



POST-APPROVAL GUIDELINES

ANNUAL REVIEW

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DRAFT

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PRELIMINARY

State significant mining developments are required to prepare an Annual Review that provides a summary of the performance of the operation over the relevant reporting period (generally the preceding calendar year). These Annual Reviews are submitted to regulators and made available to the community via the operation's website.

Purpose

The *Post-Approval Guideline - Annual Review* has been developed to assist operators of State significant mining developments in the preparation of an Annual Review.

By following these guidelines, mining operators will meet the:

- Annual Review requirements of the Department of Planning and Environment under the conditions of a development consent or project approval; and
- Environmental Management Report requirements of the Division of Resources & Energy under the conditions of a mining lease¹.

Scope

The Annual Review is not intended to be an exhaustive description or discussion of the operation, its approvals or activities. It should focus on information that is relevant to understanding the compliance status of the operation with respect to the development consent and mining lease.

Detailed monitoring data should not be included in the Annual Review unless it is necessary to understand other information contained within the report². Monitoring data should be reported on the operation's website consistent with the *Post Approval Guideline - Web-Based Reporting*³.

An Environment Protection Licence Annual Return is currently required to be submitted separately to the Environment Protection Authority. The Government is working to improve alignment between the Annual Review and Annual Return.

¹Where development consent or mining lease conditions require additional reporting requirements not incorporated in this guideline, that information must still be reported appropriately.

²In the event that monitoring data is critical to understanding the analysis in the Annual Review, that data should be provided in summary form in the body of the report, or included in appendices.

³The *Post Approval Guideline - Web-Based Reporting* clarifies that, in order to comply with consent conditions, monitoring data must either be hosted online or provided, in parallel to the Annual Review, through another method negotiated with DPE.



Definitions

For the purposes of this guideline:

<i>DPE</i>	means the Department of Planning & Environment.
<i>DRE</i>	means the Division of Resources & Energy within the NSW Department of Industry.
<i>EPA</i>	means the Environment Protection Authority.
<i>MOP</i>	Mining Operations Plan.
<i>Mining operation</i>	means a development which is the subject of an authorisation under the <i>Mining Act 1992</i> and a consent or approval under the <i>Environmental Planning and Assessment Act 1979</i> .
<i>Operation</i>	means a mining operation.
<i>Operator</i>	means the entity that holds the relevant approvals for a given mining operation. Where the operator does not operate the mine, it is expected that the operator will consult closely with the entity operating the mine in preparing the Annual Review.
<i>Relevant approval</i>	includes the following approvals where they are material to the conduct of the operation: a development consent, project approval, mining lease or water access licence.
<i>Reporting period</i>	a calendar year, unless specified otherwise in the relevant conditions of approval or agreed in writing with DPE and DRE
<i>RMP</i>	Rehabilitation Management Plan.



ANNUAL REVIEW

Application

This guideline applies to all State significant mining operations in NSW that are required to prepare an Annual Review or Environmental Management Report under the conditions of a relevant approval.

In accordance with the conditions of these approvals, operators are required to complete an Annual Review for each reporting period, until the relevant approval expires or otherwise lapses, regardless of the operational status of the mine (unless otherwise agreed in writing with DPE and DRE, or specified in the relevant approval).

Specific annual reporting requirements in the relevant approval

In addition to complying with this guideline, the operator must still comply with any specific requirements relating to annual reporting in the relevant approvals.

Reporting period

An Annual Review must be prepared in respect of each reporting period (typically a calendar year), unless otherwise agreed in writing by DPE and DRE.

Length

The Annual Review should be a maximum of 50 pages in length (not including plans/figures). Further information may be appended if necessary.

Lodgement

The Annual Review must be supplied to DPE and DRE not later than 60 calendar days after the end of each reporting period, unless another lodgement date is specified in the relevant approval(s).

Where the operator is unable to complete a part of the Annual Review by the due date because of circumstances beyond the operator's control, the operator must notify DPE and DRE in writing as soon as practicable, and in any event not later than the due date. The notification must specify the relevant circumstances that were beyond the control of the operator and request a new date for lodgement of the Review.

CONTENT REQUIREMENTS FOR AN ANNUAL REVIEW

Title Block

The title page of the Annual Review should include a title block consistent with **Table 1**.

Table 1 – Annual Review title block

Name of Operation	
Development consent / project approval #	
Mining lease #	
MOP/RMP start date	
MOP/RMP end date	
Annual Review start date	
Annual Review end date	
Name of lease/ title holder	
<p>I certify that this Annual Review is a true and accurate record of the compliance status of [INSERT OPERATION NAME] for the period [INSERT REPORTING PERIOD] and that I am authorised to make this statement on behalf of [INSERT OPERATOR NAME].</p> <p><i>Note.</i></p> <p>a) <i>The Annual Review is a report for the purposes of section 122E of the Environmental Planning and Assessment Act 1979;</i></p> <p>b) <i>Provision of false and misleading information is an offence under:</i></p> <p>(i) <i>s 122E of the Environmental Planning and Assessment Act 1979; and</i></p> <p>(ii) <i>s 378C of the Mining Act 1992.</i></p>	
Authorised Reporting Officer Name	
Authorised Reporting Officer Title	
Authorised Reporting Officer Signature	
Date	

1 Statement of compliance

The Annual Review should include summary tables similar to **Table 2** and **Table 3** that highlight the compliance status of the operation with its relevant approval conditions, as at the end of the reporting period.

Table 2 – Statement of compliance

Were all conditions of the relevant approval(s) complied with?	
DC #	YES/NO
ML #	YES/NO

If any conditions of the relevant approvals were not complied with, all non-compliances should be identified by completing **Table 3**.

Table 3 – Non-compliances

Relevant approval	Condition #	Condition description (summary)	Compliance status	Comment	Where addressed in Annual Review
DC #	#	e.g. Production rate	Non-compliant		Page #
DC #	#	e.g. Operating hours	Non-compliant		Page #
ML #	#	e.g. Rehabilitation	Non-compliant		Page #
ML #	#	e.g. Reporting	Non-compliant		Page #

Compliance status key for Table 3

Compliance status	Description	Colour code		
Non-compliant / inconsistent	Only to be applied if the relevant approval condition is not met, or if a required limit is violated, or if an impact is inconsistent with the predicted impact	H	M	L
Administrative non-compliance	Only to be applied where non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions)			

The terms ‘partial compliance’, ‘partial non-compliance’ or similar should not be used. An operation is either compliant or non-compliant.

Risk assessment key for Table 3

Risk level	Colour code	Description
High		Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence
Medium		Non-compliance with: <ul style="list-style-type: none"> potential for serious environmental consequences, but is unlikely to occur; or potential for moderate environmental consequences, but is likely to occur
Low		Non-compliance with: <ul style="list-style-type: none"> potential for moderate environmental consequences, but is unlikely to occur; or potential for low environmental consequences, but is likely to occur

2 Introduction

This section of the Annual Review should:

- provide a brief operational summary of the mine;
- include maps of the operation showing the regional context (aspects relevant to the community such as residential areas or other key relevant land uses), development consent boundary, mining lease boundaries, current operational disturbance footprint, and any offset areas or changes to land ownership; and
- provide names and contact details of the key personnel who are responsible for the environmental management of the operation.

3 Approvals

The Annual Review should list all approvals currently held by the operator, which are relevant to the operation, and any changes to those approvals that occurred during the reporting period.

4 Operations summary

Mining operations

For mining operations the Annual Review should summarise, for the reporting period, the items identified in **Table 4** below.

Table 4 - Operations summary (mining)

Material	Approved limit (specify source)	Previous reporting period (actual)	This reporting period (actual)	Next reporting period (forecast)
Waste Rock / Overburden				
ROM Coal / Ore				
Coarse reject				
Fine reject (Tailings)				
Saleable product				

Where inconsistencies arise between the approved limit and actual production for the reporting period, the reasons for this should be explained.

Administrative operations

The Annual Review should also report against all other relevant operational conditions of the relevant approvals, including hours of operation and transport rates.

Next reporting period

The Annual Review should briefly outline forecast operations for the next reporting period, in particular and significant changes in the mine, such as:

- pit expansion areas;
- infrastructure development/upgrades; and
- mining fleet upgrades.

5 Actions required from previous Annual Review

This section should include a table that identifies any actions required as an outcome of the previous Annual Review, including any actions that have been undertaken and when those actions were completed.

An example of the table to be included in the Annual Review is provided as **Table 5**.

Table 5 – Actions from the previous Annual Review

Action required from previous Annual Review	Requested by	Action taken by the Operator	Where discussed in Annual Review
	DPE or DRE		Page #
	DPE or DRE		Page #
	DPE or DRE		Page #

6 Environmental performance

The Annual Review should report on what environmental outcomes were intended for the reporting period and whether these were achieved. Particular consideration should be given to individually summarising the outcomes achieved in the reporting period for the following issues:

- noise;
- blasting;
- air quality;
- water management;
- biodiversity⁴; and
- heritage (Aboriginal and non-aboriginal).

In summarising the outcomes achieved, the following details must be included (but not limited to):

- identification of any key environmental performance or management issues that arose during the year and how they were addressed;
- implementation of environmental management measures (e.g. archaeological salvages, biodiversity offset implementation, noise attenuated equipment implemented, upgrades to water management system, temporary stabilisation works); and
- implemented and proposed improvements to environmental management or performance.

⁴ The operator should consider any relevant reporting requirements under the *NSW Biodiversity Offsets Policy for Major Projects*.



The Annual Review should include summary analyses of environmental monitoring data where relevant. These summaries should:

- compare the data to predictions made in the Environmental Impact Statement;
- identify trends in the data; and
- identify any management implications.

7 Water take

The Annual Review should report on water taken under each water licence that applies to the project for the previous water year (1 July – 30 June). This summary should provide a clear and consolidated summary of the water extracted in relation to each of the licences held that has an entitlement. This should include inflow and other passive take, and any active pumping, and should clearly specify if there is nil take associated with a licence for the reporting period.

An example of the table to be included in the Annual Review is provided as **Table 6**.

Table 6 – Water management

Licence #	Water source and management zone (if applicable)	Entitlement ⁵	Passive take / inflows	Active pumping	TOTAL

8 Rehabilitation performance

The Annual Review shall incorporate a summary of the rehabilitation performance as reported to DRE under the mining lease annual rehabilitation reporting process. The objective is to provide an effective high level summary of performance against the rehabilitation targets in the Mining Operations Plan (MOP) and the proposed schedule outlined in the development consent. As a minimum the review shall include, but not necessarily be limited to the following:

- agreed post rehabilitation land use(s) and whether any rehabilitation areas on site have received formal sign-off from DRE that the appropriate land use objectives and completion criteria have been met;
- variations in activities undertaken to those proposed in the MOP, the reasons for them, and any actions agreed with DRE to address these issues;
- an overview of key issues that may affect the ability to successfully rehabilitate a site as well as a description of the key associated management measures being implemented (e.g. acid mine drainage, landform instability, weed infestation etc.); and
- a summary of the proposed rehabilitation activities during the next report period.

⁵ Any trades undertaken during the period should be noted

Key rehabilitation performance indicators, as derived from DRE’s mining lease annual rehabilitation reporting process, are to be reported on and should be reported in the Annual Review as per **Table 7** below.

Table 7 – Status of Rehabilitation Performance

Indicator	Mine Area Type	Previous Reporting Period (Actual)	This Reporting Period (Actual)	Next Reporting Period (Forecast)
		Year X-1(ha)	Year X (ha)	Year X+1 (ha)
1	Total mine footprint			
2	Total active disturbance			
3	Land being prepared for rehabilitation			
4	Area rehabilitated and being managed to achieve relinquishment			
5	Rehabilitation Relinquishment			

- 1 Total Mine Footprint includes all areas within a mining lease that either have at some point in time or continue to pose a rehabilitation liability due to mining and associated activities. As such it is the sum of Total Active Disturbance, Decommissioning, Landform Establishment, Growth Medium Development, Ecosystem Establishment, Ecosystem Development and Relinquished Lands (as defined in DRE MOP Guidelines). Please note that subsidence remediation areas are excluded.
- 2 Total active disturbance area 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 emplacements (active/unshaped/in or out-of-pit), tailings dams (active/unshaped/uncapped) and temporary stabilised areas (e.g. temporary rehabilitation).
- 3 Land Preparation for Rehabilitation – includes the sum of mine disturbed land that are under the following rehabilitation phases – Decommissioning, Landform Establishment and Growth Medium Development (as defined in DRE MOP Guidelines).
- 4 Area rehabilitated and being managed to achieve relinquishment – includes the following rehabilitation phases as described in the DRE MOP Guidelines – “Ecosystem and Land Use Establishment” (area seeded OR surface developed in accordance with final land use) & “Ecosystem and Land Use Sustainability” (revegetation assessed as showing signs of trending towards relinquishment OR infrastructure development).
- 5 Rehabilitation Relinquishment - Demonstrated ultimate success of rehabilitation process. This may be biophysical or physical. Note: This figure requires formal sign-off by DRE that the area has successfully met the rehabilitation land use objectives and completion criteria.

Please note that the extent of temporary rehabilitation undertaken for the purpose of dust or erosion control and not for purpose of establishing the intended post mining land use is to be excluded from the rehabilitation figures. Instead these areas are to be accounted within indicator 2 as outlined in **Table 7**.

The status of mining and rehabilitation at the completion of the reporting period should be included on an appropriate plan showing:



- extent of mining and rehabilitation activities;
- surface contours; and
- rehabilitation vegetation type (e.g. native ecosystem communities and or agricultural areas).

Photographs and diagrams to support text descriptions should be included where appropriate.

9 Community

The Annual Review should include a brief summary of:

- any community engagement activities or initiatives that have been undertaken during the reporting period;
- any community contributions and, where relevant, reporting on the outcomes of any community fund;
- the number of community complaints received during the reporting period compared to previous years;
- any trends in regards to the subject, timing or location of complaints; and
- any actions undertaken or proposed as an outcome of the complaints.

10 Independent Audit

This section of the Annual Review should identify:

- whether an Independent Audit was conducted during the reporting period;
- if an Independent Audit was undertaken within the reporting period, a discussion of the key audit outcomes should be provided;
- progress made in implementing the Action Plan developed as an outcome of the most recent Independent Audit; and
- when the next Independent Audit is scheduled.

11 Incidents and non-compliances during the reporting period

This section of the Annual Review should expand on the information provided under heading 1 Statement of compliance and:

- identify any relevant approval conditions which were not complied with;
- detail the particulars of the non-compliance;
- identify the date(s) when the non-compliance occurred, if applicable;
- if relevant, identify the precise location(s) where the non-compliance occurred (using maps or diagrams as appropriate);
- detail the cause of the non-compliance;
- detail what action has been, or will be, taken to mitigate any adverse effects of the non-compliance; and

- detail what action has been, or will be, taken to prevent a recurrence of the non-compliance.

This section of the Annual Review should also include:

- a description of any reportable incidents or exceedences;
- a summary of any official cautions or warning letters, penalty notices or prosecution proceedings by any regulatory agency;
- a summary of the operator's response to any official cautions or warning letters, penalty notices or prosecution proceedings; and
- general commentary on any actions undertaken to improve performance in the area of incident or non-compliance both short and long term.

12 Activities to be completed in the next reporting period

The Annual Review should include information regarding any measures to be implemented in the next reporting period to improve the environmental or community performance of the operation.

Operators are expected to seek to continuously improve environmental and community performance, taking account of lessons learnt from previous reporting periods, evolving technologies, government and community feedback, and available best practice that may be feasible to apply to the operation.

This section should identify:

- measures that will be implemented to improve environmental and community performance;
 - the timeline for implementation of these measures;
 - whether any management plans will need to be revised to reflect these proposed measures; and
 - any action from a relevant approval that will be triggered in the next reporting period.
-