

Form ESF2

Rehabilitation Completion and/or Review of Rehabilitation Cost Estimate

Mining Act 1992 and Petroleum (Onshore) Act 1991

October 2017 | v1.3

More information

For help with lodging this form, or for more information, contact:

Division of Resources and Geoscience

Environmental Sustainability Unit

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minres.environment@industry.nsw.gov.au

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The information contained in this publication is based on knowledge and understanding at the time of writing. However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the NSW Department of Planning and Environment or the user's independent advisor.

Privacy statement

This information is collected by the NSW Department of Planning and Environment for the purposes of assessing an application for an authorisation or associated with an authority/title as required by the *Mining Act 1992*, *Mining Regulation 2016*, *Petroleum (Onshore) Act 1991* and *Petroleum (Onshore) Regulation 2016*.

This information may also be used by the department to confirm applicant details in the event that subsequent applications are made, and may also be used to establish and maintain databases to assist the department with its work generally.

Except for purposes required by law, the information will not be accessed by any third parties in a way that would identify the person without the consent of that person.

You may apply to the department to access and correct any information the department holds if that information is inaccurate, incomplete, not relevant or out of date.

When to use this form

This form is to be used by holders of authorisations issued under the *Mining Act 1992* or titles issued under the *Petroleum (Onshore) Act 1991*. In this form, an authorisation or title is referred to collectively as an authority.

This form is to be used by authority holders to:

- **Seek formal confirmation from the department that rehabilitation has been successful** (i.e. complies with the authority conditions; has met the rehabilitation objectives and completion criteria; and that the landholder is satisfied with the standard of rehabilitation). This can include partial/progressive rehabilitation or the completion of all rehabilitation activities (regardless of whether or not a change to the associated security deposit is also sought).
- **Seek a review of the security deposit which is required to be provided and maintained to secure funding for the fulfilment of obligations under the authority, including obligations under the authority that may arise in the future.** This can include any increase or decrease in security (e.g. where rehabilitation has been partially or fully completed and a partial or full return of the security deposit is sought). *(Note: A security deposit is required to be provided and maintained to secure funding for the fulfilment of obligations under the authority, including obligations under the authority that may arise in the future. For further information refer to the department's [Rehabilitation Cost Estimate Guidelines](#)).*

This form has been prepared and approved in accordance with the *Mining Act 1992*, *Mining Regulation 2016*, *Petroleum (Onshore) Act 1991* and *Petroleum (Onshore) Regulation 2016*. The information requested in this form may not be specifically referenced in the *Mining Act 1992*, *Mining Regulation 2016*, *Petroleum (Onshore) Act 1991* and *Petroleum (Onshore) Regulation 2016*, however its inclusion in the approved form validates the authority of the NSW Department of Planning and Environment, Division of Resources and Geoscience (the department) to request it.

If there is insufficient room in the fields please provide the information as an attachment.

When not to use this form

This form **must not be** used by authority holders to:

- **Seek a review of security that is associated with an application for the renewal/part renewal or transfer/part transfer of an authority.** In such case the review of security will be sought in the Rehabilitation Cost Estimate section of the relevant application form. However, this form (**Question 5**) can be used where rehabilitation associated with an authority has been partially/fully completed and/or a partial/full return of the security deposit is sought.
- **Seek a review of security that is associated with a new Exploration Activity.** In such cases the review of security will be sought in the Rehabilitation Cost Estimate section of [ESF4: Exploration Activities Application](#). However, this form (**Question 5**) can be used where rehabilitation associated with an exploration activity has been partially/fully completed and/or a partial/full return of the security deposit is sought.

Further information regarding rehabilitation objectives and completion criteria

Further information regarding rehabilitation objectives and completion criteria for **exploration** is available in the [Exploration Code of Practice: Rehabilitation](#).

Further information regarding rehabilitation objectives and completion criteria for **mining** is available in [ESG3: Mining Operations Plan \(MOP\) Guidelines](#).

Important notes

Any information or template that is required to accompany this application should be lodged within **10 business days of the lodgement date**.

If this application is lodged by any party other than the authority holder (ie. an agent), the department may seek confirmation of that authority and any limits of that authority given to that other party by the authority holder (*Mining Act 1992* section 163F and section 97F of the *Petroleum (Onshore) Act 1991*). The agent will need to complete the declaration at the end of this form and supply evidence of their appointment, if not already supplied to the department.

How to submit this form

- **By email:** Send an electronic copy of the form including any attachments to minres.environment@industry.nsw.gov.au
- **By mail:** Mail your form and any attachments to: Division of Resources and Geoscience, Environmental Sustainability Unit, PO Box 344, Hunter Region Mail Centre NSW 2310.
- **In person:** Submit your application in person at the Division of Resources and Geoscience's, Environmental Sustainability Unit office, 516 High Street, Maitland, New South Wales. Office hours are 9.30am to 4.30pm.

How this application will be processed

Once your application has been registered and checked, it will be assessed by the department.

The department will utilise the information provided in this form to determine whether rehabilitation is to the satisfaction of the department, and that it complies with your authority conditions. The department will also utilise the information provided to determine whether the associated security deposit is adequate, including whether the security deposit (or part thereof) can be returned (where relevant). This process may occur following the completion of progressive rehabilitation or at the completion of rehabilitation activities.

1 Authority details

Authority holders may wish to attach a separate table where there are multiple authorities.

Authority type and number (e.g. ML123, EL123)	<input type="text"/>	Act authority granted under	<input type="text" value="eg. Mining Act 1992"/>
Expiry date	<input type="text"/>		

Additional authority details

Provide the authority type and number; Act authority was granted under and expiry date of any additional authorities.

2 Authority holder details

Provide the full name of authority holder/s and if applicable, the ACN or ARBN (for foreign companies). Authority holders may wish to attach a separate table where there are multiple authorities.

Name	<input type="text"/>
ACN / ABN / ARBN	<input type="text"/>
Registered street address	<input type="text"/>
Postal address	<input type="checkbox"/> Same as above <input type="checkbox"/> Enter here if different

Name	<input type="text"/>
ACN / ABN / ARBN	<input type="text"/>
Registered street address	<input type="text"/>
Postal address	<input type="checkbox"/> Same as above <input type="checkbox"/> Enter here if different

Additional authority holders

Provide the full name, ACN/ABN or ARBN (for foreign companies), registered street address and postal address details of additional authority holders.

3 Contact for this application

Any correspondence in relation to this application will be sent to this person. Correspondence may also be issued to the authority holder as well as the authorised agent.

Contact name	<input type="text"/>
Position held	<input type="text"/>
Company	<input type="text"/>
Postal address	<input type="text"/>
Landline phone (inc. area code)	<input type="text"/>
Mobile	<input type="text"/>
Email	<input type="text"/>

Your preferred contact method

- Email** (For companies – consider the suitability of providing a generic company email address which is regularly monitored rather than an individual employee’s email address.)
- Mail**

Do not use this form to:

- **Seek a review of security that is associated with an application for the renewal/part renewal or transfer/part transfer of an authority.** In such case the review of security will be sought in the Rehabilitation Cost Estimate section of the relevant application form. However, this form (**Question 5**) can be used where rehabilitation associated with an authority has been partially/fully completed and/or a partial/full return of the security deposit is sought.
- **Seek a review of security that is associated with a new Exploration Activity.** In such cases the review of security will be sought in the Rehabilitation Cost Estimate section of [Form ESF4: Application to conduct exploration activities](#). However, this form can be used where rehabilitation associated with an exploration activity has been partially/fully completed and/or a partial/full return of the security deposit is sought. However, this form (**Question 5**) can be used where rehabilitation associated with an exploration activity has been partially/fully completed and/or a partial/full return of the security deposit is sought

4 What is the reason for submission?

All relevant boxes must be ticked

- Application for a review of the security deposit where there is an increase or no change to the security deposit held by the department (complete **Questions 6, 7 and 8**)
- Application for a review of the security deposit where there is a decrease or full return of the security deposit **and** where surface disturbance activities have been undertaken (complete **Questions 5, 6, 7 and 8**)
- Application for a review of the security deposit where there is a decrease or full return of the security deposit **and** where no surface disturbance activities have been undertaken (complete **Questions 6.2, 6.3, 7 and 8**)

- Application for confirmation that rehabilitation (including partial/progressive rehabilitation or the completion of all rehabilitation) has been successfully completed to the satisfaction of the department / Secretary / Minister (complete **Questions 5, 7 and 8**).

5 Completion of rehabilitation

Only complete this question to seek formal confirmation from the department that rehabilitation has been successfully completed to the satisfaction of the department (i.e. complied with authority conditions; has met the rehabilitation objectives and completion criteria; and that the landholder is satisfied with the standard of rehabilitation). This can include partial/progressive rehabilitation or the completion of all rehabilitation activities on the authority (regardless of whether or not a change to the associated security deposit is also sought).

5.1 What approvals/plans is the completed rehabilitation associated with?

- Exploration Activity Approval**

Exploration Activity Approval details (include dates/reference numbers/project name)
<input type="text"/>
Indicate the type of rehabilitation
<input type="checkbox"/> Partial/Progressive Rehabilitation <input type="checkbox"/> Completion of Rehabilitation
Age of Rehabilitation Completed
<input type="text"/>
Total Area of Disturbance of Activity Approval
<input type="text"/>
Total Area of Completed Rehabilitation
<input type="text"/>

- Mining Operations Plan/Petroleum Operations Plan/Rehabilitation Management Plan**

Planning Approval/ Development Consent details (include dates/reference numbers/project name)
<input type="text"/>
Mining/Petroleum Operations/Rehabilitation Management Plan Details (include dates/reference numbers/project name)
<input type="text"/>
Indicate the type of rehabilitation
<input type="checkbox"/> Partial/Progressive Rehabilitation <input type="checkbox"/> Completion of Rehabilitation
Age of Rehabilitation Completed
<input type="text"/>
Total Area of Disturbance of Plan
<input type="text"/>
Total Area of Completed Rehabilitation
<input type="text"/>

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5.2 Provide plans

Plans/maps must be provided showing location of rehabilitation activities and areas rehabilitated. As a minimum plans/maps should include authority boundaries; landholder boundaries; land use and location of each rehabilitation area.

Reference No.	Name/Title of plan	Date

5.3 Provide photographs

Photographs of all rehabilitation sites must be provided, including a plan illustrating where the photograph was taken from and its aspect. Photographs should show evidence of: condition of the receiving environment prior to disturbance; rehabilitation activities performed; and progress/completion of rehabilitation.

Plan Reference No.	Name of Plan illustrating where photos were taken	Date

Photo Reference No.	Name/Title of photo and aspect	Date

5.4 What rehabilitation has been undertaken?

5.4.1 Rehabilitation of surface disturbance activity

Provide below or attach a written statement outlining the rehabilitation activities undertaken for each surface disturbing activity (for example, revegetation; sealing of boreholes; management of access tracks; water and waste management and disposal; reshaping works and soil management; weed control; erosion management; ongoing maintenance and monitoring).

5.4.2 Evidence of meeting rehabilitation objectives and completion criteria

Provide evidence describing how the rehabilitation has met each of the rehabilitation objectives and completion criteria[#] of the relevant exploration/mining/petroleum approvals and the rehabilitation conditions of the authority (Rehabilitation Objectives and Completion Criteria and associated verification* should be attached).

#Further information regarding rehabilitation objectives and completion criteria for exploration is available in the [Exploration Code of Practice: Rehabilitation](#). Further information regarding rehabilitation objectives and completion criteria for mining is available in [ESG3: Mining Operations Plan \(MOP\) Guidelines](#).

** Verification may require the attachment of specialist reports/advice confirming that specific aspects of the completion criteria have been met. Examples may include ecological, geotechnical and site remediation reports.*

5.5 Has borehole/petroleum well sealing and/or backfilling been undertaken?

- Not applicable. Proceed to **Question 5.6**.
- No. Provide justification/further details below (append separate documents/reports as required).

- Yes. Complete details below and attach reports as relevant.

Provide details of contractors engaged to seal/backfill boreholes/petroleum wells.

Contractor Name	
Address	
Telephone	

Provide details of sealing and/or backfilling works undertaken (append separate documents/reports as required).

5.6 Is the landholder/s satisfied with the rehabilitation?

*While not mandatory, landholder satisfaction with completed rehabilitation may assist the department's assessment. The Landholder Rehabilitation Statement provided in **Appendix A** can be used for this purpose. Notwithstanding, rehabilitation obligations, completion and performance must also be to the satisfaction of the department and in accordance with the conditions of the authority.*

- Yes
- No

Provide any further details below.

Indicate if a Landholder Rehabilitation Statement (refer to Appendix A) is attached:

Property Details	Landholder / Contact	Telephone	Attached?
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

6 Rehabilitation cost estimate

Only complete this question to seek a review of the security deposit.

*Do **not** complete Question 6 of this form in the following circumstances:*

- 1. If you are seeking formal confirmation from the department that rehabilitation has been successful and no change to the security deposit is being sought.*
- 2. If you are seeking a review of security that is associated with a Renewal/Part Renewal or Transfer/Part Transfer of an authority. In such cases the review of security will be sought in the Rehabilitation Cost Estimate section of the relevant application form.*
- 3. If you are seeking a review of security that is associated with a new Exploration Activity. In such cases the review of security will be sought in the Rehabilitation Cost Estimate section of [Form ESF4: Exploration Activities Application](#).*

All authority holders must provide an estimate of rehabilitation costs. This estimate will be considered by the department when determining the [security deposit](#) amount.

Before answering this question, read the [Rehabilitation cost estimate guidelines](#) and note the following:

6.1 What is the total rehabilitation cost estimate?

The estimate should cover the rehabilitation for **all** exploration/mining/petroleum production operations.

The department is responsible for ensuring that the people of NSW do not incur a financial liability as a result of coal, mineral and petroleum exploration and production activities. Under 12A of the Mining Act 1992, and Part 10A of the Petroleum (Onshore) Act 1991, all authority holders engaged in these activities are, therefore, required to lodge a security deposit.

The security deposit must cover the Government's full costs for rehabilitation in the event of default by the authority holder.

Total rehabilitation cost estimate

\$

6.1.1 What method have you used to calculate the rehabilitation cost estimate? Attach your cost calculation to this application.

Department's [rehabilitation cost calculation tool](#).

Other – use the field below to describe the tool or cost guide you have used.

6.1.2 What approvals/plans have you based the rehabilitation cost estimate on?

(Provide date of Approval Letter(s) and Reference where possible)

Note that multiple boxes may be ticked

Exploration Activity Approvals

Mining Project Approval/Development Consent

Mining/Petroleum Operations Plan/Rehabilitation Management Plan

6.1.3 What period is covered by the estimate?

Current disturbance at date of application; or	insert date (e.g. snapshot in time)
Period covered by the Estimation	insert start/end date (e.g. period of maximum disturbance)

6.2 What security is currently held by the department?

Current security held by the department

6.3 Does this rehabilitation cost estimate propose a reduced rehabilitation liability for the authority?

If the rehabilitation liability has been reduced, you may claim for a reduction in the security deposit amount.

Yes. Rehabilitation liability has been reduced due to completion of rehabilitation. Ensure you have completed **Question 5**.

Yes. Rehabilitation liability has been reduced due to other reasons (e.g. expiry of authority where no surface disturbance activities have occurred). Provide further details below.

No

7 Checklist of items to be included with this application

List any supporting documentation attached to this application in the table below:

Item	Reference	
Evidence of Rehabilitation Completion as per list below:		Question 5
Plans/maps showing location of rehabilitation activities and areas rehabilitated. Plans/maps to include: <ul style="list-style-type: none"> • authority boundaries • landholder boundaries • land use • location of each rehabilitation area 	<input type="checkbox"/>	Question 5
Photographs of all rehabilitation sites to evidence: <ul style="list-style-type: none"> • condition of the receiving environment prior to disturbance • rehabilitation activities performed • progress/completion of rehabilitation 	<input type="checkbox"/>	Question 5
A written statement outlining the rehabilitation activities undertaken for each surface disturbance (for example, sealing of boreholes; management of access tracks; water and waste management and disposal; reshaping works and soil management; weed control; erosion management; ongoing maintenance and monitoring).	<input type="checkbox"/>	Question 5
Written evidence as to how the rehabilitation has met each of the rehabilitation objectives and completion criteria of the relevant exploration/mining/production approvals and the rehabilitation conditions of authority (This may require the attachment of specialist reports/advice confirming that specific aspects of the completion criteria have been met. Examples may include ecological, geotechnical and site remediation reports).	<input type="checkbox"/>	Question 5
Landholder Rehabilitation Statement (where applicable)	<input type="checkbox"/>	Question 5 and Appendix A
Rehabilitation Cost Estimate documentation (Calculations to evidence how the rehabilitation cost estimate is derived)	<input type="checkbox"/>	Question 6
For agents only – evidence of appointment as agent by the authority holder/s	<input type="checkbox"/>	Question 8
Additional information such as specialist verification reports (provide list below)	<input type="checkbox"/>	
<input type="text"/>	<input type="checkbox"/>	
<input type="text"/>	<input type="checkbox"/>	
<input type="text"/>	<input type="checkbox"/>	
<input type="text"/>	<input type="checkbox"/>	
<input type="text"/>	<input type="checkbox"/>	
<input type="text"/>	<input type="checkbox"/>	
<input type="text"/>	<input type="checkbox"/>	

8 Declaration

This form should be signed by the authority holder/s or an agent authorised to act on behalf of the authority holder/s.

I/We certify that the information provided in this application is true and correct. I/We understand that under Part 5A of the *Crimes Act 1900*, that knowingly giving false or misleading information is a serious offence; and under Section 378C of the *Mining Act 1992* or Section 135 of the *Petroleum (Onshore) Act 1991*, any person who provides information that the person knows to be false or misleading is guilty of an offence, for which they may be subject to prosecution.

Declaration by authority holder/s

Name	
Position/title	
Company Name	
Date	
Signature	

Name	
Position/title	
Company Name	
Date	
Signature	

Name	
Position/title	
Company Name	
Date	
Signature	

OR

Agent authorised to act for this authority holder/s

Evidence of appointment is required if this has not been previously supplied to the department.

Name	
Position/title	
Company Name	
Date	
Signature	

Document control

Authorised by: David Blackmore

RM8 Reference: PUB17/640

Amendment schedule		
Date	Version #	Amendment
1 December 2016	1.0	This new form merges two previous forms know as <i>Form ESF2: Rehabilitation Cost Estimate Submission</i> and <i>Form EDG13: Exploration Rehabilitation and Relinquishment Report</i> . Deletion of separate Statutory Declaration from Form EDG13.
February 2017	1.1	Changes to Questions 4 and 6.3 to enable applicants to select an option for the return of security deposit where no surface disturbance activities have been undertaken (e.g. upon expiry of an authority).
March 2017	1.2	Changes to the Introduction and Question 6 to confirm that Form ESF2 may be used to provide Rehabilitation Completion information, and/or, a RCE (as required) to accompany an Application for Cancellation or Part-Cancellation.
October 2017	1.3	Changes to Question 4 to clarify the reasons for submitting the form and the required section/s to be completed. Update to Question 8 – Declaration, to require Company Name.

Appendix A: Landholder Rehabilitation Statement

When signed, this statement confirms that land disturbed during the course of exploration/mining/petroleum production activities has been rehabilitated to the satisfaction of the affected landholder/occupier.

Provided that the authority holder has rehabilitated the exploration/mining/petroleum production disturbance on your property to your satisfaction, sign and return this form to the authority holder. The authority holder will attach it to the submission form required by the Department. The information will be used by the department, along with other relevant information, to determine the authority holder's compliance with the obligations of the exploration/mining/petroleum production authority.

If rehabilitation is **not** to your satisfaction, **do not** sign this form, and discuss outstanding issues with the authority holder. If you cannot reach agreement or you have any queries, contact the department.

1 For Authority Holder to complete

Authority Details	
Authority number (e.g. EL01, ML02, PEL03)	
Name of authority holder	<i>List all holders of the authority in full - organisation name and ACN/ABN. List all holders of the authority in full - individual details: Title, Given Name/s and Family Name</i>
ACN/ARBN	
Contact Name	
Registered Street Address	
Postal Address	
Site Name	Insert Site Name of the exploration / mining / production area
Affected Property Name:	Insert affected property name(s)
Affected Property Address/Description:	Insert property address/Lot and DP Numbers

2 For landholder to complete

I am satisfied with the state in which the authority holder has left my property and the standard of rehabilitation which has been achieved.

Additional Comments:	
Landholder/Occupier Name:	
Property Name:	Insert affected property name(s)
Property Address/Description	Insert property address/Lot and DP Numbers
Telephone:	
Email:	
Signed:	
Date:	