July 2023

Form

# Exploration self-audit checklist

## Background

This checklist has been developed by the NSW Resources Regulator (the regulator) to assist people who hold exploration authorisations and carry out exploration activities to understand their regulatory responsibilities. This checklist is self-directed and helps you to consider many aspects of your regulatory responsibilities under both the *Mining Act 1992* (the Act) and the Mining Regulation 2016 (the Regulation).

### Legislation

The *Mining Act 1992* outlines the way mineral resources can be explored and mined in NSW. It also provides a licencing system for people who want to undertake exploration or mining. In general, a valid authorisation is required, and the type of authorisation required depends on the type of activity you are undertaking. For exploration, this authorisation is an exploration licence (EL) or an assessment lease (AL).

Authorisations are granted with a series of conditions you must follow. The regulator will audit the performance of the systems and processes that support your compliance, as well as auditing how you meet your specific obligations under:

* the *Mining Act 1992* and the Mining Regulation 2016
* the conditions of your authorisation
* assessable prospecting operations conditions (S23A and S44A of the Act).

### Scope of this checklist

This document is comprised of several checklists, based on those used by the regulator’s audit team. The checklists provide an indication of some of the issues the regulator’s auditors consider when undertaking audits on-site.

If you hold an authorisation, you may use these checklists to assist you in identifying requirements that apply to your authorisation and help you to ensure you are meeting your statutory obligations. This document is designed for small-scale explorers, as larger companies generally develop their own internal compliance processes.

Note: These checklists are of a general, advisory nature only. Using them does not limit or otherwise reduce your responsibility to ensure you meet your statutory requirements. This document does not provide guidance or advice on other legislation or legislative frameworks that may apply to you. There may be additional obligations relating to your authorisation, or the activities occurring in relation to the authorisation that are not covered by this document.

### Who should use this checklist?

This document is based on the conditions of prospecting titles (exploration) granted, transferred or renewed after 1 July 2015. If you hold an authorisation with other sets of conditions, these checklists provide a general indication of the requirements, but certain specific conditions may not be covered. You should perform your own review of your authorisation conditions to ensure the checklist is consistent with the conditions that apply to you.

Regular self-auditing (at least once a year) will help to ensure you maintain your compliance. You should also complete a self-audit at other times, such as following:

* major structural change in your business resulting in changes in staffing or business systems
* major change in operations, for example, extended periods of shutdown, commencing new operations or re-entering previously operated areas
* an alleged or proven non-compliance with the Act, the Regulation or authorisation conditions.

### Further information

For more information about how to use this checklist, contact the Regulator.

* Website: [resourcesregulator.nsw.gov.au](https://www.resourcesregulator.nsw.gov.au/)
* Email: nswresourcesregulator@service-now.com
* Phone: 1300 814 609

## Your exploration licence details

|  |  |
| --- | --- |
| Details |  |
| Authorisation number (EL, AL) |       |
| Project name |       |
| Titleholder |       |
| Grant date |       |
| Last renewal date |       |
| Expiry date |       |
| Audit period |       to        |
| Checklist completed by |       |
| Date checklist completed |       |

# Part 1: Conditions of title

## Condition 1 – Work program

You must carry out operations and any other activities as you have described them in your approved work program.

Approved work plan number:

Guidance material for work programs is contained in [Guide: Work programs for prospecting titles](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-11/exploration-guideline-work-programs-for-prospecting-titles.pdf).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Condition 1 |  |  |  |  |
| 1. Are there processes in place to periodically review your work program throughout the year?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is the work program progressing as planned?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you seek variations for any changes to the approved work program?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you maintain records to confirm work programs activities (for example, drilling records, seismic survey details, variation approvals or other activities?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Condition 2 – Native title

You must not prospect on any land or waters within the exploration area on which native title has not been extinguished under the *Native Title Act 1993* (Cth) without the prior written consent of the Minister.

Information about native title can be found on the Department of Regional NSW’s Mining Exploration and Geoscience webpage – [Native Title](https://meg.resourcesregulator.nsw.gov.au/mining-and-exploration/native-title).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Condition 2 |  |  |  |  |
| 1. Have you established whether native title exists within your licence area?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have you conducted any prospecting operations on land to which native title may exist?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. If native title exists, have you commenced the right to negotiate process?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. If native title exists, have you applied for the written approval of the Minister?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. If you have the written consent of the Minister, have you complied with any conditions of that consent?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Condition 3 – Community consultation

You must carry out community consultation in relation to the planning and conduct of activities under your authorisation in accordance with the department’s [Exploration code of practice: Community consultation](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-10/community-consultation-exploration-code-of-practice.pdf).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Condition 3 |  |  |  |  |
| 1. Have you undertaken community consultation for your exploration activities in accordance with the code of practice? (see also Part 3 of this checklist)
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Condition 4 – Protection of the environment

You must prevent, or if that is not reasonably practicable, reasonably minimise, any harm to the environment arising from activities carried out under your authorisation.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Condition 4 |  |  |  |  |
| 1. Have you identified and implemented controls to minimise environmental impacts arising from exploration activities? (see also Part 4 of this checklist)
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Condition 5 – Security

You must provide a security deposit to secure funding for the fulfilment of your obligations under your authorisation, including obligations that may arise in the future.

|  |  |
| --- | --- |
| Condition 5 |  |
| What is the current security amount required? | $       |
| Date of last security review | DD/MM/YYYY |
| 1. Have you paid the required security deposit?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have you prepared and submitted rehabilitation cost estimates when required? (for example, when submitting applications for assessable prospecting operations)
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Condition 6 – Rehabilitation

You must carry out rehabilitation of all disturbance caused by activities carried out under your authorisation in accordance with the requirements in part B of the department’s [Exploration code of practice: Rehabilitation](https://www.resourcesregulator.nsw.gov.au/__data/assets/pdf_file/0008/565955/Exploration-code-of-practice-Rehabilitation.pdf) to the satisfaction of the Minister.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Condition 6 |  |  |  |  |
| 1. Have you rehabilitated your exploration activities in accordance with the code of practice? (see also Part 5 of this checklist)
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Where exploration activities and rehabilitation have been completed, have you completed and submitted your application for rehabilitation completion through the [Resources Regulator Portal](https://nswresourcesregulator.service-now.com/regulator)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Condition 7 – Environmental incident reporting

You must provide environmental incident notifications and reports to the Secretary no later than 7 days after those notifications and reports are provided to relevant authorities under the *Protection of the Environment Operations Act 1997*.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Condition 7 |  |  |  |  |
| 1. Do you have systems and processes in place to detect and action environmental incidents?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have any environmental incidents occurred during your exploration activities?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have those incidents been reported to the Environmental Protection Authority or other agencies?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Did you also provide a copy of any incident reports to the department?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Were those reports submitted within the 7-day timeframe?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Condition 8 – Annual activity reporting

Unless otherwise approved by the Minister, all authorisation holders must submit annual activity reports at the following times:

* annually, within 30 days following the grant anniversary date of your authorisation
* on any other date or dates directed by the Minister in writing
* within 30 days of the cancellation or expiry of your authorisation.

Further information can be found in [Exploration guideline: Annual activity reporting for prospecting titles](https://www.resourcesregulator.nsw.gov.au/sites/default/files/documents/exploration-guideline-annual-activity-reporting-for-prospecting-titles.pdf).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Condition 8 |  |  |  |  |
| 1. Do you have systems and processes in place to track reporting dates?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have you submitted annual activity reports in accordance with the guideline?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are those reports submitted within the 30-day timeframe after grant anniversary date?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. If the title has been cancelled or expired, have you submitted an annual activity report within 30 days?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. If reports have not been submitted within the required timeframes, have you applied for extensions of time to lodge reports and have those applications been granted?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have any exemptions been granted to prepare and lodge reports in respect of the titles?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do your annual activity reports include:
 |  |  |  |  |
| 1. annual exploration report in accordance with [Exploration reporting: A guide for reporting on exploration and prospecting in NSW](https://meg.resourcesregulator.nsw.gov.au/sites/default/files/2022-12/exploration-reporting-a-guide-for-reporting-on-exploration-and-prospecting-in-New-South-Wales.pdf)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. annual environmental and rehabilitation compliance report?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. have you prepared your reports in accordance with the relevant guidelines and templates?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Condition 9 – Change in control

If the authorisation is held by a corporation or a trust, the Minister's prior written approval is required before any:

* change in effective control of the authorisation holder, or
* foreign acquisition of substantial control in the authorisation holder.

Note: The Minister’s approval is not required where a change in effective control of the authorisation holder, or a foreign acquisition of substantial control of the authorisation holder, occurs as a result of the acquisition of shares or other securities on a registered stock exchange.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Condition 9 |  |  |  |  |
| 1. Has there been any change in ownership of your company?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Has there been any foreign acquisition of control of your company?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. If yes to question 1 or 2, has the Minister’s approval been sought and granted?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Condition 10 – Coal seam discovery (mineral titles only)

If a coal seam is discovered in the exploration area, you must immediately inform the Secretary.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Condition 10 |  |  |  |  |
| 1. Do drill logs identify the discovery of any coal seams in the area?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. If yes, have details been provided to the department?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

# Part 2: *Mining Act 1992* and Mining Regulation 2016

The *Mining Act 1992* and the Mining Regulation 2016 also impose obligations on titleholders which must be complied with. This section outlines these requirements.

## *Mining Act 1992* section 23A or 44A – Assessable prospecting operations

You must not conduct assessable prospecting operations within your licence area unless you have obtained an activity approval for that assessable prospecting operation.

Applications for assessable prospecting operations can be made through the [Resources Regulator Portal](https://nswresourcesregulator.service-now.com/regulator).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Assessable prospecting operations |  |  |  |  |
| 1. Have you undertaken any assessable prospecting operations within your exploration licence area?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Did you submit an application for assessable prospecting operations to the NSW Resources Regulator and receive approval?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you have systems and processes in place to make sure that your assessable prospecting operations are being undertaken in accordance with your application for assessable prospecting operations and the conditions specified in the approval?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have you undertaken your exploration operations in accordance with the approval?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## *Mining Act 1992* section 30 – Exempted areas

You must have an access arrangement in place (see the *Mining Act 1992* section 140 - Prospecting to be carried out in accordance with access arrangements) before you undertake prospecting operations in exempted areas. If you are planning to prospect in an exempted area that is also within a state conservation area, you must obtain approval of the Minister before you undertake those prospecting operations.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Exempted areas |  |  |  |  |
| 1. Are there any exempted areas within your exploration area?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are you undertaking activities in these exempted areas?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. If you are conducting exploration activities in exempted areas, do you have access arrangements in place?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are you conducting exploration activities in any state conservation area?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have you sought the consent of the Minister?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Was the consent subject to any conditions?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have you complied with those conditions?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## *Mining Act 1992* section 31 – Dwelling-houses, gardens and significant improvements

You must not undertake any exploration activities within the prescribed distances of a dwelling-house, garden, or other significant improvements unless you have the written consent of the owner and/or occupier.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Mining Act 1992* section 31 |  |  |  |  |
| 1. Are you undertaking any exploration activities:
 |  |  |  |  |
| 1. within 200 metres of a dwelling-house?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. within 50 metres of any garden?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. on land containing any significant improvement (not related to ancillary mining activities)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. If yes to any part of question 1, have you obtained the written consent of the owner?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Where that consent includes specific requirements, have those requirements been met?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## *Mining Act 1992* section 140 – Prospecting to be carried out in accordance with access arrangements

You must not carry out prospecting operations on any land until you have a written access arrangement with the landholders on whose land you will be prospecting.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Mining Act 1992* section 140 |  |  |  |  |
| 1. Have you identified all landowners on whose land your exploration activities will be undertaken?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you have written access agreements in place with all landowners on whose land your exploration activities will be undertaken?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Where those agreements include specific conditions of access, have you complied with those conditions?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## *Mining Act 1992* section 163C – Reports

You must prepare and lodge reports of all operations carried out under the authorisation.

Clauses 59, 60, 61 and 63 of the Mining Regulation contain specific requirements for reports, maps, plans and data.

For guidance on preparing reports, see [Exploration reporting: A guide for reporting on exploration and prospecting in New South Wales (January 2022)](https://meg.resourcesregulator.nsw.gov.au/sites/default/files/2022-12/exploration-reporting-a-guide-for-reporting-on-exploration-and-prospecting-in-New-South-Wales.pdf)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Mining Act 1992* section 163C |  |  |  |  |
| 1. Have you prepared and submitted annual reports for your exploration licence?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. If you have relinquished parts of your licence area, have you prepared and submitted partial relinquishment reports?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. If you are cancelling or not renewing your exploration licence, have you prepared and submitted a final report?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have you submitted all required maps, plans and data in the required formats?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## *Mining Act 1992* section 163D – Record-keeping

You must keep records about your authorisation:

* in a legible form, or in a form that can readily be reduced to a legible form for production to any inspector, and
* for 4 years following the expiry or termination of your authorisation.

Note: Please refer to other parts of this checklist to determine the type of records which need to be maintained.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Mining Act 1992* section 163D |  |  |  |  |
| 1. Do you have systems and processes in place to capture and maintain records required under this licence and all relevant codes of practice? (for example, inspection checklists, drilling logs, risk assessments, others)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are your records well-organised and stored (either electronically or physically)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are your records readily retrievable?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have you provided all data to the department in accordance with the guideline requirements?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## *Mining Act 1992* sections 292E and 292I – Liability for annual rental fee and annual administrative levy

You are required to pay an annual rental fee and an annual administrative levy for each title.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Mining Act 1992* sections 292E and 292I |  |  |  |  |
| 1. Do you have systems and processes in place to track when your rents and levies are due?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have you paid all rents and levies by the due dates on the invoices?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Mining Regulation 2016 clause 18 – Renewal of exploration licence

When renewing your exploration licence, you must provide the information prescribed by the Mining Regulation.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Mining Regulation 2016 clause 18 |  |  |  |  |
| 1. Do you have systems and processes in place to track when your renewals are due?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have you renewed your exploration licence during the audit scope period covered by this checklist?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Was the renewal application made on the standard departmental form EL5?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Was a renewal justification statement included with the application?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Was a rehabilitation cost estimate provided with the application?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Was an environmental and rehabilitation compliance report provided with the application?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Was a statement of corporate compliance, environmental performance history and financial capability provided with the application?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Was a work program included with the application?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Mining Regulation 2016 clause 65 – Collection of cores and samples

You must take, properly label and store for the duration of your authorisation:

* core samples of the strata encountered in any drilling carried out under this licence, and
* cuttings of the strata encountered when carrying out any non-core drilling prospecting operations.

For information on collecting and maintaining core and samples, see [Guidelines for acceptable drillcore trays, chip samples and specifications for pallets and stacking](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2023-03/guidelines-for-acceptable-drillcore-trays-chip%20samples.pdf).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Mining Regulation 2016 clause 65 |  |  |  |  |
| 1. Have you collected core or cuttings during drilling activities?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are your core samples stored in standard metal or plastic core trays?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are all core trays labelled with tray number, hole number, start and finish depths, indicators of downhole direction, and any other relevant details?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are any zones of core loss identified?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is core securely stored and maintained (covered, stacked in depth sequence, labelling maintained)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Where chip samples are collected, have all samples been stored in plastic vials or chip trays?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are all chip samples properly labelled (tray number, hole number, start and finish depths, and any other relevant details)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are all chip sample trays adequately stored to maintain the integrity of samples?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have you disposed of any core or samples?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. If yes, where those core or samples first offered to the department?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have core, cuttings, samples or data been provided to the department if requested?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

# Part 3: Exploration code of practice: Community consultation

Note: Guidance is provided in Appendix 1 and 2 of the code to assist explorers with complying with the code requirements (e.g. what to consider when preparing a community consultation strategy, considerations for undertaking community consultation, guidelines for annual reporting, etc).

## Risk assessment

Mandatory requirement 1 of the code of practice requires the licence holder to conduct a risk assessment to identify and consider the range of opportunities and potential threats associated with community consultation and engagement.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Risk assessment |  |  |  |  |
| 1. Has a risk assessment been undertaken to identify and consider the range of opportunities and potential threats associated with community consultation and engagement?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is there a process in place to monitor the identified risks and implement revised environmental management controls if the risk associated with an activity changes?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is the risk assessment and any review undertaken documented?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Community consultation strategy

Mandatory requirement 2 requires the preparation of a community consultation strategy to manage the risks identified in the risk assessment. Mandatory requirement 3 sets out the requirements for preparation of the community consultation strategy.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Community consultation strategy |  |  |  |  |
| 1. Have you developed a community consultation strategy to manage the risks identified in the risk assessment?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Does your strategy include relevant objectives for consultation?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Does your strategy include a detailed description and analysis of potential community stakeholders and impacts?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Does your strategy describe how community consultation will be undertaken (meetings, letters, newsletters, or through other means)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you have processes in place to regularly monitor and respond to community consultation feedback, complaints and enquiries?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you have processes in place to regularly review the strategy and revise it if necessary?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Implementation and reporting

Mandatory requirement 4 requires the licence holder to implement, monitor and report annually on the community consultation strategy. Mandatory requirement 5 requires the licence holder to collect and maintain records.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Implementation and reporting |  |  |  |  |
| 1. Do you have processes in place to monitor the implementation of your strategy?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you document and report the outcomes and actions from consultation you undertake?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you conduct any analysis of feedback and complaints received to identify any trends?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you report annually on your community engagement activities and make those reports publicly available either on your website or on request?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are you maintaining records to demonstrate implementation of your community consultation strategy?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

# Part 4: Exploration code of practice: Environmental management

Note: Guidance is provided in Appendix 1 and 2 of the [Exploration code of practice: Environmental Management](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-03/exploration-code-of-practice-environmental-management.pdf) to assist explorers with complying with the code requirements.

## Risk assessment

Mandatory requirement 12.1 requires the licence holder to monitor the risks associated with activities and, if the risk associated with an activity changes, implement revised environmental management controls.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Risk assessment |  |  |  |  |
| 1. Has a risk assessment been undertaken to identify the environmental risks associated with the exploration activities?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is there a process in place to monitor the identified risks and implement revised environmental management controls if the risk associated with an activity changes?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is the risk assessment and any review undertaken documented?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Use of chemicals, fuels and lubricants

Mandatory requirements 1.1 to 1.4 identify the requirements for the management of chemicals, fuels and lubricants used during exploration activities.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Use of chemicals, fuels and lubricants |  |  |  |  |
| 1. Are procedures and processes in place to manage the use, handling, storage and disposal of chemicals, fuels and lubricants?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have staff been trained in the relevant procedures and processes (for example, through inductions or other means)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are registers of chemicals, fuels and lubricants maintained on site, including current copies of material safety data sheets (MSDSs)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are all chemicals, fuels and lubricants:
 |  |  |  |  |
| 1. stored and handled in accordance with any relevant material safety data sheets and Australian Standards for the material?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. stored in appropriate containers that are in good condition and labelled to clearly identify the stored product?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. kept in a bunded facility or area that is capable of containing at least 110% of the largest container capacity stored within that area?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are adequate spill prevention and absorbent materials required to manage spills and leaks for all potential pollutants readily available on site at all times?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have exploration staff been trained in the use of spill kits and spill response procedures?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are any spills of potential pollutants contained and cleaned up as quickly as practicable?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are records maintained to demonstrate compliance with these requirements (for example, incident reports for spills, routine inspections, others)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Water

Mandatory requirements 2.1 and 2.2 require the licence holder to implement all measures to prevent, so far as reasonably practicable, causing adverse impacts on water quality and quantity, including groundwater levels and pressure.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Water |  |  |  |  |
| 1. Are procedures and processes in place to manage water on site to prevent causing adverse impacts on water quality and quantity, including groundwater levels and pressure?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have staff been trained in the relevant procedures and processes (for example, through inductions or other means)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Where required, has a groundwater monitoring and modelling plan been prepared prior to the construction and use of boreholes?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Was the groundwater monitoring and modelling plan prepared in consultation with Department of Primary Industries – Water?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Has the groundwater monitoring and modelling plan been implemented?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are records maintained of any inspections, monitoring results or other outcomes of water management controls?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Noise and vibration

Mandatory requirement 3.1 requires the licence holder to implement all practicable noise management measures to ensure that noise levels meet acceptable noise criteria for sensitive receivers.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Noise and vibration |  |  |  |  |
| 1. Are procedures and processes in place to manage noise and vibration associated with the exploration activities to ensure that noise levels meet acceptable noise criteria for sensitive receivers?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have staff been trained in the relevant procedures and processes (for example, through inductions or other means)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Has an assessment been undertaken to identify nearby sensitive receivers?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have any nearby sensitive receivers been identified?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have sensitive receivers been managed?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have sound power levels been obtained for all potentially noisy plant and equipment?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are records maintained of any noise monitoring or inspections undertaken?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Air quality

Mandatory requirement 4.1 requires the licence holder to implement all measures to prevent, so far as practicable, pollution caused by dust and other air pollutants.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Air quality |  |  |  |  |
| 1. Are procedures and processes in place to prevent pollution caused by dust and other air pollutants?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have staff been trained in the relevant procedures and processes (for example, through inductions or other means)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Where dust may be an issue (for example, during drilling), are adequate controls in place (for example, dust suppression or collection)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are records maintained of any air quality monitoring or inspections undertaken?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Waste management

Mandatory requirement 5.1 requires the licence holder to manage all waste in a manner which did not, as far as practicable, cause harm to the environment.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Waste management |  |  |  |  |
| 1. Are procedures and processes in place to manage wastes generated by exploration activities?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have staff been trained in the relevant procedures and processes (for example, through inductions or other means)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are appropriate waste receptacles available on site to collect and store the different waste streams (for example, paper and cardboard, metals, oils and oily rags, drilling muds or other material)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are all wastes removed from site and disposed of at the completion of exploration activities?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are records maintained specifying the types and quantity of all wastes generated, excluding personal waste, and the method of their disposal?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Vegetation clearing and surface disturbance

Mandatory requirements 6.1 to 6.4 require the licence holder to:

* minimise the extent of any vegetation clearing and surface disturbance to as low as practicable
* implement all measures to prevent, so far as practicable:
* adverse impacts to fauna caused by vegetation clearing or surface disturbance
* causing any land degradation or pollution of land and water
* harm to the environment when disturbing land in areas of potential or actual acid sulfate soils.

|  |  |  |
| --- | --- | --- |
| Vegetation clearing and surface disturbance |  |  |
| 1. Are procedures and processes in place to minimise the extent of vegetation clearance and manage associated surface disturbances?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are procedures and processes in place to minimise adverse impacts to fauna caused by vegetation clearance and surface disturbance activities?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have staff been trained in the relevant procedures and processes (for example, through inductions or other means)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are the boundaries of any vegetation clearance and surface disturbance clearly marked on site?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are trees and canopy branches inspected for resident fauna prior to felling or branch removal, and are any hollows or active bird nests clearly marked?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Where fauna is detected during inspections, is tree felling or branch removal stopped until any resident fauna have been relocated by an ecologist or other competent party?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are records maintained (including photos, where relevant) of fauna habitat inspections, fauna habitat demarcation and any fauna relocation?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Has an assessment been undertaken to identify any acid sulfate soils or potential acid sulfate soils within the area to be disturbed?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have any acid sulfate soils or potential acid sulfate soils been identified within the area to be disturbed?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have controls been implemented to manage the risks associated with acid sulfate soils?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have erosion and sediment controls been implemented on site to manage risks associated with surface disturbance?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are controls inspected and maintained, particularly after rainfall events?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are records maintained of inspections and maintenance of required controls?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Roads and tracks

Mandatory requirements 7.1 to 7.5 require the licence holder to:

* consult with relevant landholders prior to establishing any new roads or tracks
* plan, design, construct and use roads and tracks in a manner which minimises the area and duration of disturbance
* construct any crossing of rivers, permanent and intermittent waterlands and wetlands to prevent impacts on fish habitats
* refrain from using any unsealed road or track during wet conditions to prevent damage to that road or track
* repair all damage to existing roads and tracks resulting from exploration activities.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Roads and tracks |  |  |  |  |
| 1. Are procedures and processes in place to manage the design, construction, maintenance and use of roads and tracks?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have staff been trained in the relevant procedures and processes (for example, through inductions or other means)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do the procedures include minimising or preventing the use of unsealed roads and tracks during wet weather?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are appropriate design standards used for any new roads or tracks?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have any new roads or tracks been adequately constructed, including appropriate drainage and erosion and sediment control?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are roads and tracks maintained in a serviceable condition?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Has all damage to existing roads and tracks resulting from exploration activities been repaired?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are landowners consulted prior to establishing any new roads or tracks?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are records maintained of road and track construction and maintenance (including before and after photographs)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Weeds, pest animals and diseases

Mandatory requirement 8.1 requires the licence holder to implement all practicable measures to prevent the introduction and spread of weeds, pest animals and animal and plant diseases.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Weeds, pest animals and diseases |  |  |  |  |
| 1. Are procedures and processes in place to prevent the introduction and spread of weeds, pest animals and animal and plant diseases?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have staff been trained in the relevant procedures and processes (for example, through inductions or other means)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are there any significant weed infestations on site?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are records of weed and pest animal control captured and maintained on site?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Livestock protection

Mandatory requirement 9.1 requires the licence holder to implement all measures to prevent, as far as practicable, causing adverse impacts to livestock.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Livestock protection |  |  |  |  |
| 1. Are procedures and processes in place to prevent causing adverse impacts to livestock?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have staff been trained in the relevant procedures and processes (for example, through inductions or other means)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Where livestock are in the area of exploration activities, are drilling sites fenced or similar?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Cultural heritage

Mandatory requirement 10.1 requires the licence holder to implement all measures to prevent, so far as practicable, harm to Aboriginal cultural heritage and non-indigenous cultural heritage.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Cultural heritage |  |  |  |  |
| 1. Are procedures and processes in place to prevent harm to Aboriginal cultural heritage and non-indigenous cultural heritage?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have staff been trained in the relevant procedures and processes (for example, through inductions or other means)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Has an assessment been undertaken to determine if there are any Aboriginal or non-indigenous heritage items in the area of exploration activities?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have Aboriginal or non-indigenous heritage items been identified in the area of exploration activities?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are controls in place to protect those items?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have records (including photos, where relevant) been maintained of actions and decisions taken in exercising due diligence to protect Aboriginal cultural heritage and non-indigenous cultural heritage?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Fire prevention

Mandatory requirement 11.1 requires the licence holder to implement all measures to prevent, as far as practicable, the ignition and spread of fire.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Fire prevention |  |  |  |  |
| 1. Have you implemented controls to prevent the ignition and spread of fire?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you have adequate equipment available in the event of a fire?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you have systems and procedures in place to monitor fire weather conditions?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

# Part 5: Exploration code of practice: rehabilitation

Note: Guidance is provided in Appendix 1, 2 and 3 of the code to assist explorers with complying with the code requirements (for example, what to address in a risk assessment, what a rehabilitation program looks like, rehabilitation objectives and completion criteria that can be adopted, contents of a rehabilitation management plan etc).

## Risk assessment

Mandatory requirement 1 requires the licence holder to conduct a risk assessment to evaluate the range of potential threats and opportunities associated with rehabilitating disturbed areas to a condition that could support the intended final land use.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Risk assessment |  |  |  |  |
| 1. Have you undertaken a rehabilitation risk assessment to evaluate the range of potential threats and opportunities associated with rehabilitating disturbed areas to a condition that can support the intended final land use(s)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you regularly review and update the rehabilitation risk assessment as required to reflect changes in activities or risks to rehabilitation outcomes?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is your risk assessment (and any review) documented and maintained?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Rehabilitation objectives and completion criteria

Mandatory requirement 2 requires the licence holder, not later than 14 days prior to the commencement of surface disturbing activities, to provide to the Secretary a copy of clear, specific, achievable and measurable rehabilitation objectives and completion criteria (ROCC). For higher risk prospecting operations, a rehabilitation management plan is required to be prepared and submitted with the rehabilitation objectives and completion criteria.

|  |  |  |
| --- | --- | --- |
| Rehabilitation objectives and completion criteria |  |  |
| 1. If you are undertaking assessable prospecting activities, have you developed specific, measurable, achievable, realistic and time-bound rehabilitation objectives and completion criteria for activities associated with that exploration activity? Have they been developed in consultation with relevant landholders?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. If you are undertaking higher risk prospecting operations, have you prepared a rehabilitation management plan, and submitted this to the department no later than 14 days prior to commencement of surface disturbance activities?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Rehabilitation monitoring programs

Mandatory requirement 3 requires the licence holder to develop, implement and complete a rehabilitation program (which includes a monitoring program) to rehabilitate disturbed areas to a condition that could support the intended final land use. Mandatory requirement 4 requires the licence holder to commence rehabilitation of a site as soon as reasonably practicable following the completion of activities on that site.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Rehabilitation monitoring programs |  |  |  |  |
| 1. Have you developed adequate rehabilitation monitoring and management programs for the exploration activities? Do you maintain records of rehabilitation monitoring and management activities?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you use the results of the rehabilitation monitoring programs to assess performance against the rehabilitation objectives and criteria? Do you maintain records of these assessments?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you modify your rehabilitation management programs where necessary when monitoring results indicate that rehabilitation criteria are not being achieved? Do you document any modifications?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Where rehabilitation has been identified as not meeting rehabilitation criteria, are corrective actions identified, implemented, monitored and closed out? Do you maintain records of corrective actions undertaken?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Rehabilitation records

Mandatory requirement 6 requires the licence holder to collect and maintain mandatory records.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Rehabilitation records |  |  |  |  |
| 1. Are photos of baseline conditions, disturbance caused by exploration activities and completed rehabilitation works being taken and maintained?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are records of actual methodologies used to rehabilitate the site being maintained? (for example, species used, fertiliser rate, details of ripping and scarifying, timing of sowing, sowing rates, seedling planting density, origin of seed, rainfall, other)
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are the outcomes of rehabilitation inspections and monitoring programs documented and maintained?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

# Part 6: Exploration code of practice: Produced water management, storage and transfer

The [Exploration code of practice: Produced water management, storage and transfer](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-03/Exploration-Code-of-Practice-Produced-Water-Management-Storage-and-Transfer.pdf) sets out mandatory requirements and provides title holders with guidance about the expected performance for the management, storage and transfer of produced water.

## Preparation of a produced water management plan

|  |  |  |
| --- | --- | --- |
| Preparation of a produced water management plan |  |  |
| 1. Are your exploration activities likely to result in the production of produced water?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Will your exploration activities require produced water to be stored on site? Note: onsite storage does not include the management of incidental groundwater mixed with drilling fluids that can be temporarily contained in drilling sumps or aboveground tanks.

If you answered ‘No’ to each of the first 2 questions in this section, then this code of practice is not relevant to your activities. | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. If you answered yes to Question 2, have you prepared a produced water management plan?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Does the produced water management plan include:
 |  |  |  |  |
| 1. a description of the activities associated with the produced water to be carried out by the titleholder?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. the risk assessment undertaken for the activity, including how identified risks will be managed and mitigated, and the characterisation, consideration of beneficial reuse and the fate of the produced water?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. a description of management controls for those activities that ensure, so far as practicable, the effective prevention (or where that is not practicable, mitigation) of risks associated with produced water activities?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. measures that demonstrate compliance with the mandatory requirements of this code and the requirements of any other relevant legislation?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. a site-specific water balance to be maintained during activities.
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Has a copy of the produced water management plan been provided to the department at least 14 days prior to exploration activities described in the plan commencing?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is a copy of the produced water management plan maintained on site?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have staff been trained in the relevant procedures and processes (for example, through inductions or other means)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Produced water storage

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Produced water storage |  |  |  |  |
| 1. Is produced water being stored on site?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is the storage chemically compatible with the produced water being stored?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Does the storage incorporate measures to prevent any overfilling or draining of the produced water being stored?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is the storage being operated within its design parameters and design life?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Does the storage include a secondary containment if it has the capacity to store more than five cubic metres (m3) of produced water?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Does the storage have the capability to detect leaks of produced water through the primary containment?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is design documentation available to confirm the design details?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are ponds being used to store produced water?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Were the ponds designed and constructed in accordance with a construction quality assurance program?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are the ponds located and designed to be structurally stable in all events up to and including the probable maximum flood?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are the ponds located in an area that will not increase flood risk to surrounding land?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do the ponds maintain an environmental containment freeboard capable of containing inflow from events up to and including a 1 in 100-year annual exceedance probability (AEP) 72-hour rainfall event, without discharge, unless the operation of a freeboard for that pond is authorised by an Environmental Protection Licence (EPL)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is the spillway or overflow level above the one in 100-year average recurrence interval flood level?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are construction records available to verify the construction details?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is there a procedure to monitor the environmental containment freeboard, with records maintained?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have geomembrane liners been used in the construction of the ponds?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are all liner seams and joins watertight?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Has quality control testing been conducted over the full length of seams and joins prior to storing water?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Were liners installed on a stable soil sub-base with no protrusions that might compromise the liner?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have controls been installed to prevent animals from entering the pond and damaging the liner?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are construction and installation records available to confirm compliance?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are pipelines used to convey produced water?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have the pipelines been constructed and installed in accordance with Australian Standards AS2885, AS/NZS2566, or the APGA *Code of Practice for Upstream Polyethylene Gathering Networks in the Coal Seam Gas Industry*?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Has field pressure testing been undertaken to verify pipe integrity prior to commissioning?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Has computational pipeline monitoring or other leak detection system been installed for any pipeline that conveys produced water at flow rates greater than one megalitre per day?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are records available to confirm compliance?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Trigger action response plan

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Trigger action response plan |  |  |  |  |
| 1. Does the produced water management plan include a trigger action response plan (TARP) that addresses the risks identified through the risk assessment?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are records available to confirm TARP implementation?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Does the TARP set out the specific procedures to be followed and actions to be taken in each of the following events:
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. any detection of leakage through primary or secondary containment?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. detection of leakage through a primary containment of a pond that exceeds a leakage rate of two holes per hectare each having a diameter no greater than 2 millimetres (known as the action leakage rate)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. detection of a pipeline leakage?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. inclement weather that leads to a substantial risk of a breach of freeboard requirements, rising groundwater levels or flooding of the site or land surrounding the site?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. any other breach of regulatory requirements, including non-compliance with the produced water management plan?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are records of leak detection monitoring kept and maintained?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Does the TARP set out the key contact details for:
 |  |  |  |  |
| 1. persons responsible for activating the TARP?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. persons authorised to notify relevant authorities in the event of an incident that requires activation of the TARP?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. persons responsible for managing the response to an incident that requires activation of the TARP?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. each authority to be notified in the event of an incident?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Does the TARP set out the details of the mechanisms for reporting and providing updates to the Secretary for responses triggered by the TARP?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are records maintained for every time the TARP has been activated, including details of notification to relevant authorities?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Review of the plan

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Review of the plan |  |  |  |  |
| 1. Has the produced water management plan been reviewed and updated to reflect current operations and requirements:
 |  |  |  |  |
| 1. in accordance with any direction from the Minister or the NSW Environment Protection Authority?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. if changes to the way in which produced water is managed under the relevant authority or prospecting title requires additional assessment under the *Environmental Planning and Assessment Act 1979*?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. before making any significant change to the design or operation of the produced water storage or transfer facility?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. if the TARP is activated in accordance with clause 3.2 of the APGA *Code of Practice for Upstream Polyethylene Gathering Networks in the Coal Seam Gas Industry*?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. otherwise at intervals of no longer than one year, to reflect any developments in the management of produced water?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Has an updated copy of the produced water management plan been provided to the department:
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. if there is a significant change to the design or operation of the produced water storage or transfer facility, no later than 14 days prior to commencing operation of the changed facility?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. if the produced water management plan is revised for any other reason, no later than 14 days after that revision is complete?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

# Part 7: Operational performance assessment

Questions in this section are intended to help you consider how effectively you are managing compliance with your obligations.

## Compliance management

Identifying compliance obligations is a critical step in the development of an effective compliance management system. Compliance obligations for a mining operation can include:

* regulatory requirements (for example, the *Mining Act 1992,* or any notices issued under the Mining Act)
* conditions imposed on the grant, renewal, or transfer of mining leases
* exploration activity approvals for exploration operations on mining leases
* specific commitments made by the organisation (for example, commitments made in the rehabilitation management or other rehabilitation outcome documents).

Once identified, compliance obligations should be reviewed periodically to identify any changes in those obligations (for example, changes in legislation).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Compliance management |  |  |  |  |
| 1. Have you identified all of your compliance requirements?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Have you undertaken any analysis of your compliance risks in relation to possible causes and sources of non-compliance?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are there any systems in place to monitor and track compliance requirements?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is there a system in place to manage non-compliances that are identified?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is there a system in place to identify and manage change (for example, a change to drilling locations may require a new activity approval)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are changes to compliance requirements and controls communicated to operational personnel (for example, is there a toolbox talk process or similar)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are there effective mechanisms in place for internal communication?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you evaluate your compliance with a view to continual improvement of performance?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Risk identification and assessment

Risk identification and assessment involves identifying hazards, assessing risks, controlling risks, and reviewing control measures. A risk assessment can help you work out:

* how severe a risk is
* what action you should take to control the risk
* if your control measures are effective
* how urgently you need to take action.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Risk identification and assessment |  |  |  |  |
| 1. Have you undertaken any process-mapping and risk assessments to identify key issues for your operations?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Where key issues are identified, have appropriate controls been put in place to manage those risks?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Does the risk identification and assessment address operational and environmental risks as well as safety risks?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is the risk assessment regularly reviewed and updated as necessary?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Managing your subcontractors

Contractors are often used to undertake specialist tasks, for example, exploration drilling. Whilst the responsibility for compliance or the implementation of environmental controls is often passed to the contractor, the lease holder will retain accountability for compliance with its licence conditions and other compliance obligations. It is important that the lease holder exercises management control of its contractors by specifying contract requirements, providing oversight of contracted works, and evaluating the performance of the contractor during the contracted works.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Managing your subcontractors |  |  |  |  |
| 1. Do you use any subcontracted services (for example, drillers, trucking or other services)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you communicate any relevant key issues and controls to your subcontractors (for example, performance specifications, induction processes, or other controls)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you monitor the activities of your subcontractors (for example, surveillance, audits, inspection or through other means)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Do you obtain copies of key records generated by subcontractors to verify compliance with your obligations as a titleholder (for example, borehole sealing records, drilling records or other records)?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Inspection, monitoring and evaluation

An effective inspection, monitoring and evaluation process is required to:

* monitor the implementation of the risk controls
* evaluate the effectiveness of those controls based on an assessment of inspection and monitoring data
* implement an adaptive management approach if monitoring shows that controls may be ineffective.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Inspection, monitoring and evaluation |  |  |  |  |
| 1. Do you have systems in place for the inspection, monitoring and evaluation of key risk controls?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are inspections documented?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is there a closeout loop to ensure any non-compliances or defects identified can be tracked, addressed and closed out?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is there periodic review and evaluation of monitoring and inspection results to verify controls are effective, or identify any trends in particular issues?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Where incidents occur, are there adequate processes in place for reporting these?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are there any internal reporting systems, and is information from these systems and processes used in the decision-making process?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is there any form of management review?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

## Training and competency

Having appropriately trained and competent staff implementing your compliance management activities and other operations will reduce the risk of non-compliance.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Training and competency |  |  |  |  |
| 1. Have you identified core competencies required for positions?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is there a skills matrix or other similar tool used to identify any training gaps?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Are training records documented?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is there a system in place to monitor training expiry dates and program any required re-training?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is there an induction program and does it address key operational, environmental, and safety risks?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
| 1. Is there any form of management review?
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

# Part 8: Other compliance obligations

Use this section of the checklist to record and review any conditions or compliance requirements not already covered in this document.

Special conditions are occasionally included on your authorisation. You should check your licence documentation to identify any additional conditions.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Other licence conditions |  |  |  |  |
|  | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
|  | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

Commitments that you make in your application for approval of assessable prospecting operations become compliance obligations. Your compliance obligations will also include any environmental management controls or other commitments identified in any review of environmental factors (REF) submitted with your application.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity approval commitments |  |  |  |  |
| 1.
 | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
|  | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
|  | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
|  | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Any other compliance requirements |  |  |  |  |
|  | [ ] Yes | [ ] No | [ ] n/a | Comment:       |
|  | [ ] Yes | [ ] No | [ ] n/a | Comment:       |

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