria. This should be in a table format as per <b>Appendix 3</b> (for large mines) or <b>Appendix 4</b> (for small mines) in Guideline: Achieving Rehabilitation Completion (Sign-Off). The approved validation methods for each rehabilitation completion criteria must be specified and/or attached (e.g. specialist reports/advice/records confirming that specific aspects of the completion criteria have been met). Examples may include ecological monitoring, geotechnical, groundwater and site remediation reports).	<input type="checkbox"/> Question 4

Item	Reference	
Additional information such as specialist verification reports (provide list below)	<input type="checkbox"/>	
	<input type="checkbox"/>	
	<input type="checkbox"/>	
	<input type="checkbox"/>	
	<input type="checkbox"/>	
	<input type="checkbox"/>	
	<input type="checkbox"/>	
	<input type="checkbox"/>	
<b>Large Mines Only</b> – Submit the ‘Rehabilitation’ theme spatial data to the Mine Rehabilitation Portal showing the extent of the completed rehabilitation area to which this application applies (submitted in accordance with the spatial data formatting and submission requirements outlined in Guideline: Mine rehabilitation portal).	<input type="checkbox"/>	Question 4
Plans/maps showing location of areas of completed rehabilitation relevant to the application. For large mines these plans/maps can be generated from the approved Final Land Use and Rehabilitation Plan in the Mine Rehabilitation Portal. Plans/maps to include: <ul style="list-style-type: none"> <li>• mining lease boundaries / mine operations area</li> <li>• final land use and mining domains</li> <li>• location of completed rehabilitation relevant to the application area(s)</li> </ul>	<input type="checkbox"/>	Question 4
Representative photographs of all completed rehabilitation sites to evidence: <ul style="list-style-type: none"> <li>• condition of the receiving environment prior to disturbance</li> <li>• rehabilitation activities performed</li> <li>• completion of rehabilitation</li> </ul>	<input type="checkbox"/>	Question 4
A written statement outlining the rehabilitation activities undertaken for the rehabilitation completion area(s) (for example, sealing of boreholes; management of access tracks; water and waste management and disposal; reshaping works and soil management; weed control; erosion management; ongoing maintenance and monitoring).	<input type="checkbox"/>	Question 4
Landholder rehabilitation statement (where applicable)	<input type="checkbox"/>	Question 4 and Appendix A
Evidence of consultation with relevant government agencies and any regulatory requirements under other legislation have been satisfied (provide list below)	<input type="checkbox"/>	Question 4

Item	Reference
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
For agents only – evidence of appointment as agent by the authority holder/s	<input type="checkbox"/> Question 6
Any additional information (provide list below)	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

## 6. Declaration by the authority holder/s or authorised agent

Field	Details
Name	
Position/title	
Company name	
Date	
Signature	

Field	Details
Name	
Position/title	
Company name	
Date	
Signature	

Field	Details
Name	
Position/title	

Field	Details
Company name	
Date	
Signature	

OR

### Agent authorised to act for this authority holder/s

Evidence of appointment is required if this has not been previously supplied to the department.

Field	Details
Name	
Position/title	
Company name	
Date	
Signature	

## Document control

Authorised by: Director Compliance

Date	Version #	Amendment
1 December 2016	1.0	This new form merges two previous forms known as Form ESF2: Rehabilitation Cost Estimate Submission and Form EDG13: Exploration Rehabilitation and Relinquishment Report. Deletion of separate Statutory Declaration from Form EDG13.
February 2017	1.1	Changes to Questions 4 and 6.3 to enable applicants to select an option for the return of security deposit where no surface disturbance activities have been undertaken (e.g. upon expiry of an authority).
March 2017	1.2	Changes to the Introduction and Question 6 to confirm that Form ESF2 may be used to provide Rehabilitation Completion information, and/or, a RCE (as required) to accompany an Application for Cancellation or Part-Cancellation.
October 2017	1.3	Changes to Question 4 to clarify the reasons for submitting the form and the required section/s to be completed.
September 2019	2.0	Update form to include notification of matters under the <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i> ; update department name; update division; update hyperlinks.

Date	Version #	Amendment
July 2024	3.0	<p>Change to name of department (NSW Department of Primary Industries and Regional Development from 1 July 2024).</p> <p>Removed sections dealing with notification of matters under the <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i> (now an online form within Regulator Portal).</p> <p>Change to ‘When not to use this form’ section to advise that seeking confirmation of rehabilitation completion on exploration / prospecting titles and seeking a review of the security deposit are now done online via the Regulator Portal.</p> <p>Change to ‘How this application will be processed’ section to include the adequacy review by the department within 30 business days of submission.</p> <p>Change to Question 3 to include reference to nominated contact person under new clause 19 in Schedule 8A of Mining Regulation 2016.</p> <p>Additions to Question 4.1 to refer to the rehabilitation management plan and rehabilitation outcome documents as per new Schedule 8A of Mining Regulation 2016.</p> <p>Additions to Question 4.2 to refer to rehabilitation objectives and rehabilitation completion criteria statements in new Schedule 8A of Mining Regulation 2016.</p> <p>New Question 4.3 dealing with submission of ‘Rehabilitation’ theme spatial data to the Mine Rehabilitation Portal</p> <p>New Question 4.8 to clarify that security deposit applications are now done online via the Regulator Portal.</p> <p>New Question 4.9 to remind applicants that relinquishment of title applications are done separately following sign off of rehabilitation.</p> <p>New Question 4.11 to include evidence of consultation with relevant government agencies.</p> <p>Amendments to Question 5 ‘Checklist’ to reflect updates to the form.</p>

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## Appendix A: Landholder rehabilitation statement

**When signed, this statement confirms that land disturbed during the course of exploration / mining / petroleum production activities has been rehabilitated to the satisfaction of the affected landholder/occupier.**

Provided that the authority holder has rehabilitated the exploration/mining/petroleum production disturbance on your property to your satisfaction, sign and return this form to the authority holder. The authority holder will attach it to the submission form required by the Department. The information will be used by the department, along with other relevant information, to determine the authority holder's compliance with the obligations of the exploration/mining/petroleum production authority.

If rehabilitation is **not** to your satisfaction, **do not** sign this form, and discuss outstanding issues with the authority holder. If you cannot reach agreement or you have any queries, contact the department.

### 1. For authority holder to complete

Field	Details
Authority number (e.g. ML1234, PPL456)	
Name of authority holder	<i>List all holders of the authority in full - organisation name and ACN/ABN. List all holders of the authority in full - individual details: Title, Given Name/s and Family Name</i>
ACN/ABN/ARBN	
Contact name	
Registered street address	
Postal address	<input type="checkbox"/> Same as above If different, please enter here
Site name	Insert Site Name of the exploration / mining / production area
Affected property name:	Insert affected property name(s)
Affected property Address/description:	Insert property address/Lot and DP Numbers

## 2. For landholder to complete

I am satisfied with the state in which the authority holder has left my property and the standard of rehabilitation which has been achieved.

Field	Details
Additional comments:	
Landholder/occupier name	
Property name	Insert affected property name(s)
Property address/description	Insert property address/Lot and DP Numbers
Telephone	
Email	
Date	
Signature	