

SUMMARY TABLE

Obligations for lease holders under the new rehabilitation conditions

AUGUST 2021

CONDITION	APPLICABLE TO?	WHEN?	PREPARED	SUBMITTED	APPROVED	CLAUSE
Standard conditions of mining leases	All mining leases	New mining leases: 2 July 2021 Existing mining leases: - Large mines: 2 July 2022 - Small mines: 2 July 2023	n/a	n/a	n/a	Schedule 1. Clause 31A
Prevent or minimise harm to environment	All mining leases	After disturbance of the surface of the mining area	n/a	n/a	n/a	Schedule 8A. Clause 4
Rehabilitation must occur as soon as reasonably practicable	All mining leases	As soon as reasonably practicable after disturbance of the surface of the mining area by activities under the mining lease	n/a	n/a	n/a	Schedule 8A. Clause 5
Rehabilitation must achieve final land use	All mining leases	After disturbance of the surface of the mining area, noting that rehabilitation must occur as soon as reasonably practicable as required by Schedule 8A, Clause 5	n/a	n/a	n/a	Schedule 8A. Clause 6

CONDITION	APPLICABLE TO?	WHEN?	PREPARED	SUBMITTED	APPROVED	CLAUSE
Rehabilitation risk assessment	All mining leases	<p>Large mines – before preparing rehabilitation management plan, which includes subsequent amendments</p> <p>Small mines – before preparing rehabilitation outcome documents</p> <p>All mines – as soon as reasonably practicable after a hazard is identified under cl 6(3)</p> <p>When directed by Secretary</p>	Yes	No	No	Schedule 8A. Clauses 7(1) and 7(3)
Implement risk control measures	All mining leases	After first disturbance and ongoing in relation to the various phases ¹ of rehabilitation occurring across the mining lease at any given time	Yes	No	No	Schedule 8A. Clause 7(2)

¹ Phases of rehabilitation – refer to the glossary in *Guideline: Rehabilitation risk assessment* as published on the Resources Regulator’s website

CONDITION	APPLICABLE TO?	WHEN?	PREPARED	SUBMITTED	APPROVED	CLAUSE
Rehabilitation management plan	Large mines where the deposit is more than the minimum deposit prescribed under s 261BF of the Act (i.e. \$10,000) - unless the Secretary otherwise directs	<p>For new mines</p> <p>When surface of the mining area is disturbed by activities under the mining lease, which has triggered the required security deposit to be more than the minimum deposit</p> <p>or as directed by the Secretary</p> <p>For existing mines where security deposit is already above the minimum deposit</p> <p>Within 30 days (or other period approved by the Secretary) after this Division first applies to the mining lease (i.e. 1 August 2022 for large mines)</p> <p>or within 30 days to substitute the proposed version of a rehabilitation outcome document with the version approved by the Secretary (refer to Schedule 8A, Clauses 12, 14, 15)</p> <p>or within 30 days as a consequence of an amendment made under clause 14 to a rehabilitation outcome document</p> <p>or as soon as reasonably practicable after a rehabilitation risk assessment is conducted to reflect any changes to risk control measures</p> <p>or as directed by the Secretary</p>	Yes – in the form and way approved by the Secretary	No Must be published on the lease holder’s website or a copy made available on request	No	Schedule 8A. Clauses 8, 10, 11(a) – 11(d), 15(1)(a), 15(6) and 16

CONDITION	APPLICABLE TO?	WHEN?	PREPARED	SUBMITTED	APPROVED	CLAUSE
Rehabilitation outcome documents - rehabilitation objectives statement	All mines where the deposit is more than the minimum deposit prescribed under s 261BF of the Act (i.e. \$10,000) - unless the Secretary otherwise directs	<p>For new mines</p> <p>When surface of the mining area is disturbed by activities under the mining lease, which has triggered the required security deposit to be more than the minimum deposit</p> <p>or as directed by the Secretary</p> <p>For existing mines where security deposit required is already above the minimum deposit</p> <p>Within 30 days (or other period approved by the Secretary) after this Division first applies to the mining lease (i.e. 1 August 2022 for large mines and 1 August 2023 for small mines)</p> <p>or as directed by the Secretary</p> <p>and updated within 60 days after a non-State significant development consent² is modified following an application under cl20(1)(b) or a later date approved by the Secretary</p>	Yes – in the form and way approved by the Secretary	Yes – when prepared	Yes – when submitted. Where approval has not been granted by the Secretary, a proposed version of the document must be included in the Rehabilitation Management Plan (for large mines) as per Schedule 8A, Clause 10(2)	Schedule 8A, 8. Clauses 8, 12(1)(a), 15(1)(b), 15(4) and 15(6)

² Noting that Schedule 8A, Clause 12(2) requires that rehabilitation outcome documents are consistent with a final land use required by a condition of development consent. As such, a holder of a mining lease (including State Significant Development Projects) will need to apply to the Secretary to amend an approved rehabilitation outcome document in accordance with Schedule 8A, Clause 14(2)(b) to reflect any amendments to the final land use as specified by a modified development consent as a means to comply with Schedule 8A, Clause 12(2).

CONDITION	APPLICABLE TO?	WHEN?	PREPARED	SUBMITTED	APPROVED	CLAUSE
Rehabilitation outcome documents - rehabilitation completion criteria statement	All mines where the deposit is more than the minimum deposit prescribed under s 261BF of the Act (i.e. \$10,000) - unless the Secretary otherwise directs	<p>For new mines</p> <p>Prepared when surface of the mining area is disturbed by activities under the mining lease, which has triggered the required security deposit to be more than the minimum deposit</p> <p>Submitted no later than three years before rehabilitation of the whole (or an identified part) of the mining area is proposed to be completed (i.e. at the time when a submitted forward program includes completion of rehabilitation)</p> <p>or as directed by the Secretary</p>	Yes – in the form and way approved by the Secretary.	Yes – no later than three years before rehabilitation of the whole (or an identified part) of the mining area is proposed to be completed.	Yes – when submitted. Where approval has not been granted by the Secretary, a proposed version of the document must be included in the Rehabilitation Management Plan (for large mines) as per Schedule 8A, Clause 10(2)	Schedule 8A. Clauses 8, 12(1)(b), 15(3), 15(4), 15(5) and 15(6)

CONDITION	APPLICABLE TO?	WHEN?	PREPARED	SUBMITTED	APPROVED	CLAUSE
Rehabilitation outcome documents - rehabilitation completion criteria statement cont.	All mines where the deposit is more than the minimum deposit prescribed under s 261BF of the Act (i.e. \$10,000) - unless the Secretary otherwise directs	<p>For existing mines where security deposit required is already above the minimum deposit</p> <p>Prepared within 30 days (or other period approved by the Secretary) after this Division first applies to the mining lease (i.e. 1 August 2022 for large mines and 1 August 2023 for small mines)</p> <p>Submitted no later than three years before rehabilitation of the whole (or an identified part) of the mining area is proposed to be completed (i.e. at the time when a submitted forward program includes completion of rehabilitation)</p> <p>or as directed by the Secretary</p> <p>and updated following submission within 60 days after a non SSD consent is modified - cl15(5) and 15(4) – only where the rehabilitation completion criteria statement has been previously approved by the Secretary³</p>	Yes - in the form and way approved by the Secretary.	Yes - no later than three years before rehabilitation of the whole (or an identified part) of the mining area is proposed to be completed.	Yes - when submitted. Where approval has not been granted by the Secretary, a proposed version of the document must be included in the Rehabilitation Management Plan (for large mines) as per Schedule 8A, Clause 10(2)	Schedule 8A. Clauses 8, 12(1)(b), 15(3), 15(4), 15(5) and 15(6)

³ Noting that Schedule 8A, Clause 12(2) requires that rehabilitation outcome documents are consistent with a final land use required by a condition of development consent. As such, a holder of a mining lease (including State Significant Development Projects) will need to apply to the Secretary to amend an approved rehabilitation outcome document in accordance with Schedule 8A, Clause 14(2)(b) to reflect any amendments to the final land use as specified by a modified development consent as a means to comply with Schedule 8A, Clause 12(2).

CONDITION	APPLICABLE TO?	WHEN?	PREPARED	SUBMITTED	APPROVED	CLAUSE
Rehabilitation outcome documents – final landform and rehabilitation plan	Large mines	<p>For new mines</p> <p>When surface of the mining area is disturbed by activities under the mining lease, which has triggered the required security deposit to be more than the minimum deposit</p> <p>or as directed by the Secretary</p> <p>For existing mines where security deposit required is above minimum deposit</p> <p>Within 30 days (or other period approved by the Secretary) after this Division first applies to the mining lease (i.e. 1 August 2022 for large mines)</p> <p>or as directed by the Secretary</p> <p>and updated within 60 days after a non-State significant development consent⁴ is modified following an application under cl20(1)(b) or a later date approved by the Secretary</p>	Yes - in the form and way approved by the Secretary	Yes - when prepared	Yes - when submitted. Where approval has not been granted by the Secretary, a proposed version of the document must be included in the Rehabilitation Management Plan (for large mines) as per Schedule 8A, Clause 10(2)	Schedule 8A. Clauses 8, 12(1)(c), 15(1)(b), 15(4) and 15(6)

⁴ Noting that Schedule 8A, Clause 12(2) requires that rehabilitation outcome documents are consistent with a final land use required by a condition of development consent. As such, a holder of a mining lease (including State Significant Development Projects) will need to apply to the Secretary to amend an approved rehabilitation outcome document in accordance with Schedule 8A, Clause 14(2)(b) to reflect any amendments to the final land use as specified by a modified development consent as a means to comply with Schedule 8A, Clause 12(2).

CONDITION	APPLICABLE TO?	WHEN?	PREPARED	SUBMITTED	APPROVED	CLAUSE
Forward program	All mines where the deposit is more than the minimum deposit prescribed under s 261BF of the Act (unless the Secretary otherwise directs)	<p>For new mines</p> <p>When surface of the mining area is disturbed by activities under the mining lease, which has triggered the required security deposit to be more than the minimum deposit</p> <p>or as directed by the Secretary</p> <p>For existing mines where security deposit required is above minimum deposit</p> <p>Within 30 days (or other period approved by the Secretary) after this Division first applies to the mining lease (i.e. 1 August 2022 for large mines and 1 August 2023 for small mines)</p> <p>or as directed by the Secretary</p> <p>and before 60 days after the last day of each annual reporting period, commencing with the annual reporting period in which the forward program was given to the secretary under clause 15(1)(c) - or a later date approved by the Secretary</p>	Yes - in the form and way approved by the Secretary	Yes - annually Must be published on the lease holder's website or a copy made available on request	No	Schedule 8A. Clauses 8, 13(1), 13(4), 13(5), 15(1), 15(2), 15(6) and 16

CONDITION	APPLICABLE TO?	WHEN?	PREPARED	SUBMITTED	APPROVED	CLAUSE
Annual rehabilitation report	All mines where the deposit is more than the minimum deposit prescribed under s 261BF of the Act (unless the Secretary otherwise directs)	For both new and existing mines Before 60 days after the last day of each annual reporting period commencing with the annual reporting period in which the forward program was given to the secretary under clause 15(1)(c) - or a later date approved by the Secretary or as directed by the Secretary	Yes - in the form and way approved by the Secretary	Yes - annually Must be published on the lease holder's website or a copy made available on request	No	Schedule 8A. Clauses 13(2), 13(4), 15(2), 15(6) and 16
Create and maintain records demonstrating compliance	All mining leases	New mining leases: 2 July 2021 Existing mining leases: - Large mines: 2 July 2022 - Small mines: 2 July 2023	Yes	n/a	n/a	Schedule 8A. Clause 17
Report on non-compliance	All mining leases	New mining leases: 2 July 2021 Existing mining leases: - Large mines: 2 July 2022 - Small mines: 2 July 2023	Yes - written report prepared	Yes - within seven days after becoming aware of the non-compliance	n/a	Schedule 8A. Clause 18

CONDITION	APPLICABLE TO?	WHEN?	PREPARED	SUBMITTED	APPROVED	CLAUSE
Nominate a contact person	All mining leases	New mining leases: 2 July 2021 Existing mining leases: - Large mines: 2 July 2022 - Small mines: 2 July 2023	Yes - details of person to be provided	Yes - written notice to be provided	No	Schedule 8A. Clause 19
Notify of development applications	All mining leases Does not apply if the development is State significant development	Within ten days after making an application for development consent that relates to the mining area or within ten days after making an application for modification of a development consent that proposes to modify a condition of the consent that relates to rehabilitation of the mining area in a way that may affect an obligation under the mining lease relating to rehabilitation.	Yes - written notice prepared	Yes - written notice to be provided	n/a	Schedule 8A. Clause 20

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