

# PROPOSED STANDARD MINING LEASE CONDITIONS

## (Environmental Management, Protection and Rehabilitation)

This document has been prepared for consultation purposes only and may not reflect the final standard conditions for mining leases. It contains proposed standard conditions relating to environmental management, protection and rehabilitation only.

### Information about this lease

- Note that in accordance with clause 7 (3) of Schedule 1B to the *Mining Act 1992*, any obligation imposed on the lease holder in relation to environmental management, protection and rehabilitation continues to have effect despite any cancellation of this lease or it ceasing to have effect, and can be imposed despite anything to the contrary in section 4.50 of the *Environmental Planning and Assessment Act 1979*.
- The lease holder has the obligation to comply with the conditions of this lease. Section 378D (1) of the *Mining Act 1992* provides that if a condition of a mining lease is contravened by any person, the holder of the lease is guilty of an offence.

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### INTERPRETATION

1. Words used in this lease that are defined in the Dictionary have the meanings set out in the Dictionary.
2. Unless otherwise defined in the Dictionary, words in this lease have the same meaning given to them under the *Mining Act 1992* and *Mining Regulation 2016*.
3. If there is any inconsistency between the conditions of this lease and any code, guideline, protocol, standard or policy made under the *Mining Act 1992*, the conditions of this lease prevail.
4. A reference to a code, guideline, protocol, standard or policy, is a reference to the most recent version of that document, as amended or replaced from time to time.
5. Once accepted or approved by the Minister, amended plans, reports or programs supersede the previous versions of the relevant plan, report or program, and must be implemented in accordance with this lease.

### DICTIONARY

**Annual Rehabilitation Report** means 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 *Annual Rehabilitation Report and Forward Program Code*.

**Annual Rehabilitation Report and Forward Program Code** means:

- for a Small Mine – the *Code of Practice: Annual Rehabilitation Report and Forward Program – Small Mines*; or
- for a Large Mine – the *Code of Practice: Annual Rehabilitation Report and Forward Program – Large Mines*.



**Completion Criteria** means the 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.

Note: The completion criteria must be consistent with any completion criteria approved in the Development Consent.

**Development Consent** means the relevant development consent or consents granted under the *Environmental Planning and Assessment Act 1979* to which this lease relates.

**Environmental incident notification or report** means any notification or report provided to a relevant authority under Part 5.7 or Part 5.7A of the *Protection of the Environment Operations Act 1997*.

**Final Land Use** means the final landform(s) and land use(s) of the Land following completion of all rehabilitation that is:

- a. if the Development Consent contains conditions relating to final landform(s) and land use(s) – in accordance with the Development Consent in respect of a mine located on the Land and as set out in the Rehabilitation Management Plan; or
- b. if the Development Consent does not contain conditions relating to final landform(s) and land use(s) and there is no requirement under the *Environmental Planning and Assessment Act* for the final landform(s) and land use(s) to be authorised by a development consent – as set out in the Rehabilitation Management Plan.

Note: As rehabilitation is carried out, each mining domain will progress through the phases of rehabilitation before reaching the Final Land Use. Final Land Use is demonstrated by achievement of all Rehabilitation Objectives and Completion Criteria specified in the mine's Rehabilitation Management Plan. Any final land use set out in the Rehabilitation Management Plan must be consistent with the Development Consent. Where the Development Consent does not specify the final land use and no further development consent is required, the Rehabilitation Management Plan establishes the process to determine it.

**Final Land Use Domain** means a land management unit characterised by a discrete or specific Final Land Use.

**Final Landform and Rehabilitation Plan** means the spatial depiction of the final land use and final land form at the end of mine life contained in the Rehabilitation Management Plan for a Large Mine, which is used as the basis for the development of the Rehabilitation Objectives and Completion Criteria.

**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 *Annual Rehabilitation Report and Forward Program Code*.

**Harm to the environment** has the same meaning as under the *Protection of the Environment Operations Act 1997*.

**Land** means the land and water located in the area described in Schedule 1 of this lease.

**Large Mine** means a mine which requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

**Minister** means the Minister administering the *Mining Act 1992*.

**Ore** means a naturally occurring mineral, or material from which a metal or valuable mineral can be extracted.

**Phases of rehabilitation** means the successive stages of rehabilitation specified in Part 8 of the *Rehabilitation Management Plan Code*.

**Progressively rehabilitated** 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 Management Plan** means a plan that sets out the overarching framework for planning and implementing rehabilitation activities for the Land that is prepared in accordance with the *Rehabilitation Management Plan Code*.

**Rehabilitation Management Plan Code** means:

- for a Small Mine – the *Code of Practice: Rehabilitation Management Plan Code – Small Mines*, or
- for a Large Mine – the *Code of Practice: Rehabilitation Management Plan Code – Large Mines*.

**Rehabilitation Objectives** means 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.

Note: The Rehabilitation Objectives for the Land will be identified in the Rehabilitation Management Plan. They may include environmental, social and economic outcomes and 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.

**Small Mine** means a mine which does not require an environment protection licence under the *Protection of the Environment Operations Act 1997*.

**Surface disturbance** means any disturbance of any part of the Land arising from activities under this lease.

**The following conditions are proposed in relation to environmental management, protection and rehabilitation.**

### **1. PROTECTION OF THE ENVIRONMENT**

- 1.1 All reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any harm to the environment that may result from any activities carried out (or purportedly carried out) under this lease (whether or not such activities are authorised by this lease).

### **2. REHABILITATION**

- 2.1 Surface disturbance must be progressively rehabilitated, unless otherwise approved by the Minister in the Forward Program.

*Note: Refer to Condition 5 - Annual Rehabilitation Report and Forward Program.*

- 2.2 The lease holder must achieve the Final Land Use.

### **3. REHABILITATION RISK ASSESSMENT**

- 3.1 A Rehabilitation Risk Assessment must be conducted at the following times:
- a. before each submission of a Rehabilitation Management Plan under condition 4.1; and
  - b. at all other times as directed by the Minister.
- 3.2 The Rehabilitation Risk Assessment must:
- a. assess and evaluate the potential risks to achieving the Rehabilitation Objectives, Completion Criteria and Final Land Use; and
  - b. identify all specific measures to be implemented to mitigate those risks.

*Note: Refer to "Guideline 1: Rehabilitation Risk Assessment".*

### **4. REHABILITATION MANAGEMENT PLAN**

- 4.1 A Rehabilitation Management Plan must be submitted to the Minister at the following times:
- a. before commencing initial surface disturbance;
  - b. unless otherwise approved by the Minister in writing:
    - i. every 5 years from the date of submission of the Rehabilitation Management Plan under condition 4.1(a);
    - ii. at least 3 months before final cessation of the extraction of ore from the Land; and
    - iii. if the Development Consent requires an Extraction Management Plan, concurrently with the submission of any Extraction Management Plan;

- c. within 30 days of the date mining operations are suspended in accordance with a written consent from the Minister for that suspension (clause 7A of Schedule 1B of the *Mining Act 1992*); and
  - d. at all other times as directed by the Minister.
- 4.2 All Rehabilitation Management Plans submitted under condition 4.1 must be prepared in accordance with the mandatory requirements in the *Rehabilitation Management Plan Code*.
- 4.3 The lease holder must obtain the Minister's approval for the following components of a Rehabilitation Management Plan:
  - a. for a Small Mine – the Rehabilitation Objectives and Completion Criteria; or
  - b. for a Large Mine – the Rehabilitation Objectives, Completion Criteria, and Final Landform and Rehabilitation Plan,no later than 3 months after the submission of the first Rehabilitation Management Plan and then no later than 3 months after each subsequent submission of the Rehabilitation Management Plan, or by any other date as directed by the Minister:
- 4.4 All Rehabilitation Management Plans submitted under condition 4.1 must address all risks identified in the most recent Rehabilitation Risk Assessment conducted under condition 3.
- 4.5 The lease holder must implement all actions and measures contained in a Rehabilitation Management Plan.
- 4.6 The lease holder must achieve all Rehabilitation Objectives, Completion Criteria and any relevant Final Landform and Rehabilitation Plan contained in the Rehabilitation Management Plan.

## **5. ANNUAL REHABILITATION REPORT AND FORWARD PROGRAM**

- 5.1 Unless otherwise approved in writing by the Minister, an Annual Rehabilitation Report and Forward Program must be submitted to the Minister at the following times:
  - a. on or before XX date and then on the anniversary of that date for the term of the lease;
  - b. within 30 days of the date mining operations are suspended in accordance with a written consent from the Minister for that suspension (clause 7A of Schedule 1B of the *Mining Act 1992*); and
  - c. at all other times as directed by the Minister.

*Note: The lease holder may nominate the preferred annual reporting submission date.*

- 5.2 All Annual Rehabilitation Reports and Forward Programs submitted under condition 5.1 must be prepared in accordance with the mandatory requirements in the *Annual Rehabilitation Report and Forward Program Code*.

- 5.3 The lease holder must obtain the Minister's approval for a Forward Program no later than 3 months after the date of submission of the first Annual Rehabilitation Report and Forward Program, and at all times after obtaining that approval have a Forward Program approved by the Minister.
- 5.4 All Annual Rehabilitation Reports and Forward Programs submitted under condition 5.1 must address all risks identified in the most recent Rehabilitation Risk Assessment conducted under condition 3.1.
- 5.5 The lease holder must implement all actions and measures contained in the Forward Program approved by the Minister.

## **6. RECORDS**

- 6.1 Records must be kept and maintained in accordance with Section 163E of the *Mining Act 1992* to demonstrate compliance with all conditions of this lease (including all relevant conditions imposed under the *Mining Act 1992*).

*Note: Refer to "Guideline 2: Rehabilitation Records".*

## **7. AMENDMENT**

- 7.1 When the lease holder is directed by the Minister, any document prepared or submitted in accordance with this lease must be amended in the time and manner specified by the Minister and to the satisfaction of the Minister.
- 7.2 The lease holder may seek amendment of any document prepared and submitted in accordance with this lease. Any requested amendment must satisfy the requirements of the relevant condition under which the document was first prepared and submitted.

## **8. ASSESSABLE PROSPECTING OPERATION**

- 8.1 The lease holder must not carry out any assessable prospecting operation that is not approved under a development consent without the written approval of the Minister.

## **9. NON-COMPLIANCE AND ENVIRONMENTAL INCIDENT REPORTING**

- 9.1 The lease holder must notify the Department upon becoming aware of any breaches of the conditions of this mining lease or breaches of the *Mining Act 1992* or *Mining Regulation 2016*.
- 9.2 Notifications under condition 9.1 must be provided in the form and manner approved by the Minister no later than 7 days of the lease holder becoming aware of the breach.

- 9.3 A copy of any environmental incident notification or report relating to the Land must be provided to the Minister in the form and manner approved by the Minister no later than 7 days after the notification or report was provided to the relevant authority under the *Protection of the Environment Operations Act 1997*.

## **10. SECURITY DEPOSIT**

- 10.1 A security deposit must be provided and maintained to secure funding for the fulfilment of obligations under this lease (including obligations that may arise in the future) as follows:
- a. Amount: \$ [insert]
  - b. To be paid: [by insert DD MM YYYY/ within XX days of the grant of this lease].

### ***Alternative for holders of multiple authorisations (group security deposit):***

A group security deposit must be provided and maintained to secure funding for the fulfilment of obligations under this lease (including obligations that may arise in the future) as follows:

- a. Amount: \$ [insert]
- b. To be paid: [by insert DD MM YYYY/ within XX days of the grant of this lease].
- c. Other authorisations in the group: [insert].

## **11. NOTICE OF MODIFICATION OF DEVELOPMENT CONSENT OR NEW APPLICATION**

- 11.1 The lease holder must notify the Minister in the form and manner approved by the Minister, as soon as reasonably practicable and not more than 10 days after the date of:
- a. lodgement of an application to modify the Development Consent;
  - b. lodgement of a new application for development consent in respect of the Land;
  - c. notification of the determination of a proposed modification to the Development Consent by the relevant consent authority; and
  - d. notification of the determination of a new application for development consent by the relevant consent authority in respect of the Land.

## **12. CONTACT DETAILS**

- 12.1 The lease holder must provide and keep updated, in the form and manner approved by the Minister, the name and contact details of the person or position nominated by the lease holder to be the point of contact in relation to all matters arising under this lease.

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Environmental Sustainability Unit, Resources Regulator  
PO Box 344,  
Hunter Region Mail Centre NSW 2310

E: [minres.environment@planning.nsw.gov.au](mailto:minres.environment@planning.nsw.gov.au) | W: [www.resourcesandenergy.nsw.gov.au](http://www.resourcesandenergy.nsw.gov.au)

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