



*Code of Practice:  
Rehabilitation  
Management Plan  
for Small Mines*

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### **More information**

This document forms part of a suite of documents which may assist holders of mining leases granted under the *Mining Act 1992*:

- Code of Practice: Rehabilitation Management Plan for Large Mines, XXX 2018 (also the subject of consultation)
- Code of Practice: Annual Rehabilitation Report and Forward Program for Large Mines, XXX 2018 (also the subject of consultation)
- Code of Practice: Annual Rehabilitation Report and Forward Program for Small Mines, XXX 2018 (also the subject of consultation)
- Guideline 1: Rehabilitation Risk Assessment (also the subject of consultation)
- Guideline 2: Rehabilitation Records (also the subject of consultation)
- Guideline 3: Rehabilitation Controls (also the subject of consultation)
- Guideline 4: Rehabilitation GIS Portal – Overview and Access (also the subject of consultation)
- Guideline 5: Rehabilitation GIS Portal – Spatial Data (GIS) Guidelines, XXX 2018 (also the subject of consultation)
- ESP1: Rehabilitation Security Deposits, June 2017
- ESG1: Rehabilitation Cost Estimate Guidelines, June 2017
- Rehabilitation Cost Estimation Tool, June 2017
- Rehabilitation Cost Estimation Tool Handbook, June 2017
- Form ESF2: Rehabilitation Completion and/or Review of Rehabilitation Cost Estimate
- ESB28: Environmental Incident Reporting Guidelines, October 2007

## Document control

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CONSULTATION DRAFT

# Preamble

## Regulatory framework

Rehabilitation is a critical element of mining operations in NSW and is principally regulated under *the Environmental Planning and Assessment Act 1979* and the *Mining Act 1992*.

Before commencing mining operations, development consent is required from the relevant consent authority<sup>1</sup> under the *Environmental Planning and Assessment Act 1979*. The Final Land Use, which includes the final landforms and rehabilitation requirements, is assessed and approved as part of the development consent. These requirements of the development consent are regulated by either the local council (for non-State significant development) or the Planning Services Division within the Department of Planning and Environment (for State significant development).

Following the grant of development consent, a mining lease, which provides the right to mine, may be granted under the *Mining Act 1992*. Rehabilitation conditions, which are consistent with the development consent, are attached to all mining leases. The Resources Regulator within the Department of Planning and Environment is responsible for the regulation of mining operations (including rehabilitation) carried out under a mining lease granted under the *Mining Act 1992*.

## Regulatory objectives

The overall regulatory objective for mine rehabilitation is to achieve best practice progressive rehabilitation that will sustain final land use outcomes. The regulatory framework also aims to ensure that the financial burden for rehabilitation is borne by a lease holder in order to minimise the potential for liability being transferred to the State.

Rehabilitation is essential to ensure that areas disturbed by mining and associated activities are returned to a condition that is safe, stable and capable of supporting the Final Land Use. To achieve this outcome, rehabilitation planning and practices must be integrated throughout all phases of mining. This includes monitoring rehabilitation and managing risk to continuously improve rehabilitation performance during the term of a mining lease.

Progressive rehabilitation is key to the rehabilitation regulatory framework and ensures that the lease holder is on the correct trajectory to achieving the Final Land Use. Progressive rehabilitation provides an effective means to:

- reduce the overall liability for rehabilitation works;
- provide stability for disturbed areas and reduce the exposure of sources of dust generation;
- sequentially establish key species associated with multi-storey plant community types;
- increase the likelihood of delivering successful rehabilitation;
- test and improve rehabilitation practices; and
- improve visual amenity.

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<sup>1</sup> The consent authority varies depending upon how a mining development is characterised under the *Environmental Planning and Assessment Act 1979*.

Progressive rehabilitation can also assist in reducing the timeframe required to return land disturbed by mining and associated activities to a condition that is capable of supporting the Final Land Use on a sustainable basis.

## Purpose of this Code

The purpose of this Code is to set out the mandatory requirements for the preparation of a Rehabilitation Management Plan for Small Mines. A Rehabilitation Management Plan is a standard requirement (via conditions) on all mining leases.

## Purpose of the Rehabilitation Management Plan

The Rehabilitation Management Plan will evolve throughout the mine life, through to mine closure. The Department expects that the level of detail related to mine closure and rehabilitation outcomes will increase as a mining operation approaches closure.

A Rehabilitation Management Plan prepared in accordance with this Code will define the rehabilitation outcomes to be achieved under the *Mining Act 1992* for approval by the Minister. In addition, the Rehabilitation Management Plan will present the case to government, and the community, with regard to how industry will:

- achieve compliance with mining lease conditions related to environmental management, protection, rehabilitation planning and outcomes;
- commit to measurable performance outcomes;
- adopt innovative solutions and best practice techniques to meet performance outcomes;
- monitor performance and take corrective action if these outcomes are not being achieved.

A Rehabilitation Management Plan comprises the following components:

- Introduction to Mining Project;
- Final Land Use;
- Rehabilitation Objectives and Completion Criteria;
- Rehabilitation Monitoring Program; and
- Review and Implementation.

## When this Code applies

This Code applies where specified in the conditions of mining leases granted under the *Mining Act 1992*.

## Consistency with a development consent

The Rehabilitation Management Plan must be consistent with the relevant development consent granted under the *Environmental Planning and Assessment Act 1979*.

Development consents for mining operations often contain specific conditions related to rehabilitation, such as rehabilitation objectives, completion criteria, landform design and other related requirements.

To ensure consistency, the Rehabilitation Management Plan must specifically reference and incorporate **all** rehabilitation requirements set out in the development consent, in particular, rehabilitation objectives and completion criteria.

Where the Resources Regulator identifies an inconsistency between the Rehabilitation Management Plan and the development consent, the Resources Regulator will advise the lease holder and request that the Rehabilitation Management Plan be modified to reflect the requirements of the development consent and resubmitted.

Should the lease holder wish to modify an aspect of the relevant development consent, the lease holder must approach the consent authority with this request. Any modification to the development consent will require assessment and approval under the *Environmental Planning and Assessment Act 1979*.

## Interaction with other regulations and approvals

Other consents, approvals or permissions may be required depending on the nature and scale of the activities, the location and the associated environmental risks. These may include, but are not limited to:

- an environment protection licence under the *Protection of the Environment Operations Act 1997* regulating noise, air, water and waste;
- an Aboriginal heritage impact permit under the *National Parks and Wildlife Act 1974*;
- licences or approvals under the *Water Management Act 2000* or the *Water Act 1912*, for activities or works that take, divert or use water;
- approvals under the *Heritage Act 1977* for the management of heritage items associated with an operation;
- approvals for actions likely to have a significant impact on a matter of national environmental significance under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*; and

The lease holder remains responsible for ensuring that all operations, including the rehabilitation of the Land, are completed in compliance with the conditions of the mining lease, as well as the conditions of other relevant approvals such as the development consent.

## Compliance requirements

The Minister and the Resources Regulator within the Department are responsible for regulating compliance for all matters relating to mining leases under the *Mining Act 1992*. The Resources Regulator's approach to compliance and enforcement is set out in its [Compliance and Enforcement Approach 2017](#).

Lease holders must comply with the conditions of any mining lease(s) granted to them under the *Mining Act 1992*.

If the conditions of a mining lease require you to comply with any mandatory requirements of this Code, then a breach of those mandatory requirements will be a breach of the condition of the mining lease. If a condition of a mining lease is breached by any person, each holder of the mining lease will be guilty

of an offence under section 378D of the *Mining Act 1992*. If there is any inconsistency between the mining lease conditions and this Code, the mining lease conditions prevail.

## Approval Process

Following submission of a Rehabilitation Management Plan, the Department has a target of 30 business days to review and process the application.

The Department may suspend processing an application (i.e. “Stop the clock”) if the Rehabilitation Management Plan does not address the conditions of the mining lease or the mandatory requirements of this Code and additional information is required from the applicant to assist in the assessment of the application. The Department will recommence processing the application once all relevant information has been received. Where a “stop-the-clock” is applied or the application is refused, the Minister will notify the applicant of the date by which further information or a revised application is required to be submitted.

Under the mining lease conditions, the lease holder must have the Rehabilitation Objectives and Completion Criteria (Part 5 of the Rehabilitation Management Plan) approved by the Minister. The remaining components of the Rehabilitation Management Plan do not require approval but must still be provided as they comprise essential context for assessing the Rehabilitation Objectives and Completion Criteria. The remaining components must be prepared to the satisfaction of the Minister.

The Rehabilitation Management Plan will be rejected if any component does not meet the requirements of the mining lease conditions and the mandatory requirements of this Code, or if any component is inconsistent with the relevant development consent.

The Department will provide written notification of its decision, including the reasons for any rejection of the Rehabilitation Management Plan.

## Triggers for a Rehabilitation Management Plan

The mining lease conditions require that a Rehabilitation Management Plan must be prepared and submitted to the Department at the following times:

- before commencing surface disturbance;
- every 5 years from the date of approval of the lease holder’s first Rehabilitation Management Plan for the land;
- at least 3 months before the final cessation of the extraction;
- concurrently with the submission of an extraction management plan (if required by the Development Consent in relation to some underground mines);
- within 30 days of suspending operations (i.e. going into care and maintenance following written consent from the Minister under clause 7A of Schedule 1B of the Mining Act); and
- as otherwise directed by the Minister.

## Amendment of Rehabilitation Management Plan – Requests by Minister

The mining lease conditions provide that the Minister may require a lease holder to amend a Rehabilitation Management Plan in a time and manner as specified. For example, an amendment may be required where the Minister considers that the rehabilitation methods or practices are not likely to lead to a sustainable rehabilitation outcome or to the Final Land Use in an acceptable timeframe.

## Amendment of Rehabilitation Management Plan – Requests by lease holder

The mining lease conditions allow the Rehabilitation Management Plan, including the Rehabilitation Objectives and Completion Criteria and the Final Landform and Rehabilitation Plan, to be updated at any time by the lease holder by submitting a Rehabilitation Management Plan Amendment to the Department. Any documents previously approved by the Minister will need to be re-submitted to the Minister for approval. Updates to a document previously approved by the Minister will not take effect until the updated document has been approved by the Minister.

The Department will refuse a Rehabilitation Management Plan Amendment if it is considered that the proposed activities do not comply with the development consent.

## Departmental Review of Rehabilitation Performance

The Department will undertake an ongoing evaluation of the adequacy of rehabilitation being undertaken by a lease holder based on the Annual Rehabilitation Report and Forward Program.

Throughout the life of the mine, the Department will review whether rehabilitation is trending towards achieving the Final Land Use using the following mechanisms:

1. Department's inspection and audit program;
2. Review of the Rehabilitation Management Plan (specifically the Rehabilitation Objectives and Completion Criteria);
3. Review of the Annual Rehabilitation Report and Forward Program;
4. Review of monitoring data;
5. Review of any specialist advice and research studies;
6. Review of quality assurance records;
7. Review of the rehabilitation risk assessment;
8. Review of other relevant management plans; and
9. Review on-ground rehabilitation performance.

## Public access to Rehabilitation Management Plans

Rehabilitation Management Plans accepted by the Department, including the approved Rehabilitation Objectives and Completion Criteria, will be made available to the public on the Resource Regulator's

website via the DIGS platform. The Rehabilitation Management Plan will also be made available to the public upon request at the relevant Departmental regional office.

## Privacy considerations

Where personal information is supplied to the Department as part of a Rehabilitation Management Plan submission and/or associated documentation, the *Privacy and Personal Information Protection Act 1998* requires that a person must be made aware that the information is being collected for that purpose and that the information may be made available to the public.

## Further Information

For further information regarding the application of this Code please contact the Resources Regulator:

Phone: 02 4063 6688

Email: [rehabilitation.projects@planning.nsw.gov.au](mailto:rehabilitation.projects@planning.nsw.gov.au)

Website: <https://www.resourcesandenergy.nsw.gov.au/miners-and-explorers>

## References

References to other externally published guidance material that may assist lease holders to comply with mining lease conditions are provided in **Appendix 1**.

# Mandatory Requirements

## Explanatory note 1: Mandatory Requirements

The following 7 parts set out the mandatory requirements of this Code. In preparing the Rehabilitation Management Plan, the lease holder must address the structure, form and content requirements as specified in each part.

Under the mining lease conditions, the lease holder must have the Rehabilitation Objectives and Completion Criteria (Part 5 of the Rehabilitation Management Plan) approved by the Minister. The remaining components of the Rehabilitation Management Plan do not require approval but must still be provided as they comprise essential context for assessing the Rehabilitation Objectives and Completion Criteria. The remaining components must be prepared to the satisfaction of the Minister.

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# 1. Part 1 – General

## 1.1 Structure of Rehabilitation Management Plan

The Rehabilitation Management Plan must have the parts, sections and sub-sections identified in the Mandatory Requirements Table of Contents and set out in Parts 2 to 7 (inclusive) of this Code.

Each part, section and sub-section of the Rehabilitation Management Plan must be identified by its name.

Each part, section and sub-section of the Rehabilitation Management Plan must contain the information specified for that part, section or sub-section as set out in this Code.

## 1.2 Document format and submission requirements

The Rehabilitation Management Plan must be in PDF format and submitted to:  
**minres.environment@planning.nsw.gov.au**

## 1.3 Interpretation and Glossary

In this Code:

1. a reference to a document is a reference to the most recent version of that document, as amended or replaced from time to time.
2. terms in this Code have the same meaning given to them in the *Mining Act 1992* and the conditions of the mining lease.

A glossary of terms used in this Code is provided at the end of this Code.

## 2. Part 2 – Lease Block

This part must have a Lease Block, which must contain the following:

- a. Name of Mine
- b. Rehabilitation Management Plan Commencement Date
- c. Rehabilitation Management Plan Completion Date
- d. Mining Leases (Lease No.)
- e. Name of lease holder(s)
- f. Name of Operator (if different)
- g. Name and Contact Details of the Manager (or equivalent)
- h. Name and Contact Details of Environmental Representative
- i. Name of Representative(s) of the Lease holder(s)
- j. Title of Representative(s) of the Lease holder(s)
- k. Signature of Representative(s) of the Lease holder(s)
- l. Date
- m. Version

The Lease Block must be on the first or second page of the Rehabilitation Management Plan.

The Lease Block must contain a certification made by or on behalf of the lease holder that the information provided is true and correct.

# 3. Part 3 - Introduction to Mining Project

## 3.1 History of operations

This section must provide a brief history of mining operations to give adequate context to the Rehabilitation Management Plan. This must include:

- a. details of company and ownership, including an outline of previous ownership (where applicable);
- b. location of site and associated infrastructure;
- c. age of an operation; and
- d. details of previous mining activities and infrastructure.

## 3.2 Current Development Consents, Leases and Licences

This section must show (in tabular form) the date of grant and duration of the following current approvals:

- a. project approval/s or development consent/s granted under the *Environmental Planning and Assessment Act 1979*;
- b. mining leases (and other mining authorities) granted under the *Mining Act 1992*;
- c. exploration licences and assessment leases granted under the *Mining Act 1992*; and
- d. all other relevant approvals and licences issued by Government agencies in respect of the mining operations.

Information must be included where there have been changes to the status of these approvals during the report period, including a summary of any new applications or modifications to existing approvals.

**Table 1** must be completed and included in the Rehabilitation Management Plan.

**Table 1. Development Consent, Other Approvals and Licences**

Approval / Licence / Lease	Identifier & Council Area	Grant Date	Expiry Date
Development Consent			
Mining Leases			
Exploration Licences			
All other approvals and licences issued by other agencies, for example EPA, NPWS, OEH.			

### 3.3 Land Ownership and Land Use

This section must provide an overview of the land tenure of the general area as well as a schedule of land ownership, occupancy, and leases over the mining lease area.

All land tenures must be correctly identified (e.g. freehold, vacant crown land, Western Lands Lease, travelling stock reserves). It is sufficient to label land as private freehold without identifying the individual land owners.

This section must also provide a summary of the historic, current and proposed Final Land Uses. This section must include information about any Stewardship Agreement, Conservation Agreement or other similar agreement.

The information requirements in this section may be supported by including a Figure/Diagram in the Rehabilitation Management Plan, where appropriate.

**Table 2** must be completed and included in the Rehabilitation Management Plan.

**Table 2. Land Ownership and Land Use**

Lot/DP	Land Owner / Occupier	Tenure	Pre-mining Land Use	Post-mining Land Use
	e.g. DPI-Crown Lands	e.g. Crown Land	e.g. Travelling Stock Route	e.g. Native vegetation
	e.g. Private landholder	e.g. Freehold	e.g. Grazing	e.g. Grazing



## Explanatory note 2: Relationship between development consent and mining lease conditions

### Final Land Use

In most cases, the Final Land Use is approved pursuant to the development consent under the *Environmental Planning and Assessment Act, 1979*. This approved Final Land Use can only be changed through a modification to that development consent (or the granting of a new development consent).

The Final Landform and Rehabilitation Plan submitted to the Minister for approval under the condition of a mining lease must reflect (and be consistent with) the final landform and land uses approved in the development consent under the *Environmental Planning and Assessment Act, 1979*.

The lease holder must demonstrate that all mining related disturbance has been rehabilitated to achieve the Final Land Use prior to lease relinquishment.

Where there are more than one Final Land Uses for the site, each Final Land Use Domain is to be stated as well as the areas to which the domain applies.

Final Land Use Domain(s) are Land management units characterised by a discrete or specific Final Land Use.

### 4.3 Stakeholder Consultation

This section must summarise consultation with relevant stakeholders undertaken in relation to the development of the Rehabilitation Management Plan. Lease holders must demonstrate that stakeholder consultation had been undertaken in relation to:

- the proposed Final Land Use(s) (refer to **section 4.2**); and
- Rehabilitation Objectives and Completion Criteria (refer to **Part 5**).

In circumstances where the Final Land Use has not been identified or clearly defined in the development consent and associated environmental assessment(s), the lease holder must undertake the options assessment in consultation with relevant stakeholders. This section must include a detailed tabular summary of the consultation undertaken, which identifies each relevant stakeholder, the method of how they have been consulted and any resultant expectations and agreements in relation to the Final Land Use.

Where the Final Land Use has been explicitly determined through the development consent process, where community consultation has occurred, the RMP is not the appropriate regulatory instrument to approve alternative Final Land Uses that may be raised by community members. Any proposed changes to Final Land Use will need to be referred to the appropriate approval authority under the *Environmental Planning and Assessment Act 1979*.

**Table 4** must be completed and included in the Rehabilitation Management Plan.

**Table 4. Final Land Use Stakeholder Consultation**

Stakeholder	Method of Consultation	Stakeholder Issues Expectations	Outcome
e.g. 'Landholder'  (Do not identify the names of individuals)	e.g. On site meeting	e.g. 1. Xxx 2. xxx	e.g. Main access track to be retained at closure  Agreement to sow all rehabilitation areas with native grasses

**Explanatory note 3: Stakeholder consultation**

Where the Final Land Use is not specified in a development consent the lease holder must also consider the views of stakeholders during the development of the Rehabilitation Management Plan to justify the proposed Final Land Use.

In addition, stakeholders should be consulted regarding specific outcomes related to the Final Land Use, such as features of the post mining landform, retention of site access and water storages etc.

Relevant stakeholders, as defined in the Glossary, means persons or bodies who may be affected by the activities carried out on the land, and includes:

- a. the relevant development consent authority;
- b. the local council;
- c. community consultative committee (if required under the development consent) or equivalent consultative group;
- d. affected land holder(s);
- e. government agencies relevant to the Final Land Use;
- f. affected infrastructure authorities (electricity, telecommunications, water, pipeline, road, rail authorities);
- g. local Aboriginal communities; and
- h. any other person or body determined by the Minister to be a relevant stakeholder in relation to this mining lease.

# 5. Part 5 - Rehabilitation Objectives and Completion Criteria

## Explanatory note 4: Rehabilitation Objectives and Completion Criteria

The Rehabilitation Objectives and Completion Criteria approved under the mining lease must be achieved by the lease holder to demonstrate that the approved Final Land Use(s) has been met.

**Rehabilitation Objectives** are defined in the Glossary, which clearly describe the qualities or features of the Final Land Use(s) that must be demonstrated through the rehabilitation process to achieve the Final Land Use(s).

As a minimum, Rehabilitation Objectives must demonstrate that each Final Land Use Domain is safe, stable, non-polluting and sustainable. The lease holder must demonstrate that Rehabilitation Objectives have been met prior to lease relinquishment.

**Completion Criteria** are defined in the Glossary and are objective target levels or values or standards that can be measured to quantitatively demonstrate the progress and ultimate success of a biophysical process. Completion Criteria may also specify the target timeframe to achieve the benchmark value. As such, the Completion Criteria are intended to apply the SMART (specific, measurable, attainable, relevant, timely) criteria to the associated Rehabilitation Objective.

For example, to demonstrate the objective of a stable landform, lease holders may nominate the attribute 'soil loss', and an associated 'benchmark' criterion as the maximum soil loss (tonnes) per hectare.

Lease holders will be required to maintain records that verify rehabilitation methodologies have been implemented during the establishment phases of rehabilitation.

### Consistency with the Development Consent

In many cases, particularly with State Significant Developments, the Rehabilitation Objectives (and sometimes Completion Criteria) are approved in the development consent granted under the *Environmental Planning and Assessment Act 1979*.

The Rehabilitation Objectives and Completion Criteria submitted to the Minister for approval under the condition of a mining lease must reflect (and be consistent with) those approved in the development consent under the *Environmental Planning and Assessment Act 1979*. The Department may expect additional specificity in the Completion Criteria submitted to the Minister as the operations and rehabilitation under the mining lease progress.

For older development consents where Rehabilitation Objectives may be broad and non-specific (or even non-existent), this Code offers the regulatory framework for a lease holder to develop Rehabilitation Objectives and Completion Criteria to meet land use outcomes which are consistent with the development consent and have been agreed to with relevant stakeholders (refer to section 4.3).

Lease holders should be aware that the satisfaction of the Rehabilitation Objectives and Completion Criteria approved under the mining lease, does not guarantee satisfaction of the separate regulatory requirements prescribed through the development consent or other relevant legislation. Consequently, lease holders must consult with all relevant regulators to ensure that their rehabilitation meets the requirements of any other relevant approval, permit and/or authority.

## 5.1 Rehabilitation Objectives and Completion Criteria

This section must specify Rehabilitation Objectives and Completion Criteria for each Final Land Use Domain;

Note: where there are multiple Final Land Uses, Rehabilitation Objectives and Completion Criteria must be detailed for each Final Land Use Domain. This section must:

- a. define the attributes and benchmark values for each completion criterion that will demonstrate that the corresponding rehabilitation objective been achieved;
- b. specify the validation method (records) to demonstrate that each completion criterion has been achieved; and
- c. present the Rehabilitation Objectives and Completion Criteria, validation method, attribute and benchmark values referred to above in tabular form.

The Rehabilitation Objectives and Completion Criteria required by this section must:

- a. be designed to achieve the Final Land Use;
- b. be consistent with any criteria or plan approved under the development consent;
- c. be developed in consultation with the relevant stakeholders; and
- d. apply the SMART criteria (i.e. specific; measurable; achievable; realistic; and time-bound).

Note: **Table 5** provides a template for presenting Rehabilitation Objectives and Completion Criteria, and a suitable verification record for each completion criteria. The Rehabilitation Objectives and Completion Criteria pre-populated in Table 5 are examples only, however may be adopted by lease holders if appropriate.

**Table 5: Rehabilitation Objectives and Completion Criteria**

<b>Final Land Use(s)</b>	<b>Rehabilitation Objective</b>	<b>Completion Criteria</b>	<b>Record</b>
	<i>(Key features or qualities of the final land use that are aligned to requirements for rehabilitation in development consent or title conditions)</i>	<i>(Benchmark value for the attribute to demonstrate that the rehabilitation objective has been met)</i>	<i>(Quality Assurance and/or monitoring record to be kept to demonstrate that the completion criteria was met)</i>
<p>Native Ecosystem or Agricultural Land Use or Other</p> <p><i>Note: Where there are multiple Final Land Use Domains, a set of objectives and completion criteria will need to be developed for each final land use.</i></p>	<p><b>Infrastructure</b></p> <p>All infrastructure that is not required for the final land use is to be removed and the site left safe and free of hazardous materials.</p>	<p>Removal of all services (power, water, communications) that have been connected on the site as part of the exploration program.</p> <p>Removal of all mining plant, equipment and associated infrastructure (including portable offices, ablution facilities, footings and slabs</p> <p>Removal of all water management infrastructure (including pumps, pipes and power).</p>	<p>Statements</p> <p>Photographs</p>
	<p><b>Infrastructure to remain</b></p> <p>All infrastructure that is approved to remain for the final land use is safe and does not pose any hazard to the community.</p>	<p>Potential hazards (e.g. electrical, mechanical) have been effectively isolated.</p> <p>If any underground pipelines are to remain in situ, the location of the infrastructure has been marked on a plan and registered with the relevant local authority (e.g. local Council) and Dial Before You Dig.</p> <p>All retained structures are accepted by the landowner as fit for the approved final land use.</p>	<p>Surveyed and marked on the as-constructed final landform plan.</p> <p>Copy of notification to local Council and Dial Before You Dig.</p> <p>Landholder acceptance letter</p>

<b>Final Land Use(s)</b>	<b>Rehabilitation Objective</b>	<b>Completion Criteria</b>	<b>Record</b>
	<i>(Key features or qualities of the final land use that are aligned to requirements for rehabilitation in development consent or title conditions)</i>	<i>(Benchmark value for the attribute to demonstrate that the rehabilitation objective has been met)</i>	<i>(Quality Assurance and/or monitoring record to be kept to demonstrate that the completion criteria was met)</i>
	<p><b>Land and water contamination</b></p> <p>There is no residual soil contamination on site that is incompatible with intended land use or that poses a threat of environmental harm.</p>	<p>There are no visible signs of contamination following the removal of plant, equipment and materials.</p> <p>Any contamination has been appropriately remediated in accordance with legislative requirements for the intended land use.</p> <p>Retained dams are decontaminated in accordance with regulatory requirements</p> <p>Surface layer is free of any hazardous materials.</p>	<p>Site contamination report</p> <p>Lease holder statement</p> <p>Photographic records</p> <p>Waste facility receipts</p>
	<p><b>Landform stability</b></p> <p>The final landform is stable and does not present a risk of environmental harm downstream of the site or a safety risk to the public/stock/native fauna.</p>	<p>Any erosion is minimal no ongoing management and maintenance works.</p> <p>No evidence of active gully erosion.</p> <p>No evidence of excessive sediment build-up at the toe of slopes.</p> <p>No evidence of tunnel erosion.</p> <p>No active rilling. Any rill erosion is limited to isolated areas and no more than 200 mm deep.</p>	<p>Visual inspection records</p> <p>Photograph series from photo points</p> <p>Erosion surveys</p> <p>Specialist consultant assessment reports</p> <p>Borehole sealing records</p>

Final Land Use(s)	Rehabilitation Objective	Completion Criteria	Record
	<i>(Key features or qualities of the final land use that are aligned to requirements for rehabilitation in development consent or title conditions)</i>	<i>(Benchmark value for the attribute to demonstrate that the rehabilitation objective has been met)</i>	<i>(Quality Assurance and/or monitoring record to be kept to demonstrate that the completion criteria was met)</i>
		<p>No evidence of active scouring where the runoff from rehabilitation areas discharges into natural channels.</p> <p>Any boreholes on the mining lease have been sealed in accordance with the Department's guidelines and verified by a suitably qualified person.</p>	
	<p><b>Landform stability</b></p> <p>Final landform is suitable for final land use and compatible with surrounding landscape.</p>	<p>Where the landform exceeds 10 degrees, a geotechnical assessment undertaken by a suitably qualified person concludes that the landform is stable and suitable for the final land use objective.</p> <p>Contour / diversion banks are stable and there is no evidence of overtopping or significant scouring as a result of runoff.</p> <p>Final voids are walls are battered to slopes less than 18 degrees.</p> <p>Final void high walls are fenced to a standard suitable for the final land use.</p>	<p>Geotechnical assessment</p> <p>As constructed survey report</p> <p>Erosion surveys</p>

Final Land Use(s)	Rehabilitation Objective	Completion Criteria	Record
	<i>(Key features or qualities of the final land use that are aligned to requirements for rehabilitation in development consent or title conditions)</i>	<i>(Benchmark value for the attribute to demonstrate that the rehabilitation objective has been met)</i>	<i>(Quality Assurance and/or monitoring record to be kept to demonstrate that the completion criteria was met)</i>
	<p><b>Water quality</b></p> <p>Runoff water quality is similar to, or better than, the pre-disturbance runoff water quality.</p>	<p>Runoff water quality from rehabilitation areas represent an acceptable level of change from a defined reference condition (refer to Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000).</p> <p>Water quality in retained dams is suitable for the final land use.</p>	<p>Upstream and downstream water quality monitoring records</p> <p>Dam water quality monitoring records</p>
	<p><b>Native revegetation</b></p> <p>Revegetation is sustainable for the long term, and only requires maintenance that is consistent with the intended final land use.</p>	<p>Topsoil or (a suitable soil substitute) has been applied to rehabilitation areas in a manner that is suitable for the final land use.</p> <p>Native vegetation areas contain flora species assemblages characteristic of species found within the region and will provide fauna habitat value in the future.</p> <p>Monitoring demonstrates that more than 75% of trees are healthy and growing.</p> <p>Monitoring demonstrates that vegetation and/or leaf litter cover is adequate to minimize soil erosion.</p>	<p>Statements</p> <p>Before / after photographs</p> <p>Rehabilitation monitoring reports</p>

<b>Final Land Use(s)</b>	<b>Rehabilitation Objective</b>	<b>Completion Criteria</b>	<b>Record</b>
	<i>(Key features or qualities of the final land use that are aligned to requirements for rehabilitation in development consent or title conditions)</i>	<i>(Benchmark value for the attribute to demonstrate that the rehabilitation objective has been met)</i>	<i>(Quality Assurance and/or monitoring record to be kept to demonstrate that the completion criteria was met)</i>
		Weeds do not comprise a significant proportion of species in any stratum.	

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## 6. Part 6 - Rehabilitation Monitoring Program

This part must include a Rehabilitation Monitoring Program that addresses the requirements set out in sections 6.1 and 6.2.

### Explanatory note 5: Rehabilitation Monitoring Program

A Rehabilitation Monitoring Program is required to be developed and implemented to evaluate the progress of rehabilitation towards fulfilling Rehabilitation Objectives and Completion Criteria (including non-disturbed areas for reference (analogue) sites).

The scope of the monitoring program should be “fit for purpose”, i.e. reflect the:

- identified risks to rehabilitation associated with the operation;
- Final Land Use obligations; and
- development consent conditions and commitments.

In designing a Rehabilitation Monitoring Program, a lease holder should select the most appropriate indicators and monitoring methods that:

- align the monitoring program with the nominated rehabilitation objectives and completion criteria;
- are relatively simple to measure and are reproducible; and
- are effective for tracking rehabilitation progress, or regression and potential risks.

The design of the monitoring program should be flexible enough to:

- incorporate industry accepted techniques and / or expert recommendations to address any emerging issues; and
- assess any new or refined rehabilitation completion criteria that are proposed as a result of rehabilitation and/or analogue site monitoring.

The frequency of monitoring will depend on site-specific circumstances and the selected monitoring methodology. As a guide, the frequency of monitoring will be more intense immediately following rehabilitation until such time that there is adequate ground cover or adequate species establishment.

As a minimum, annual monitoring must be undertaken in accordance with the requirements set out in the Annual Rehabilitation Report and Forward Program.

## 6.1 Rehabilitation Establishment Monitoring

This section must document the inspection regime that will be implemented following the completion of each rehabilitation phase.

This section must also include appropriate monitoring parameters and methods that will:

- enable early identification of actual or emerging issues that have the potential to delay revegetation establishment;
- identify if triggers have been met for preventative or mitigation controls to minimise the impacts of emerging issues and risks to rehabilitation; and
- provide data that may inform continuous improvement of rehabilitation methods.

## 6.2 Measuring Performance against Rehabilitation Objectives and Completion Criteria

This section must assess performance against the approved Rehabilitation Objectives and Completion Criteria, and ultimately demonstrate that Rehabilitation Objectives and Completion Criteria have been met.

Monitoring parameters in the Rehabilitation Monitoring Program must be aligned to the Completion Criteria, specifically the performance indices. Where Completion Criteria have not yet been developed based on suitable reference (analogue) benchmark data, the Rehabilitation Monitoring Program must also include baseline monitoring that is to be undertaken on non-mined areas nominated as reference sites, including justification for the site(s) selection with respect to the Final Land Use(s) for rehabilitation areas.

This section must also detail the monitoring activities (such as inspections) undertaken following the completion of key rehabilitation steps and Rehabilitation Phases.

The Rehabilitation Monitoring Program must be designed to ensure that collection and analysis of data is undertaken in a robust and statistically valid manner. The Rehabilitation Management Plan must identify how rehabilitation monitoring data will be used to assess rehabilitation performance by identifying developing trends on areas undergoing rehabilitation, and whether rehabilitation is on a trajectory toward success or at risk of failure.

## 7. *Part 7 - Review and Implementation*

This part must describe the triggers for reviewing and revising the Rehabilitation Management Plan and the process for document management. The lease holder must include (in tabular form):

- all statutory triggers for reviewing the Rehabilitation Management Plan in accordance with the development consent conditions, mining leases, and other regulatory requirements and statutory approvals; and
- the process for ensuring that mining and rehabilitation activities are being conducted in accordance with the Rehabilitation Management Plan.

This part must also identify (in tabular form) the personnel (or position titles) for the individuals responsible for the implementation, review and revision of the Rehabilitation Management Plan.

# Glossary

Term	Definition
Active	In the context of rehabilitation, land associated with mining domains is considered 'active' for the period following disturbance until the commencement of rehabilitation.
Annual Rehabilitation Report	A report that sets out the rehabilitation carried out for the Land in the previous 12-month period and is prepared in accordance with the <i>Code of Practice Annual Rehabilitation Report and Forward Program</i> .
Annual Rehabilitation Report and Forward Program Code	means: <ul style="list-style-type: none"> <li>• for a Small Mine – the <i>Code of Practice: Annual Rehabilitation Report and Forward Program for Small Mines</i>; or</li> <li>• for a Large Mine – the <i>Code of Practice: Annual Rehabilitation Report and Forward Program for Large Mines</i>.</li> </ul>
Biodiversity offset	Land secured and managed for the protection and enhancement of biodiversity values. The biodiversity offsets scheme is set out in Section 6.2 of the <i>Biodiversity Conservation Act 2016</i> .
Biological resources	<p>In biology and ecology, a substance that is required by an organism for normal growth, maintenance or reproduction.</p> <p>In the context of rehabilitation, biological resources are those materials salvaged from the land, or sourced externally, that are used to enhance the biological and ecological functioning of a rehabilitated site.</p> <p>Includes topsoil and subsoils, woody or vegetative materials, rocks and nesting structures.</p>
Completion criteria	<p>Defined in the mining lease conditions. Objective target levels, or values, or standards contained in the Rehabilitation Management Plan that are measured to quantitatively demonstrate the progress and ultimate success of rehabilitation.</p> <p>For further description, these are the attributes (indicators) and target values (typically numerical) that must be achieved to demonstrate that rehabilitation objectives have been met prior to the</p>

Term	Definition
	relinquishment of a mining lease. They may include an element based on time.
Conservation Agreement	An agreement made under section 305 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth).
Conservation Area	A defined area on a mining lease that is set aside for conservation and is not disturbed by the mining process.
Decommissioning	The process of removing mining infrastructure and removing contaminants and hazardous materials.
Department	The Department of Planning and Environment.
Disturbance	See Surface Disturbance
Disturbance area	<p>An area that has been disturbed for mining related activities, requiring rehabilitation to be suitable for approved Final Land Use.</p> <p>Includes on-licence exploration areas, stripped areas ahead of mining, infrastructure areas, water management infrastructure, sewage treatment facilities, topsoil stockpile areas, access tracks and haul roads, active mining areas, waste emplacements (active/unshaped/in or out-of-pit), tailings dams (active/unshaped/uncapped) and temporary stabilised areas (e.g. temporary rehabilitation).</p>
Domain	A land management unit usually with similar geophysical characteristics.
Drilling	The perforation of the earth's surface crust by mechanical means, whether the hole caused by the perforation is vertical, inclined or horizontal, and includes all operations for preventing collapse of the sides of any such hole or for preventing it from being filled with extraneous materials including water.
Ecosystem and Land Use Development	The process of managing maturing rehabilitation areas on a trajectory toward meeting the approved Rehabilitation Objectives and Completion Criteria.
Ecosystem and Land Use Establishment	The process of establishing the Final Land Use following construction of the final landform. For vegetated land uses this rehabilitation phase includes establishing the desired vegetation

Term	Definition
	community and implementing land management activities such as weed control.
Environment Protection Licence (EPL)	Has the same meaning as that term under the <i>Protection of the Environment Operations Act 1997</i> .
Exploration	Has the same meaning as that term under the <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> .
Fauna	Has the same meaning as that term under the <i>National Parks and Wildlife Act 1974</i> .
Final Land Use	Refer to mining lease conditions. In simple terms, it is the final post-mining land form/s and land use/s following completion of all rehabilitation.
Final Land Use Domains	<p>A land management unit characterised by a discrete or specific Final Land Use.</p> <p>Examples of Final Land Use Domain(s) include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Native Ecosystem;</li> <li>• Agricultural – Grazing;</li> <li>• Agricultural – Cropping;</li> <li>• Biophysical Strategic Agricultural Land (BSAL)</li> <li>• Rehabilitation area as a Biodiversity Offset;</li> <li>• Industrial;</li> <li>• Water Management Areas;</li> <li>• Water Storage (Excluding Final Void);</li> <li>• Heritage Area;</li> <li>• Infrastructure; and</li> <li>• Final Void.</li> </ul>
Forward Program	Means a program that specifies all rehabilitation, monitoring and related activities to be carried out on, in, under or over the Land for the next 3 years that is prepared in accordance with the <i>Code of Practice Annual Rehabilitation Report and Forward Program</i> .
Growth Medium Development	The establishment of the physical, chemical and biological components of the substrate required to establish the desired vegetation community (including short lived pioneer species). (For example, development of a productive, self-sustaining soil profile).

Term	Definition
Habitat	Has the same meaning as that term under the <i>Biodiversity Conservation Act 2016</i> and the <i>Fisheries Management Act 1994</i> (as relevant).
Land	Refer to the mining lease conditions.  In simple terms, it is the land and water located in the area described in Schedule 1 of a mining lease.
Landform Establishment	The process of constructing the final landform surface profile.
Large mine	A mine which requires an Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i> .
Mining Domain	Defined in the mining lease conditions as a land management unit with a discrete operational function (e.g. overburden emplacement), and therefore similar geophysical characteristics, that will require specific rehabilitation treatments to achieve the Final Land Use(s).
Minister	The Minister administering the <i>Mining Act 1992</i> .
Native vegetation	Has the same meaning as that term under section 60B of the <i>Local Land Services Act 2013</i> .
Overburden	Material overlying coal or a mineral deposit.
Phase of rehabilitation	Defined in the mining lease conditions as the successive stages of rehabilitation specified in Part 8 of the Code of Practice for Rehabilitation Management Plan Code.  By way of further description, a phase of rehabilitation is a logical step in the process of achieving the Final Land Use. Phases are successive and generally require demonstrated completion of an earlier phase before the next stage can be commenced. Phases of mining include active mining, decommissioning, landform establishment, growth medium development, ecosystem and land use establishment, ecosystem and land use development and relinquished lands.
Progress	A description of where mining and rehabilitation are in relation to meeting completion criteria for closure. This may be described in terms of domains, phases, performance indicators and completion criteria.

Term	Definition
Progressively Rehabilitated	Defined in the mining lease conditions. Means that the rehabilitation of the Land is carried out as soon as practicable following surface disturbance, so that that part of the Land progresses through the phases of rehabilitation in a timely manner to achieve the Final Land Use.
Rehabilitation Completion	The final phase of rehabilitation where all approved Rehabilitation Objectives and Completion Criteria for the intended Final Land Use are met (verified by records).
Rehabilitation cost estimate	The estimate of the cost to rehabilitate all liabilities and obligations associated with a mining lease, and other relevant legislative requirements, at a nominated point in time.
Rehabilitation Management Plan	A plan that sets out the overarching framework for rehabilitation planning and implementation for the Land that is prepared in accordance with the <i>Rehabilitation Management Plan Code</i> .
Rehabilitation Management Plan Code	means: <ul style="list-style-type: none"> <li>• for a Small Mine – the <i>Code of Practice: Rehabilitation Management Plan for Small Mines</i>, or</li> <li>• for a Large Mine – the <i>Code of Practice: Rehabilitation Management Plan for Large Mines</i>.</li> </ul>
Rehabilitation Objectives	Defined in the mining lease conditions as objectives contained in the Rehabilitation Management Plan that describe the qualities or features of the Final Land Use Domains that must be demonstrated through the rehabilitation process to achieve the Final Land Use.  For further description, these may include environmental, social and economic outcomes. They may be described in terms of Final Land Use, biodiversity values, conservation values, health and safety outcomes, aesthetics or social outcomes or combinations of these. The Rehabilitation Objectives must be consistent with any rehabilitation objectives approved in the development consent.
Rehabilitation Phases	Refer to Phases of Rehabilitation
Rehabilitation Schedule	The defined timeframes for progressive rehabilitation set out in the Forward Program.

Term	Definition
Relevant stakeholders	<p>Means persons or bodies who may be affected by the activities carried out on the land, and includes:</p> <ul style="list-style-type: none"> <li>i. the relevant development consent authority;</li> <li>j. the local council;</li> <li>k. community consultative committee (if required under the development consent) or equivalent consultative group;</li> <li>l. affected land holder(s);</li> <li>m. government agencies relevant to the Final Land Use;</li> <li>n. affected infrastructure authorities (electricity, telecommunications, water, pipeline, road, rail authorities);</li> <li>o. local Aboriginal communities; and</li> <li>p. any other person or body determined by the Minister to be a relevant stakeholder in relation to a mining lease.</li> </ul>
Risk	The chance of something happening that will have an impact upon objectives. It is measured in terms of consequences and likelihood (AS/NZS ISO 31000:2009).
(risk) control	A measure (process, device practice or action) that modifies a risk.
River	Has the same meaning as that term under the <i>Water Management Act 2000</i> .
Security deposit	An amount that a mining lease holder is required to provide and maintain under a mining lease condition, to secure funding for the fulfilment of obligations under the lease (including obligations under that may arise in the future).
Small mine	A mine which does not require an Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i> .
State significant development (SSD)	<p>Has the same meaning as that term under the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Note: Schedules 1 and 2 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i> provide a full list of SSD types and identified sites. Large mining and extraction operations (including all coal mines) are identified as SSD.</p>
Surface Disturbance	<p>Defined in the mining lease conditions as any disturbance of any part of the Land arising from activities under this lease.</p> <p>Examples of surface disturbance include:</p>

Term	Definition
	<ul style="list-style-type: none"> <li>disturbance, exposure, or covering of the surface of the land in any manner for any mining related purpose or as a result of any activities carried out under the lease; and</li> <li>the degradation or deterioration in any manner of the physical surface of the land caused by any activities carried out under the lease.</li> </ul>
Tailings	A combination of the fine grained solid material remaining after the recoverable metals and minerals have been extracted from the mined ore, and any process water <sup>2</sup> .
Temporary stabilisation	The short-term stabilisation and vegetation of an area that is intended to be utilised in the future as an active mine site. It is to be treated as an active mine site for reporting purposes.
Lease holder	The holder of a mining lease.
Waste	Has the same meaning as that term under the <i>Protection of the Environment Operations Act 1997</i> .

<sup>2</sup> Commonwealth of Australia (DITR), 2007. *Tailings Management*.

# Appendix 1. Further Reading

- Australian Government, Department of Industry, Innovation and Science 2016: Leading Practice Sustainable Development Program for the Mining Industry – Mine Rehabilitation
- Australian Government, Department of Industry, Innovation and Science 2016: Leading Practice Sustainable Development Program for the Mining Industry – Mine Closure and Completion
- Australian Government, Department of Industry, Innovation and Science 2016: Leading Practice Sustainable Development Program for the Mining Industry – Hazardous Materials Management
- Australian Government, Department of Industry, Innovation and Science 2016: Leading Practice Sustainable Development Program for the Mining Industry – Biodiversity Management
- Australian Government, Department of Industry, Innovation and Science 2016: Leading Practice Sustainable Development Program for the Mining Industry – Managing Acid and Metalliferous Drainage
- Australian Government, Department of Industry, Innovation and Science 2016: Leading Practice Sustainable Development Program for the Mining Industry – Tailings Management
- Australian Government, Department of Industry, Innovation and Science 2016: Leading Practice Sustainable Development Program for the Mining Industry – Cyanide Management Australian Government, Department of Industry, Innovation and Science 2016: Leading Practice Sustainable Development Program for the Mining Industry – Evaluating Performance: Monitoring and Auditing
- Australian National Committee on Large Dams Incorporated (ANCOLD) 2012: Guidelines on Tailings Dams – Planning, Design, Construction, Operation and Closure
- Gullison, R.E, J. Hardner, S. Anstee, M. Meyer. 2015: Good Practices for the Collection of Biodiversity Baseline Data. Prepared for the Multilateral Financing Institutions Biodiversity Working Group & Cross-Sector Biodiversity Initiative
- Ian D. Rutherford, Kathryn Jerie and Nicholas Marsh (2000). A Rehabilitation Manual for Australian Steams. Cooperative Research Centre for Catchment Hydrology. Land and Water Resources Research and Development Corporation 2000.
- International Council on Mining and Metals January 2011: Planning for Integrated Mine Closure: Tool Kit
- Landcom 2004a: Managing Urban Stormwater: Soils and Construction
- Landcom 2004b: Managing Urban Stormwater: Soils and Construction Volume 2E, Mines and Quarries
- P. Cottingham, N. Bond, P.S. Lake, A. Arthington & D. Outhet (2005) Recent Lessons on Riverine Rehabilitation in Eastern Australia. Cooperative Research Centre for Freshwater Ecology, Canberra.

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