



**NSW
Resources
Regulator**

FORM AND WAY

ANNUAL REHABILITATION REPORT AND FORWARD PROGRAM FOR SMALL MINES



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Purpose

This document sets out the prescribed form and way for an annual rehabilitation report and forward program for small mines, in accordance with Clauses 9 and 13 of Schedule 8A to the Mining Regulation 2016.

Mandatory requirements

The lease holder must prepare an annual rehabilitation report and forward program for the mining area in accordance with the mining lease conditions, in the form and way specified in this document.

Annual rehabilitation report and forward program structure

The annual rehabilitation report and forward program must be prepared to include all parts, sections and sub-sections specified in this document.

Each part, section and subsection of the annual rehabilitation report and forward program must be identified by the heading of the corresponding part, section and subsection of this document.

Where a part, section or subsection is not relevant or applicable, it must be noted as such and a justification provided. The headings of each part, section or subsection should not be deleted.¹

Annual rehabilitation report and forward program content

The information included in each part, section and subsection in the annual rehabilitation report and forward program must address all instructions detailed within the relevant part, section or subsection of this document.

Where a part, section or subsection is not relevant or applicable, it must be noted as such and a justification provided. The headings of each part, section or subsection headings should not be deleted.²

¹ The inclusion of all parts, sections or subsections is to ensure consistency in the format of all annual rehabilitation reports and forward programs across NSW and compliance with the requirements of this document. The Resources Regulator recognises that the information in an annual report and forward program may be brief or very detailed. The length and complexity of an annual rehabilitation report and forward program will depend on the nature and scale of the mining operation, the level of risk to the environment and the rehabilitation outcomes to be achieved.

² (as above).

Summary table

The annual rehabilitation report and forward program must include a summary table containing the following:

- a. name of mine
- b. annual rehabilitation report: reporting period commencement and end dates
- c. annual rehabilitation report: revision dates and version numbers
- d. forward program commencement date
- e. forward program revision dates and version numbers
- f. mining leases (lease number(s)) and expiry date(s)
- g. name of lease holder(s)
- h. date of submission.

The lease block must be on the first or second page of the annual rehabilitation report and forward program.

1. Part 1 – Annual rehabilitation report

Part 1 sets out the prescribed form and way for an annual rehabilitation report for small mines in accordance with Clauses 9 and 13 of Schedule 8A, to the Mining Regulation 2016.

The annual rehabilitation report must be submitted using the online form accessible at <https://nswresourcesregulator.service-now.com/regulator>.

1.1. Complaints register

This section must list (in a table) any complaints received during the reporting period in relation to rehabilitation and provide details of the response(s) to these complaints.

1.2. Current development consents, leases and licences

This section must show (in a table) the following for the mining area:

- a. development consents granted under the *Environmental Planning and Assessment Act 1979*
- b. relevant authorisations related to the mining area (including mining leases and exploration licences, and assessment leases and) granted under the *Mining Act 1992*
- c. any other approvals, licences, or authorities issued by government agencies that are relevant to the progress of mining operations and rehabilitation activities.

If there have been changes to the status of these approvals during the annual reporting period, the lease holder must include a summary of the scope and/or purpose of the new applications or modifications to existing approvals.

1.3. Land ownership and land use

This section must provide details of any changes to land ownership and land use related to the land, that has occurred during the annual reporting period.

1.4. Surface disturbance and rehabilitation activities during the annual reporting period

This section must provide an overview of significant surface disturbance activities, including mining operations, ancillary mining activities, exploration carried out on the mining area, and rehabilitation activities that were undertaken during the annual reporting period. Information must include, but is not limited to the following:

- A description of the surface disturbance and rehabilitation activities that were conducted and an analysis of the progress against the schedule presented in the previous annual rehabilitation report and forward program, as well as any relevant development consent.
- An overview of rehabilitation management and maintenance activities, for example re-seeding, weed and feral animal control and erosion control works.
- A material production schedule by completing Table 1.

Table 1: Material production during previous annual reporting period

MATERIAL	UNIT	QUANTITY
Stripped topsoil (if applicable)	(e.g. m ³)	
Rock/overburden	(e.g. m ³)	
Ore	(e.g. Mt)	
Reject material ³	(e.g. Mt)	
Product	(e.g. Mt)	

³ This includes coarse rejects, tailings and any other wastes resulting from beneficiation.

1.5. Disturbance and rehabilitation statistics

Explanatory note 1: Disturbance and rehabilitation reporting categories

The sequence of actions required to rehabilitate disturbed areas to achieve the final land use are classified into conceptual stages referred to as phases of rehabilitation. These phases are:

- active mining
- decommissioning
- landform establishment
- growth medium development
- ecosystem and land use establishment
- ecosystem and land use development
- rehabilitation completion (sign-off).

Rehabilitation areas often progress through the initial phases of rehabilitation (decommissioning, landform establishment and growth media development) in a short period of time. For the purposes of rehabilitation reporting, a modified classification of rehabilitation reporting categories is to be adopted in the annual rehabilitation report and forward program so that areas within the decommissioning, landform establishment and growth media development are cumulatively reported as **rehabilitation – land preparation**.

A description of each disturbance and rehabilitation reporting category is provided in Table 3.

Rehabilitation classified as ‘ecosystem and land use development’ will require lease holders to validate through monitoring data that rehabilitation is classified within this phase and retain appropriate records.

For rehabilitation to be classified as ‘rehabilitation complete’ it will require a determination in writing by the NSW Resources Regulator that the mining area (or part thereof) has achieved the final land use, as set out in clause 6 of Schedule 8A of the Mining Regulation 2016, following submission of the relevant application by the lease holder.

1.5.1. Current disturbance and rehabilitation progression

This section must provide a summary of the current disturbance and rehabilitation status at the end of the annual reporting period by completing Table 2. The disturbance and reporting information provided in Table 2 must be consistent with the definitions of these reporting categories set out in Table 3 and the glossary.

Table 2: Status of disturbance and rehabilitation at end of reporting period

ANNUAL REPORTING PERIOD	Insert start and completion dates
TOTAL DISTURBANCE FOOTPRINT – SURFACE DISTURBANCE	(A1)*
UNDERGROUND MINING AREA (HECTARES)	(A2)*
TOTAL ACTIVE DISTURBANCE (HECTARES)	(B)*
REHABILITATION – LAND PREPARATION (HECTARES)	(C)*
ECOSYSTEM AND LAND USE ESTABLISHMENT (HECTARES)	(D)*
ECOSYSTEM AND LAND USE DEVELOPMENT (HECTARES)	(E)*
REHABILITATION COMPLETION (HECTARES)	(F)*

***Note:** Definitions for each disturbance and rehabilitation reporting category are provided in Table 3.

Table 3: Disturbance and rehabilitation reporting categories

REPORTING CATEGORY	DEFINITION
A1	<p>Total disturbance footprint – surface disturbance</p> <p>All areas within a mining lease that either have at some point in time or continue to pose a rehabilitation liability due to surface disturbance activities.</p> <p>The total disturbance footprint is the sum of the total active disturbance, decommissioning, landform establishment, growth medium development, ecosystem and land use establishment, ecosystem and land use development and rehabilitation completion (see definitions below).</p> <p>Underground mining operations should not include the footprint of underground mining areas/subsidence management areas in the total disturbance footprint.</p>
A2	Underground mining areas/subsidence management areas.
B	<p>Total active disturbance</p> <p>Includes on-lease 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 rock emplacements (active/unshaped/in or out-of-pit), tailings dams (active/unshaped/uncapped) and temporary stabilised areas (e.g. areas sown with temporary cover crops for dust mitigation and temporary rehabilitation).</p>
C	<p>Rehabilitation – land preparation</p> <p>Includes the sum of all disturbed land within a mining lease that has commenced any, or all, of the following phases of rehabilitation – decommissioning, landform establishment and growth medium development.</p> <p>Refer to the glossary for the definition of these phases of rehabilitation.</p>
D	<p>Ecosystem and land use establishment</p> <p>Includes the area which has been seeded/planted with the target vegetation species for the intended final land use. However, vegetation has not matured to a stage where it can be demonstrated that it will be sustainable for the long-term and/or require only a maintenance regime consistent with target reference/analogue sites.</p> <p>Typically, rehabilitation areas would be in this phase for at least two years (and usually more) before rehabilitation can be classified as being in the ecosystem and land use development phase. This phase does not apply to infrastructure areas that are being retained as part of final land use for the site.</p>

REPORTING CATEGORY		DEFINITION
E	Ecosystem and land use development	<p>Rehabilitation has matured to a level where target revegetation outcomes are on a trajectory towards meeting the final rehabilitation objectives and rehabilitation completion criteria (as verified by monitoring).</p> <p>This phase includes infrastructure areas that are to be retained for an approved final land use, following completion of all necessary measures to render the infrastructure fit for this purpose (for example structural integrity).</p>
F	Rehabilitation completion	The NSW Resources Regulator has determined, in writing, that the mining area has achieved the approved rehabilitation objectives and approved rehabilitation completion criteria following the submission of the relevant application by the lease holder.

Explanatory note 2: Status of rehabilitation and disturbance reporting

Reporting the status of rehabilitation and disturbance provides context and transparency about rehabilitation performance.

The information in Table 2 may assist the lease holder to:

- compare actual areas to predictions in the forward program for the annual reporting period
- calculate rehabilitation cost estimates.

The information in Table 2 provides context for the NSW Resources Regulator’s assessment that any land or water in the mining area that is disturbed by activities under the mining lease is rehabilitated as soon as reasonably practicable after the disturbance occurs in accordance with Clause 5 of Schedule 8A of the Mining Regulation 2016.

2. Part 2 – Forward program

Part 2 sets out the prescribed form and way for a forward program for small mines in accordance with Clauses 9 and 13 of Schedule 8A of the Mining Regulation 2016.

The forward program must be submitted using the online form accessible at <https://nswresourcesregulator.service-now.com/regulator>.

2.1. Three-year surface disturbance activities forecast

2.1.1. Project description

This section must outline the mining project, including the expected remaining life of the mine. The project description must be consistent with the development consent for the mine.

2.1.2. Description of surface disturbance activities

This section must detail the surface disturbance activities proposed for the next three years. The following content must be included:

a. Exploration activities

Identify and describe exploration activities that are proposed or likely to be carried out in areas within the mining leases in the next three years.

b. Construction activities

Identify and describe any construction activities scheduled in the next three years.

c. Mining schedule

Outline the sequence and staging of mining operations over the next three years. This must be consistent with the relevant development consent(s) and include the following (where relevant):

- A description of the method of mining development and sequencing and general mine features.
- A description of the areas identified for emplacements, the sequencing of emplacements, construction and management.
- The identification of processing infrastructure activities and the location of tailings facilities and schedule for emplacement.

- A description of waste disposal and materials handling operations over the next three years. This should include a discussion of disposal of putrescible waste, hydrocarbons, and management of contaminated soils.

Table 4 must be completed.

Note: It is recognised that the progress of mining operations may affect the progressive rehabilitation schedule.

Table 4: Material production schedule during the next three years

MATERIAL	UNIT	YEAR 1	YEAR 2	YEAR 3
Stripped topsoil (if applicable)	(e.g. m ³)			
Rock/overburden	(e.g. m ³)			
Ore	(e.g. Mt)			
Reject material ⁴	(e.g. Mt)			
Product	(e.g. Mt)			

2.2. Three-year rehabilitation forecast

2.2.1. Rehabilitation maintenance and corrective actions

This section must include a detailed description of the rehabilitation maintenance and corrective action measures that will be carried out to address all rehabilitation performance issues and/or knowledge gaps identified in the annual rehabilitation report (Part 1).

2.2.2. Rehabilitation schedule

This section must describe the mining and rehabilitation schedule over the next three-year term and describe how the lease holder will progressively rehabilitate as soon as reasonably practicable.

⁴ Where relevant this includes coarse rejects, tailings and any other wastes resulting from beneficiation.

2.3. Progressive mining and rehabilitation statistics

2.3.1. Three-yearly forecast cumulative disturbance and rehabilitation progression

This section must provide a summary of the forecast cumulative disturbance and rehabilitation progression during the next three years in Table 5.

Table 5: Predicted cumulative disturbance and rehabilitation progression during the next three-year term

YEAR	1	2	3
TOTAL DISTURBANCE FOOTPRINT – SURFACE DISTURBANCE (HECTARES)	(A1)*		
UNDERGROUND MINING AREA (HECTARES)	(A2)*		
TOTAL ACTIVE DISTURBANCE (HECTARES)	(B)*		
REHABILITATION – LAND PREPARATION (HECTARES)	(C)*		
ECOSYSTEM AND LAND USE ESTABLISHMENT (HECTARES)	(D)*		

***Note:** Definitions for each mining and rehabilitation phase are outlined in Table 3.

Explanatory note 3: Disturbance and rehabilitation progress

The purpose of the information in Table 5 is to provide a detailed breakdown of disturbance and rehabilitation progress on an annual basis. This is a transparent way of:

- calculating cumulative disturbance and rehabilitation totals
- developing rehabilitation targets and key performance indicators
- comparing actual areas and reasons for change, as per the annual rehabilitation report and forward program
- calculating and validating rehabilitation cost estimates.

2.4. Rehabilitation Cost Estimate

Explanatory note 4: Rehabilitation Cost Estimate

A Rehabilitation Cost Estimate (RCE) must be based on one of the following specific stages of disturbance:

- maximum disturbance within a term (including liabilities associated with previous and on-going surface disturbance activities); or
- snapshot of disturbance.

Where the “maximum disturbance within a term” method is used by a lease holder, the RCE will need to be aligned with the three-yearly forecast for surface disturbance and rehabilitation activities (including liabilities associated with previous and on-going surface disturbance activities) as detailed in Part 2 of the form and way. Where the “snapshot of disturbance” method is used by a lease holder, the RCE will need to be aligned with the surface disturbance and rehabilitation activities as detailed in Part 1 of the form and way.

The lease holder is required to submit a RCE to the NSW Resources Regulator whenever a potential change in rehabilitation liability occurs. This information will be assessed by the NSW Resources Regulator to assist in determining the amount of the security deposit.

This section must include a rehabilitation cost estimate prepared in accordance with the NSW Resources Regulator’s Rehabilitation Cost Estimation Tool.

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.
Active mining phase of rehabilitation	In the context of rehabilitation, the active mining phase of rehabilitation constitutes the rehabilitation activities undertaken during mining operations such as land clearing, salvaging and managing soil resources, salvaging habitat resources, and native seed collection. This phase also includes management actions taken during operations to manage risks to rehabilitation and enhance rehabilitation outcomes such as selective handling of waste rock and management of tailings emplacements.
Analogue site	An area of land and/or water that is a 'reference site' that represents an example of the defining values and characteristics (such as vegetation composition and structure or agricultural productivity) of the final land use. An analogue site is a selected location surrounding or within a proposed/existing mine site. The location is usually an undisturbed area or a self-sustaining vegetation community that demonstrates the existing environment without any impact of disturbance (i.e. acts as a baseline for the surrounding undisturbed environment). Characteristics of analogue sites can be assessed to develop the rehabilitation objectives and rehabilitation completion criteria for final land use domains.
Annual rehabilitation report	As outlined in the Mining Regulation 2016.
Annual reporting period	As defined in the Mining Regulation 2016.
Closure	A whole-of-mine-life process, which typically culminates in the relinquishment of the mining lease. It includes decommissioning and rehabilitation to achieve the approved final land use(s).
Decommissioning	The process of removing mining infrastructure and removing contaminants and hazardous materials.

TERM	DEFINITION
Decommissioning phase of rehabilitation	Activities associated with the removal of mining infrastructure and removal and/or remediation of contaminants and hazardous materials. In the context of the rehabilitation management plan (for large mines only) this phase of rehabilitation may also include studies and assessments associated with decommissioning and demolition of infrastructure or works carried out to make safe or 'fit for purpose' built infrastructure to be retained for future use(s) following lease relinquishment.
Department	Department of Regional NSW.
Disturbance	See Surface Disturbance.
Disturbance area	<p>An area that has been disturbed and that requires rehabilitation.</p> <p>This may include areas such as 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 areas requiring rehabilitation that are temporarily stabilised (e.g. managed to minimise dust generation and/or erosion).</p>
Domain	An area (or areas) of the land that has been disturbed by mining and has a specific operational use (mining domain) or specific final land use (final land use domain). Land within a domain typically has similar geochemical and/or geophysical characteristics and therefore requires specific rehabilitation activities to achieve the associated final land use.
Ecosystem and land use development	<p>This phase of rehabilitation consists of the activities to manage maturing rehabilitation areas on a trajectory to achieving the approved or, if not yet approved, the proposed:</p> <ul style="list-style-type: none"> ■ rehabilitation objectives ■ rehabilitation completion criteria ■ for large mines – final landform and rehabilitation plan. <p>For vegetated land uses this phase may include processes to develop characteristics of functional self-sustaining ecosystems, such as nutrient recycling, vegetation flowering and reproduction, increasing habitat complexity, and the development of a productive, self-sustaining soil profile.</p>

TERM	DEFINITION
	<p>This phase of rehabilitation may include specific vegetation management strategies and maintenance such as tree thinning, supplementary plantings and weed management.</p>
<p>Ecosystem and land use establishment</p>	<p>This phase of rehabilitation consists of the processes to establish the approved final land use following construction of the final landform (as per the approved final landform and rehabilitation plan for large mines).</p> <p>For vegetated land uses, this rehabilitation phase includes establishing the desired vegetation community and implementing land management activities such as weed control. This phase of rehabilitation may also include habitat augmentation such as installation of nest boxes.</p>
<p>Exploration</p>	<p>Has the same meaning as that term under the <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>.</p>
<p>Final land use</p>	<p>As defined in the Mining Regulation 2016.</p>
<p>Final land use domain</p>	<p>A land management unit with a final land use. A mining lease may have one final land use (e.g. returning the entire mining lease to native vegetation) or several final land use units (e.g. a mix of pasture areas and native ecosystems). Each final land use unit represents a separate final land use domain.</p>
<p>Form and way</p>	<p>Means the form and way approved by the Secretary. Approved form and way documents are available on the Department’s website.</p>
<p>Forward program</p>	<p>As defined in the Mining Regulation 2016.</p>
<p>Growth medium development</p>	<p>This phase of rehabilitation consists of activities required to establish the physical, chemical and biological components of the substrate required to establish the desired vegetation community (including short-lived pioneer species) to ensure achievement of the approved or, if not yet approved, the proposed:</p> <ul style="list-style-type: none"> ■ rehabilitation objectives ■ rehabilitation completion criteria ■ for large mines – final landform and rehabilitation plan. <p>This phase may include spreading the prepared landform with topsoil and/or subsoil and/or soil substitutes, applying soil ameliorants to enhance the</p>

TERM	DEFINITION
	physical, chemical and biological characteristics of the growth media, and actions to minimise loss of growth media due to erosion.
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).
Indicator	An attribute of the biophysical environment (e.g. pH, topsoil depth, biomass) that can be used to approximate the progression of a biophysical process. It can be measured and audited to demonstrate (and track) the progress of an aspect of rehabilitation towards a desired completion criterion (defined end point). It may be aligned to an established protocol and used to evaluate changes in a system.
Land	As defined in the <i>Mining Act 1992</i> .
Landform establishment	This phase of rehabilitation consists of the processes and activities required to construct the approved final landform (as per the development consent and, for large mines, the approved final landform and rehabilitation plan). In addition to profiling the surface of rehabilitation areas to the approved final landform profile, this phase may include works to construct surface water drainage features, encapsulate problematic materials such as tailings, and prepare a substrate with the desired physical and chemical characteristics (e.g. rock raking or ameliorating sodic materials).
Large mine	As defined in the Mining Regulation 2016.
Lease holder	The holder of a mining lease.
Mining area	As defined in the <i>Mining Act 1992</i> .
Mining domain	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).
Mining lease	As defined in the <i>Mining Act 1992</i> .
Overburden	Material overlying coal or a mineral deposit.
Performance indicator	An attribute of the biophysical environment (e.g. pH, slope, topsoil depth, biomass) that can be used to demonstrate achievement of a rehabilitation

TERM	DEFINITION
	<p>objective. It can be measured and audited to demonstrate (and track) the progress of an aspect of rehabilitation towards a desired completion criterion, that is, a defined end point. It may be aligned to an established protocol and used to evaluate changes in a system.</p>
<p>Phases of rehabilitation</p>	<p>The stages and sequences of actions required to rehabilitate disturbed land to achieve the final land use. The phases of rehabilitation are:</p> <ul style="list-style-type: none"> ■ active mining ■ decommissioning ■ landform establishment ■ growth medium development ■ ecosystem and land use establishment ■ ecosystem and land use development ■ rehabilitation completion (sign-off).
<p>Progressive rehabilitation</p>	<p>The progress of rehabilitation towards achieving the approved or, if not yet approved, the proposed:</p> <ul style="list-style-type: none"> ■ rehabilitation objectives ■ rehabilitation completion criteria ■ for large mines – final landform and rehabilitation plan. <p>This may be described in terms of domains, phases, performance indicators and rehabilitation completion criteria.</p>
<p>Rehabilitation</p>	<p>As defined in the <i>Mining Act 1992</i>.</p>
<p>Rehabilitation completion</p>	<p>The final phase of rehabilitation when a rehabilitation area has achieved the final land use for the mining area:</p> <ul style="list-style-type: none"> ■ as stated in the approved rehabilitation objectives and the approved rehabilitation completion criteria ■ for large mines – as spatially depicted in the approved final landform and rehabilitation plan. <p>Rehabilitation areas may be classified as complete when the NSW Resources Regulator has determined in writing that rehabilitation has achieved the final land use following submission of the relevant application by the lease holder.</p>

TERM	DEFINITION
Rehabilitation completion criteria	Rehabilitation completion criteria set out the criteria the achievement of which will demonstrate the achievement of the rehabilitation objectives.
Rehabilitation cost estimate	As defined in the Mining Regulation 2016.
Rehabilitation objectives	Means the rehabilitation objectives required to achieve the final land use for the mining area.
Rehabilitation outcomes	Means the final land use for the mining area as stated in the approved rehabilitation objectives, the approved rehabilitation completion criteria and (for large mines) the approved final landform and rehabilitation plan.
Rehabilitation schedule	The defined timeframes for progressive rehabilitation set out in the forward program.
Secretary	The Secretary of the Department.
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 that may arise in the future).
Small mine	As defined in the Mining Regulation 2016 (proposed amendment).
Surface disturbance	Includes activities that disturb the surface of the mining area, including mining operations, ancillary mining activities and exploration.
Tailings	A combination of the fine-grained (typically silt-sized, in the range from 0.001 to 0.6 mm) solid materials remaining after the recoverable metals and minerals have been extracted from mined ore, together with the water used in the recovery process. ⁵
Waste	Has the same meaning as that term under the <i>Protection of the Environment Operations Act 1997</i> .

⁵ *Tailings Management: Leading Practice Sustainable Development Program for the Mining Industry*, Commonwealth of Australia (2016).