

FACT SHEET

Operational rehabilitation reforms

September 2020

The NSW Resources Regulator is making operational and regulatory improvements to rehabilitation planning and management on mine sites across NSW. Although progressive rehabilitation is already an obligation in the mining lease conditions, there is a need for stronger requirements for progressive rehabilitation of mine sites, starting early in a mine's lifecycle.

The reforms introduce regulatory tools and set clear, focused requirements for rehabilitation throughout a mine's life, from the mine design stage to closure.

Amendment to Mining Regulation 2016

To implement the operational reforms to mine rehabilitation, an amendment to the Mining Regulation 2016 is proposed that will introduce new standard mining lease conditions for mine rehabilitation. These new conditions will replace existing rehabilitation conditions on current mining leases and will be added to all new mining leases through the regulation.

Progressive rehabilitation, rehabilitation risk assessment, annual reporting and detailed rehabilitation management planning will be required through the new mining lease conditions.

Leaseholders will need to prepare:

- rehabilitation risk assessments
- rehabilitation objectives
- rehabilitation completion criteria
- annual rehabilitation reports and forward programs
- rehabilitation management plans and final landform and rehabilitation plans (for large mines).

These documents will need to be prepared in the form and way approved and published by the Secretary. In some cases, the documents will need to be submitted to the Secretary. Guidance will be prepared to help industry comply with the new conditions and requirements.

The Resources Regulator's mine rehabilitation portal will collect geographical information system (GIS) spatial data about rehabilitation for large mining projects. This online portal will help mining companies and the Resources Regulator accurately record and track areas of disturbance and rehabilitation progress across individual sites.

These changes will introduce strong regulatory systems to ensure that progressive rehabilitation occurs throughout the life of the mine and that sustainable post-mining land use outcomes are achieved.

Refer to the *FAQs for operational rehabilitation reforms* for more detailed information on the changes.

Commencement and transitional arrangements

Transitional arrangements for existing mines will allow time for leaseholders to prepare for the new requirements. The conditions and new requirements in the regulation are intended to apply to all mining leases at the following times:

- for existing large mines - 12 months from the date that the regulation is made
- for small existing mines - 24 months from the date that the regulation is made
- for any other mining lease on the date the lease is granted

A large mine is a mine subject to one or more mining leases which require an environment protection licence under the *Protection of the Environment Operations Act 1997* for activities.

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New obligations under the Regulation Amendment

GENERAL REQUIREMENTS

- Leaseholder to prevent or minimise harm to the environment
- Leaseholder to prepare annual rehabilitation report
- Leaseholder to create and maintain records demonstrating compliance
- Leaseholder to report to Secretary on non-compliance
- Leaseholder must notify Secretary of lodgement of application to modify development consent
- Leaseholder must provide Secretary with details of nominated contact person.

REQUIREMENTS BEFORE FIRST DISTURBANCE AND ONGOING

(or, if first disturbance has already occurred, on the relevant commencement date, within 30 days of the commencement date)

- Leaseholder to prepare rehabilitation objectives and completion criteria and final landform and rehabilitation plan
- Leaseholder to conduct rehabilitation risk assessment
- Leaseholder to prepare rehabilitation management plan (for large mines)
- Leaseholder to prepare forward program.

REQUIREMENTS AFTER FIRST DISTURBANCE AND ONGOING

- Leaseholder to rehabilitate mining area
- Leaseholder must achieve ROs and RCC and (for large mines) FLRP.

KEY

BLUE - All mines

NAVY - Large mines only

TRIGGER: Prior to first disturbance (or within 30 days of commencement if first disturbance has already occurred)

Prepare and submit **rehabilitation objectives (RO)**

Prepare and submit **rehabilitation completion criteria (RCC)**

Prepare and submit **final landform and rehabilitation plan (FLRP)**

Prepare **rehabilitation management plan (RMP)**. Publish within 14 days (also as directed by the Secretary)

Prepare and submit **forward program** (unless first disturbance occurred prior to commencement date)

Conduct rehabilitation risk assessment (RAA) (identify risks to achieving RO, RCC, FLRP)

Secretary determines whether to approve, considering the relevant form and manner and whether the RO, RCC and FLRP enable the final land use to be achieved. Note that the requirement is to develop and submit prior to first approval. Once submitted and RRA has been conducted, first disturbance may occur.

Update RMP to include approved ROs, RCC and FLRP, and updated any time ROs, RCC and FLRP are changed or RRA is updated

TRIGGER: Within 60 days (or a longer period authorised by the Secretary in writing) after the last day of each annual reporting period applying to the mining lease whenever directed in writing to do so by the Secretary, in accordance with the direction

Prepare and submit **annual rehabilitation report and forward program**