



**NSW
Resources
Regulator**

ESG4: GUIDELINE FOR PREPARING AN ENVIRONMENTAL AND REHABILITATION COMPLIANCE REPORT FOR EXPLORATION

Mining Act 1992

Petroleum (Onshore) Act 1991

Document control

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AMENDMENT SCHEDULE

| Date | Version | Amendment |
|----------------|---------|---|
| January 2015 | 1.0 | First published |
| August 2016 | 2.0 | Updated template, minor text edits; update to definitions; clarification of scope and timing of reports in Sections 2 and 3; updates to <i>Appendix 1 – Report template</i> |
| November 2016 | 2.1 | Minor change to wording of Table 1: “during term of title” changed to “since grant” to be consistent with Table 3. |
| September 2017 | 2.2 | Streamlining amendment to recognise prior rehabilitation activities which have been assessed and deemed “satisfactory” by the department. If rehabilitation has been assessed as being “satisfactory” by the department (following the title holder submitting evidence using the <i>ESF2 Form - Rehabilitation completion and/or review of rehabilitation cost estimate</i>), the title holder need not duplicate the photos and other rehabilitation evidence in the Environmental and Rehabilitation Compliance Report. However, the title holder must completely fill out Table 3 and reference the relevant correspondence. |
| March 2019 | 2.3 | Minor updated references to NSW Resources Regulator and website links. |

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (March 2019). 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.

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1. Introduction

The NSW Resources Regulator is responsible for the regulation of exploration undertaken pursuant to authorisations granted under the *Mining Act 1992* and titles granted under the *Petroleum (Onshore) Act 1991* (hereafter collectively referred to as titles).

Environmental and rehabilitation compliance reporting is required pursuant to the conditions of titles.

This guideline (ESG4: Guideline for Preparing an Environmental and Rehabilitation Compliance Report for Exploration) has been prepared to provide industry with guidance on how to prepare such reports.

2. When is a report required?

The requirement for an Environmental and Rehabilitation Compliance Report is determined by the conditions of a title.

An Environmental and Rehabilitation Compliance Report is referred to using varying terms depending upon the type and date of the title, as outlined in the table (see next page).

All reports must indicate why the report is being submitted i.e. renewal, part renewal, cancellation, part cancellation, expiry, transfer or grant anniversary date.

Separate reports are required for **each title** except where prior application for group reporting has been approved by the department. Group reports should ensure that the status of compliance, exploration activities and associated rehabilitation is provided separately for each title.

Failure to submit a report at the required time, or submission of an incomplete report, will be investigated by the NSW Resources Regulator and may result in compliance and enforcement action.

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Table 1: Report type and lodgement requirements

Important: refer to the exact wording in your title condition to determine which report is required and when it is required to be lodged.

| Type of title | Report to be submitted (as referred to in the title condition) | Timing of lodgement |
|--|---|---|
| Titles granted, renewed or transferred in respect of applications received after 1 July 2015 (commonly referred to as IMER ¹ Titles) | <ul style="list-style-type: none"> Annual Activity Report <p>Note: An Annual Activity Report consolidates compulsory annual reporting required under a prospecting title including the Annual Environmental and Rehabilitation Compliance Report. The Annual Activity Report must be prepared in accordance with the <i>Exploration guideline: Annual Activity Reporting for prospecting titles</i>.</p> | <p>Unless otherwise approved by the Minister, this report is to be lodged at the following times:</p> <ul style="list-style-type: none"> annually, within one calendar month following the grant anniversary date on any other date or dates directed by the Minister in writing, and within one calendar month of cancellation or expiry of the licence. |
| Titles granted, renewed or transferred in respect of applications received prior to 1 July 2015 | <ul style="list-style-type: none"> Environmental Management Report (EMR) Environmental and Rehabilitation Report (E&RR) Compliance and Rehabilitation Report (C&RR) Environmental and Rehabilitation Compliance Report (E&RCR). | <p>This varies from title to title and includes at the following times:</p> <ul style="list-style-type: none"> annually (generally within 28 to 30 days following the grant anniversary date) with an application for renewal with an application for transfer with an application to cancel/partially cancel one month prior to the expiry on any other date or dates directed by the Minister in writing. |

¹ IMER (Improved Management of Exploration Regulation) reforms were introduced from 1 July 2015. For more information visit www.resourcesregulator.nsw.gov.au

3. Report scope and content

The report should provide the following information using the report template and tables in Appendix 1:

- the status of exploration activity approvals **since the grant of the title** – refer to Table 1
- any non-compliance/s with the conditions of the title and/or terms of exploration activity approvals – **since the last reporting period** (including any non-compliance/s still outstanding) – refer to Table 2
- the status of exploration activities and associated rehabilitation **since the grant of the title** – refer to Table 3.

3.1. Historical information

For older titles, the title holder **should use their best endeavours** to provide historical information relating to previously completed exploration activities and associated rehabilitation where it is available.

3.2. Rehabilitation status

Rehabilitation must only be reported as “completed” in cases where the NSW Resources Regulator has acknowledged in writing that the area has been satisfactorily rehabilitated, following the receipt and assessment of [Form ESF2 Rehabilitation completion and/or review of rehabilitation cost estimate](#). The report should specify the document reference and date of the NSW Resources Regulator’s notification that the rehabilitation has been signed off as complete.

3.3. Level of detail required

The level of detail provided within the report should be commensurate with the nature, and amount, of exploration activities undertaken. For example, where minimal surface disturbing activities have occurred since the last renewal, the NSW Resources Regulator would expect that the report would be brief and targeted.

3.4. Tables

Provide the information identified within the tables in Appendix 1 including:

- Table 1 – General status
- Table 2 – Status on compliance
- Table 3 – Status of exploration activities and rehabilitation (Grand Total across title area since grant).

3.5. Maps

Provide a map (or set of maps) that include the location of exploration activities and rehabilitation. Maps must include:

- title boundary

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-
- scale
 - north arrow
 - access tracks, temporary camps
 - towns, major infrastructure (roads, railways) and rivers
 - sensitive receivers (including dwellings, libraries, educational and research institutions, childcare centres, places of worship, hospitals and other medical institutions)
 - natural features, including but not limited to State Conservation Areas and National Parks
 - landholder boundaries
 - an outline of activity approval areas for each exploration activity application/REF (since grant)
 - areas of rehabilitation which have been completed and signed off by the NSW Resources Regulator (i.e. the NSW Resources Regulator has acknowledged in writing that the area has been satisfactorily rehabilitated, following the receipt and assessment of [Form ESF2 Rehabilitation completion and/or review of rehabilitation cost estimate](#))
 - areas of rehabilitation that are incomplete/underway.

3.6. Photos

For activities which have **not** been formally signed off by the NSW Resources Regulator as satisfactorily rehabilitated, provide a set of photos that show

- baseline conditions of disturbed areas
- disturbance caused by exploration activities
- progressive or completed rehabilitation works

(Note: photos do **not** need to be provided for any activities where rehabilitation has been completed and signed off by the NSW Resources Regulator (i.e. where the NSW Resources Regulator has acknowledged in writing that the area has been satisfactorily rehabilitated, following the receipt and assessment of [ESF2 Rehabilitation completion and/or review of rehabilitation cost estimate](#)).

3.7. Declaration

Provide a completed declaration. Refer to the template in Appendix 1.

4. Submission of reports

Reports should be submitted via the department's online portal EROL (erol.minerals.nsw.gov.au), or with the title application (e.g. with the application for renewal or cancellation).

5. General notes

5.1. False or misleading information

Giving false or misleading information is a serious offence under Section 378C of the *Mining Act 1992*, Section 135 of the *Petroleum (Onshore) Act 1991* and Part 5A of the *Crimes Act 1900*.

5.2. Public disclosure

Environmental and Rehabilitation Compliance Reports for exploration may be publicly disclosed consistent with the *Government Information (Public Access) Act 2009*.

5.3. Information provided by a natural person

Under section 364A(4) of the *Mining Act 1992* and section 113L(4) of the *Petroleum (Onshore) Act 1991*, information provided by a natural person in compliance with a condition of an authorisation requiring the holder to provide the Minister with reports detailing any non-compliance with the conditions of the authorisation, or any requirements of the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991* or the regulations relating to activities under the authorisation, and any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects of that non-compliance, is not admissible in evidence against the person in criminal proceedings (other than proceedings for an offence for providing false and misleading information) if the person, when providing the information, objected to the provision of the information on the grounds that it might incriminate him or her.

5.4. Activity audits

The NSW Resources Regulator may conduct an audit at any time to determine whether the activities being carried out by the title holder are authorised by the title and are generally in accordance with those set out in any activity approval and conditions of the title and that the actual impacts are consistent with those described in the information supplied to the NSW Resources Regulator in support of an approval. Failure to comply with the title or any activity approval may result in enforcement action.

5.5. Personal information

Where personal information is supplied to the NSW Resources Regulator as part of an Environmental and Rehabilitation Compliance Report for exploration and/or associated documentation, the *Privacy and Personal Information Protection Act 1998* requires that the individual be made aware that the information is being collected for the purpose of satisfying compliance with a condition of a title imposed under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991* and that the information may be made available to the public via the department's website. The information may be used to establish and maintain databases to assist the NSW Resources Regulator with its regulatory role. At the request of the individual to whom the personal information relates, the department may make appropriate amendments (whether by corrections, deletions or additions) to ensure that the personal information is accurate, relevant, up to date, complete and not misleading.

6. More information

Compliance Operations Branch

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7. Definitions

In this Guideline:

- Reference to a document in this Guideline is a reference to that document as amended or replaced from time to time.
- Terms in column 1 of the following have the meaning set out in column 2:

| Column 1 | Column 2 |
|--|--|
| Activity | Any activity carried out in connection with exploration including: <ul style="list-style-type: none"> • the use of land • means of accessing land • the carrying out of a work. |
| Activity approval | An approval to carry out assessable prospecting operations granted under the <i>Mining Act 1992</i> or the <i>Petroleum (Onshore) Act 1991</i> . |
| Assessable prospecting operation | Means any prospecting operation that is not exempt development within the meaning of <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> . |
| Authority | Means an exploration licence or assessment lease granted under the <i>Mining Act 1992</i> . |
| Borehole | A hole made by drilling or boring, but excludes sampling and coring using hand held equipment and petroleum wells. |
| Environmental and Rehabilitation Compliance Report for Exploration | Includes an Annual Activity Report, an Environmental Management Report (EMR), an Environmental and Rehabilitation Report (E&RR), a Compliance and Rehabilitation Report (C&RR) or an Environmental and |

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| | |
|--|---|
| | Rehabilitation Compliance Report (E&RCR) as defined by the conditions of a title. |
| Exempt development | Has the same meaning as it has in <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> . |
| Exploration | Has the same meaning as it has in the <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> . |
| IMER (Improved Management of Exploration Regulation) | Refers to the reform of NSW exploration regulation undertaken in 2015. |
| Petroleum title | Means an exploration licence or assessment lease granted under the <i>Petroleum (Onshore) Act 1991</i> . |
| Petroleum well | Means a hole made by drilling or boring in connection with prospecting for petroleum or operations for the recovery of petroleum, but excludes: <ul style="list-style-type: none"> • sampling and coring using hand held equipment • a hole constructed and operated for the following purposes where the operation of that hole does not involve fracture stimulation or the recovery of petroleum: <ul style="list-style-type: none"> - stratigraphic definition - seismic (for example shot holes, geophone, tilt meters bores) - water monitoring - environmental assessment |
| Prospect | Has the same meaning as it has in the <i>Mining Act 1992</i> and the <i>Petroleum (Onshore) Act 1991</i> , as relevant. |
| Prospecting operations | Means operations carried out in the course of prospecting. |
| Rehabilitation | Has the same meaning as it has in the <i>Mining Act 1992</i> . |
| Terms | In relation to activity approvals, means the terms imposed by the decision-maker on the grant of an activity approval. |
| Title | Means an authority or a petroleum title. |
| Title holder | Means the holder of a title. |

8. Appendix 1: Report template

The report should contain the information identified in the following template.

Example cover page

Environmental and Rehabilitation Compliance Report

for

[insert licence title e.g. Exploration Licence 1234]

[insert title holder name]

[insert reporting period e.g. March 2017 to March 2018]

Submission date

[insert Day Month Year]

Example table of contents

Contents

| | |
|--|---|
| Table 1 – General status | X |
| Table 2 – Status on compliance | X |
| Table 3 – Status of exploration activities and rehabilitation..... | X |
| Maps | X |
| Photos | X |
| Declaration..... | X |

Table 1: General status

| Details required | | |
|---|---|--|
| Report title* | e.g. Environmental and Rehabilitation Compliance Report or Environmental Management Report or Environmental and Rehabilitation Report or Compliance and Rehabilitation Report | |
| Date of report | | |
| Authority/title number | | |
| Original grant date of authority/title | | |
| Expiry date of authority/title | | |
| Name of authority/title holder including <u>address, telephone and email contact details</u> | | |
| Project name/location | | |
| Reason for report | e.g. renewal, part-renewal, cancellation, part-cancellation, expiry, transfer or grant anniversary date | |
| Project operator (company doing the work) | | |
| Author(s) of report including <u>address, telephone and email contact details</u> | | |
| Have any disturbance activities requiring rehabilitation been undertaken since grant? | <input type="checkbox"/> Yes – fill out Tables 2 and 3 <input type="checkbox"/> No – fill out Table 2 | |
| Status of Activity Approvals for title | Rehabilitation completed | Activities underway / yet to commence |
| Activity Approval No.X and Department Reference (DOCXX/XXXX) | Insert Departmental Rehabilitation Review Notice reference (DOCXX/XXXX) | |
| Activity Approval No.X | | |
| Activity Approval No.X | | |
| Activity Approval No.X | | |

*Refer to your title conditions for the name of report required

Table 3: Status of exploration activities and rehabilitation (Grand Total across title area since grant)

| Title and/or Activity Approval ID e.g. No. or date | Activity type (list each activity) – e.g. RC Drilling – No. of holes (examples) | Exploration activities conducted | GPS co-ords of disturbance area | GPS co-ords of borehole/well | Total area disturbed (m ²) (since grant) | Area rehabilitated (m ²) ² | Area not rehabilitated (m ²) | Status of borehole (open, capped, filled, sealed /plugged & abandoned) | ESF2 Rehabilitation Completion Report Reference (where applicable) | Relevant Comments |
|--|---|--|---------------------------------|---|--|---|--|--|--|---|
| Example - Exempt activities requiring rehabilitation (Commencement date; on-hold or completed) | Auger drilling program 1 - 100 holes | Auger holes X ₁ to X ₁₀₀ | Indicate area on plan | Collar coordinates provide in Geosurvey reports | 100 | 100 | 0 | 100 holes filled | ESF2 for Program No.1 X ₁ to X ₁₀₀ and Department Ref of Rehabilitation Review Notice (DOC18/XXXX) | Area of program indicated on Plan X. |
| | Auger drilling program 2 - 500 holes | Auger holes X ₁ to X ₅₀₀ | Indicate area on plan | Collar coordinates provide in Geosurvey reports | 500 | 450 | 50 | 450 holes filled, 50 holes open | ESF2 for Program No.2 X ₁ to X ₅₀₀ and Department Ref of Rehabilitation Review Notice (DOC18/XXXX) | Area of program indicated on Plan X |
| | Access track repair | Area requiring repair works 40m ² | MGA94 co-ordinates | NA | 40 | 0 | 40 | NA | NA | Location of required track repair shown on Plan X and Photo X |
| Sub-Total 1 | | | | | 640 | 550 | 90 | | | |

² Rehabilitation must only be reported as “completed” in cases where the NSW Resources Regulator has acknowledged in writing that the area has been satisfactorily rehabilitated, following the receipt and assessment of [Form ESF2 Rehabilitation completion and/or review of rehabilitation cost estimate](#). Table 3 should specify the document reference and date of the NSW Resources Regulator’s notification that the rehabilitation has been signed off as complete.

Appendix 1: Example report

| Title and/or Activity Approval ID e.g. No. or date | Activity type (list each activity) – e.g. RC Drilling – No. of holes (examples) | Exploration activities conducted | GPS co-ords of disturbance area | GPS co-ords of borehole/well | Total area disturbed (m ²) (since grant) | Area rehabilitated (m ²) ² | Area not rehabilitated (m ²) | Status of borehole (open, capped, filled, sealed /plugged & abandoned) | ESF2 Rehabilitation Completion Report Reference (where applicable) | Relevant Comments |
|--|---|----------------------------------|---------------------------------|---|--|---|--|---|--|--|
| Example - Activity Approval No. X – (DOC18/XXX) and status (Commencement date; on-hold or completed) | Diamond drilling/No. of holes approved - 8 | 3 (DD7571, DD7572, DD7573) | Indicate area on plan | Collar coordinates provide in Geosurvey reports | 3200 | 1200 | 2000 | 3 boreholes sealed; 3 boreholes capped; 1 borehole open; 1 borehole yet to be drilled | ESF2 for No. X – holes DD7571 to DD7573 <i>and</i> Department Ref of Rehabilitation Review Notice (DOC18/XXXX) | Show holes on plan and nominate those holes drilled, rehabilitated, not rehabilitated or not drilled |
| | Costean Site 1 | Costeaning – 40m * 3m wide | MGA94 co-ordinates | NA | 120 | 120 | 0 | NA | ESF2 for Costean Site 1 <i>and</i> Department Ref of Rehabilitation Review Notice (DOC18/XXXX) | Location of rehabilitated Costean shown on Plan X and Photo X |
| | Costean Site 2 | Costeaning – 40m * 3m wide | MGA94 co-ordinates | NA | 120 | 0 | 120 | NA | NA | Location of rehabilitated Costean shown on Plan X and Photo X |
| | Temp access tracks | Access track 50m * 3m | MGA94 co-ordinates | NA | 150 | 0 | 150 | NA | NA | Location of track shown on Plan X and Photo X |
| | Other | | | | 0 | 0 | 0 | | | |
| | Other | | | | 0 | 0 | 0 | | | |
| | Other | | | | 0 | 0 | 0 | | | |
| Sub-Total 2 | | | | | 3590 | 1320 | 2270 | | | |

Appendix 1: Example report

| Title and/or Activity Approval ID e.g. No. or date | Activity type (list each activity) – e.g. RC Drilling – No. of holes (examples) | Exploration activities conducted | GPS co-ords of disturbance area | GPS co-ords of borehole/well | Total area disturbed (m ²) (since grant) | Area rehabilitated (m ²) ² | Area not rehabilitated (m ²) | Status of borehole (open, capped, filled, sealed /plugged & abandoned) | ESF2 Rehabilitation Completion Report Reference (where applicable) | Relevant Comments |
|--|---|---|---------------------------------|------------------------------|--|---|--|--|--|---|
| Example - Activity Approval No. Y and status (Commencement date; on-hold or completed) | Bulk-sampling pit No X | Excavation & out of pit overburden storage area – 30m * 30m | MGA94 co-ordinates | NA | 900 | 0 | 900 | NA | NA | Location of Bulk sampling pit shown on Plan X and Photo X |
| | Temp access track | Access track 80m * 4m | MGA94 co-ordinates | NA | 320 | 0 | 320 | NA | NA | Location of track shown on Plan X and Photo X |
| | Other | | | | 0 | 0 | 0 | | | |
| | Other | | | | 0 | 0 | 0 | | | |
| | Other | | | | 0 | 0 | 0 | | | |
| | Other | | | | 0 | 0 | 0 | | | |
| Sub-Total 3 | | | | | 1220 | 0 | 1220 | | | |
| Grand Total across title³ | | | | | 5450 | 1870 | 3580 | | Rehabilitation vs Disturbance Ratio (Area rehabilitated / Area disturbed) | 34% |

³ Sub Total 1 + Sub Total 2 + Sub Total 3 = Grand Total across title area (since grant).

Maps

[insert maps]

Photos

[insert photos where relevant]

Declaration

I/We declare that the information provided in and in connection with this report is true and correct. I/We understand that under [Part 5A](#) of the *Crimes Act 1900*, knowingly giving false or misleading information is a serious offence; and under [Section 378C](#) of the *Mining Act 1992*, 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.

This report must be signed by the title holder/s, or an authorised representative of the title holder/s, or the agent who is authorised to act on behalf of the title holder/s.

Applicant/s

| | |
|-------------------------|----------------------|
| Name | <input type="text"/> |
| Authority/title details | <input type="text"/> |
| Position/title | <input type="text"/> |
| Date | <input type="text"/> |
| Signature | <input type="text"/> |

| | |
|-------------------------|----------------------|
| Name | <input type="text"/> |
| Authority/title details | <input type="text"/> |
| Position/title | <input type="text"/> |
| Date | <input type="text"/> |
| Signature | <input type="text"/> |

| | |
|-------------------------|----------------------|
| Name | <input type="text"/> |
| Authority/title details | <input type="text"/> |
| Position/title | <input type="text"/> |
| Date | <input type="text"/> |
| Signature | <input type="text"/> |