

Exploration code of practice: Community consultation

Mining Act 1992 and Petroleum (Onshore) Act 1991



Published by the Department of Regional NSW

Published by Mining, Exploration and Geoscience

Title: Exploration code of practice: Community consultation

First published: March 2016

Department reference number: RDOC23/80804

Amendment schedule		
Date	Version	Amendment
March 2016	1.0	First published
10 May 2016	1.1	Corrected email address
7 October 2022	2.0	Changes to require titleholders to self-publish their annual community consultation reports online and no longer submit this report to the Department. Update guidance material in Appendix 1 and 2 to better support compliance with the mandatory requirements in Part B.
May 2023	2.1	Appendix 2 minor amendment to clarify community consultation report publishing or provision (2.1.1). Appendix 3 minor amendment to reflect legislation changes relating to the requirement to publish online and in print (table), and guideline reference list updated (3.2.1)

© State of New South Wales through the Department of Regional NSW 2023. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Regional NSW as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a department website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (May 2023) and may not be accurate, current or complete. The State of New South Wales (including the Department of Regional NSW), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Table of Contents

Part A: Introduction.....	4
Regulatory purpose.....	4
When this code applies.....	4
How to use this code.....	4
Compliance requirements.....	5
Interaction of code with other guidelines.....	5
Contact details.....	6
Review	6
Part B: Community consultation.....	7
Objectives.....	7
Managing the risks	7
Mandatory requirements	8
Appendix 1: Guidance for community consultation.....	10
Appendix 2: Annual community consultation reporting	20
Appendix 3: Notification requirements	23
Appendix 4: Definitions.....	25

Part A: Introduction

Regulatory purpose

Exploration licences and assessment leases for all resources (prospecting titles) are granted with the objective of encouraging ecologically sustainable development, social responsibility and building economic wealth for the people of NSW.

This exploration code of practice sets out mandatory requirements and provides titleholders with related guidance regarding the expected performance for engagement in adequate, inclusive and appropriate community consultation in relation to the planning for, and conduct of, exploration activities under a prospecting title.

This code serves two purposes:

1. it provides upfront information to the industry and the community
2. it sets out enforceable mandatory requirements related to community consultation.

This code enables industry to:

- adopt a risk-based approach to ensure compliance with mandatory requirements related to community consultation
- commit to measurable performance standards
- monitor performance and take corrective action if outcomes are not being achieved
- keep and maintain relevant records of activities and/or actions.

This approach allows titleholders to adopt innovative solutions and best practice techniques to meet performance requirements.

When this code applies

This code will be applied by a condition imposed on all prospecting titles granted, renewed or transferred after 1 March 2016.

A six-month transition period applies for changes introduced on 7 October 2022. The transition period ended on 7 March 2023.

Titles issued before 1 March 2016 will continue to be bound by any existing conditions on title relating to community consultation. This may include:

- a. for coal and petroleum titles, compliance with the requirements of the 'Guideline for community consultation requirements for exploration', as amended from time to time.
- b. for minerals titles, the establishment of a landholder and community liaison program.

How to use this code

Part B of this code provides mandatory requirements that titleholders are required to comply with as a condition of title requiring compliance with this code.

The appendices provide guidance information and provisions which will assist in achieving the mandatory requirements. This includes detailed information on what should be included in an annual community consultation report, required through a condition on title.

Based on the likely impact, type and scale, phase and duration of exploration activities, this guidance, and any updates or new standards related to community consultation, may be used to measure and assess performance during the term of a prospecting title.

In undertaking community consultation, titleholders are required to undertake a risk assessment to establish the community consultation strategy (how they will undertake consultation and ensure that it is appropriate, adequate and inclusive). This process may identify alternative measures and processes to those outlined in the appendices to this code that can be undertaken to manage these risks, meet the objectives, and comply with the mandatory requirements of this code.

In this document:

- **Community consultation strategy** means the establishment of a process of community consultation that considers the stakeholders, methods of communication, and the monitoring of, and response to, consultation events. It identifies what a titleholder may seek to achieve whilst recognising that there may be uncertainty in the process of achieving it. The level of detail in the community consultation strategy will be guided by the level of the impact of the exploration activity and the need to demonstrate how compliance with this code is met, and how the risks will be managed.
- **Community consultation plans** are action documents that guide titleholders in undertaking and reporting on community consultations. They provide the details of how to achieve the desired consultation outcomes.

Compliance requirements

If compliance with this code is required by the conditions of a prospecting title, then a breach of this code will be an offence under section 378D of the *Mining Act 1992* or section 136A of the *Petroleum (Onshore) Act 1991* (as relevant).

From 1 July 2015, under the NSW Gas Plan, the Environment Protection Authority is the sole authority to regulate compliance with and enforcement of all conditions (excluding work health and safety) contained within petroleum titles. This includes any terms imposed in relation to specific activity approvals.

Mining, Exploration and Geoscience (MEG) is responsible for regulating compliance for all other matters relating to prospecting titles under the *Petroleum (Onshore) Act 1991* and all compliance matters relating to prospecting titles under the *Mining Act 1992*. The department's approach to compliance and enforcement is set out in its Compliance and Enforcement Policy.

Compliance with this code is not a defence to actions taken under any legislation or statutory instrument.

Interaction of code with other guidelines

In accordance with title conditions, titleholders are required to:

- carry out activities in accordance with an approved work program. Work programs are to be prepared in accordance with the [Exploration guideline: work programs for prospecting titles](#) and include community consultation activities proposed to be undertaken over the term of the title.

Contact details

Department of Regional NSW

Mining, Exploration and Geoscience

516 High Street, Maitland NSW 2320

PO Box 244, Hunter Region Mail Centre, NSW 2310

Telephone +61 2 4063 6600

Email titles@regional.nsw.gov.au

Website regional.nsw.gov.au/meg

Review

The effectiveness of this code will be monitored on an ongoing basis and updated as required.

Part B: Community consultation

Objectives

It is essential that community consultation for all exploration is undertaken in a way that ensures:

- open and honest dialogue to facilitate a sound working relationship between the titleholder, landholders and community with all participants acting in a spirit of co-operation and good faith
- that titleholders are aware of their obligations in relation to the implementation of a community consultation strategy and the reporting on the strategy through the annual community consultation report
- that the community consultation strategy is appropriate and adequate to inform the community and manage potential risks associated with conflict with community and other stakeholders
- the adoption of standards that ensure regular monitoring and review of the process of community consultation and the application of the community consultation strategy.
- transparency and access to information on community consultation is available to the public through community consultation processes and methods, for example, letters, notices, meetings, displays, and the preparation and publishing of annual community consultation reports online.

Managing the risks

In order to establish an adequate and appropriate community consultation strategy, it is important to recognise the potential risks that will identify that the strategy is not adequate or appropriate. In this regard a risk assessment should be undertaken to establish the potential risks and how these can be addressed and mitigated through the strategy.

Such a risk may include a failure to gain the 'social licence to operate'. This social licence to operate is the recognised level of acceptance or approval continually granted to an organisation's exploration activities by the local community and other stakeholders. Without gaining and maintaining this licence and undertaking adequate, inclusive and appropriate community consultation processes, there is a risk that titleholders will face potential negative impacts.

It is also important that an appropriate community consultation strategy is established and followed to ensure that a titleholder can:

- gain community trust and support
- understand and respond to local knowledge and genuine community concerns
- minimise lost productivity, and time and cost impacts due to exploration delays or disruption
- reduce lost opportunity costs arising from the inability to pursue future exploration activities or opportunities for expansion
- have the ability to attract the best employees who choose to work for a company that is a better corporate citizen
- avoid an ongoing legal challenge to projects or activities
- have the ability to follow up effectively on commitments or respond to complaints
- have the ability to comply with the annual activity reporting requirements relating to community consultation.

To prevent or mitigate the risks, the following mandatory requirements apply to NSW exploration activities.

Mandatory requirements

1. Before commencing any activity authorised by a prospecting title, the titleholder must conduct a risk assessment to identify and consider the range of opportunities and potential threats associated with community consultation and engagement.
2. The titleholder must prepare a community consultation strategy to manage the risks identified in mandatory requirement 1 (above).
3. The community consultation strategy must:
 - a. Establish the objectives of the strategy.
 - b. Include a detailed description and analysis of potential community stakeholders which identifies:
 - i. the stakeholders likely to be impacted by the proposed activity
 - ii. the likely impact that each proposed exploration activity will have on the potential community stakeholders, and
 - iii. the likely areas of concern of each potential community stakeholder group.
 - c. Describe how community consultation will be undertaken to ensure that:
 - i. individuals, communities and stakeholder groups are provided with reasonable information to understand the nature of the activities, and the likely impacts and benefits that may be derived from the exploration
 - ii. titleholders are able to recognise and address community concerns early
 - iii. identified community stakeholders are informed of the proposed schedule for implementing the work program for the prospecting title and notified prior to the commencement of relevant activities, and
 - iv. community consultation feedback will be monitored and responded to.
 - d. Set out mechanisms for revising the community consultation strategy to ensure it continues to meet the requirements of this code. This must include ensuring that the strategy:
 - i. continues to meet the objectives of this code
 - ii. includes any additional stakeholders identified during the process of consultation
 - iii. maintains a process of consultation that is adequate, inclusive and appropriate, and
 - iv. responds to issues raised through the consultation process by analysing feedback and documenting outcomes.

4. The titleholder must implement, monitor, and report annually on the community consultation strategy as revised from time to time in accordance with this code. The annual community consultation report must be made publicly available online or provide a copy upon request, without charge, within 14 days after the request is received.

The community consultation report may be produced as a stand-alone document or incorporated into an Annual Report; however, all mandatory reporting elements, as set out by the code, must be completed.

5. The titleholder must keep and maintain secure records set out in **Table 1: Records** as updated from time to time.

Table 1: Records

Mandatory requirements	Types of records
3	Community consultation strategy as revised from time to time in accordance with this code.
3 (b)	Details of community stakeholders that were identified and consulted with
3 (c)	Details of the community consultation activities undertaken including how the community was involved and the process used, and whether this was appropriate, inclusive and adequate.
3 (c)(iv)	Feedback and complaints

Notes:

- **Appendix 1** provides the general guidance for undertaking adequate, inclusive and appropriate community consultation.
- **Appendix 2** provides guidance and a checklist of requirements for the preparation of an annual community consultation report.
- **Appendix 3** Summarises notification requirements under the *Mining Act 1992* and the *Petroleum (Onshore) Act 1991*.
- The definitions of terms used in this code are set out in **Appendix 4**.

Appendix 1: Guidance for community consultation

The following guidance provides assistance to titleholders on how they may achieve compliance with the mandatory requirements. This guidance does not impose any additional mandatory requirements. The applicability of certain parts of this guidance will vary, depending on the likely risk, type and scale, phase, and duration of exploration activities.

Titleholders should note that the guidance outlined below (as amended or replaced from time to time), in addition to any new guidance taken to set out best practice relating to community consultation, may be used to measure and assess community consultation undertakings for compliance and enforcement purposes during the term of a prospecting title.

1.1. Principles

Community consultation should be undertaken in accordance with the following principles:

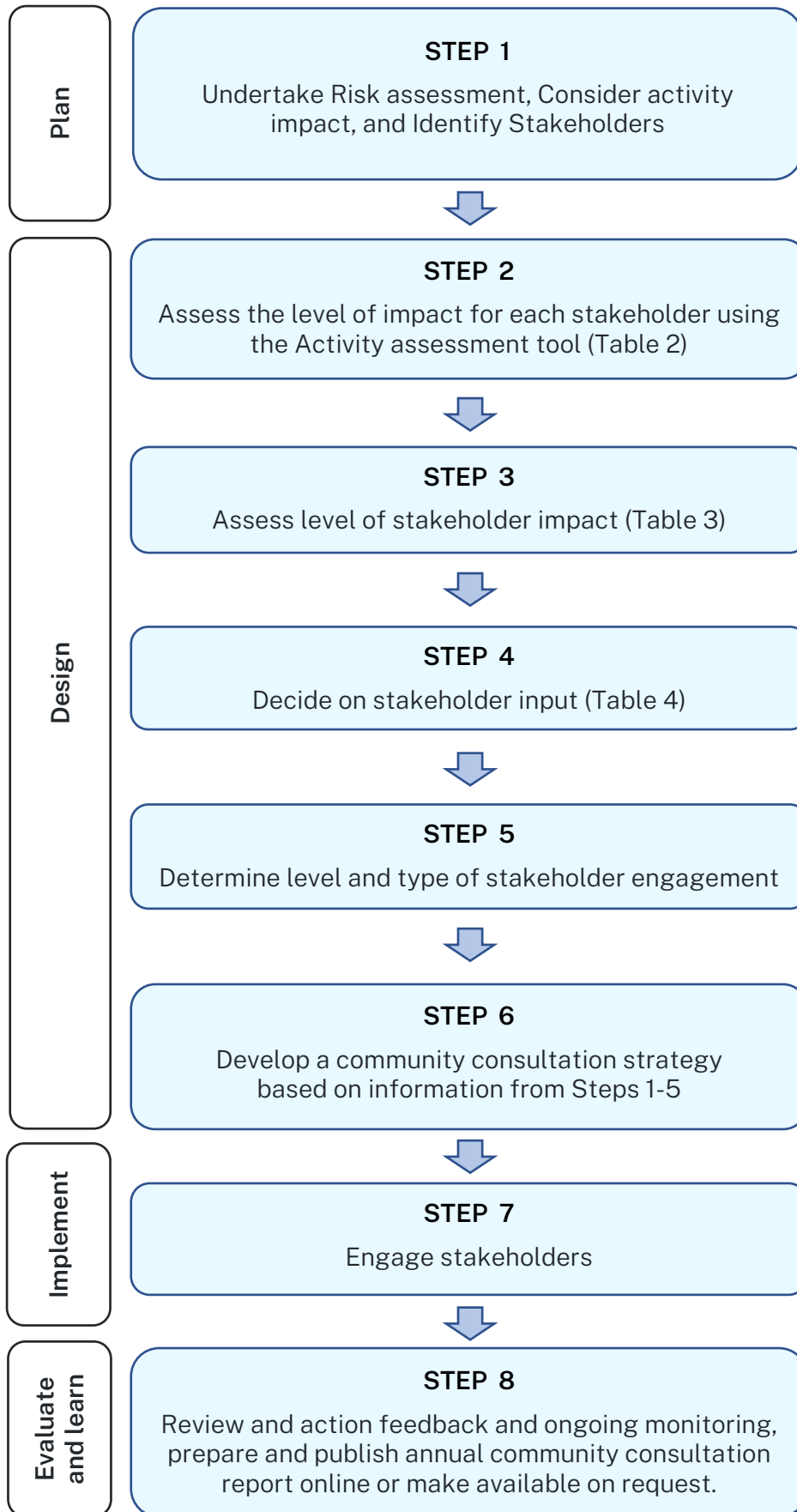
- a. **Integrity:** consultation should be open, truthful and transparent to enable stakeholders to participate in a meaningful way.
- b. **Inclusiveness:** consultation should be accessible and balanced, and reasonable attempts made to also include stakeholders that may be harder to reach to ensure a full range of values and perspectives are included.
- c. **Responsive and reciprocal:** consultation should promote dialogue and be supported by timely and accurate information.
- d. **Respect:** stakeholders should be valued, and titleholders should seek to use their input to improve outcomes by actively listening to, and attempting to understand, stakeholder needs and seeking to understand how they wish to be engaged.
- e. **Accountability:** ongoing processes should be established to monitor, evaluate and disclose information, including processes to track and communicate decisions and activities in a reliable, accurate and clear manner.

1.2. Developing a community consultation strategy

The development of a community consultation strategy should:

- a. consider the process identified in **Figure 1: Steps to develop a community consultation strategy** (page 11)
- b. establish the potential impact level of each exploration activity as high, medium or low in accordance with the cumulative score of the issues identified in **Table 2: Activity impact assessment tool** (page 12-13). The Activity impact assessment is not a risk assessment, it is a tool to guide the minimum level of engagement expected to support each stakeholder group. The Activity impact assessment tool could identify a:
 - i. **high impact** is a cumulative score of 20 or more
 - ii. **medium impact** is a cumulative score between 10 and 19 (inclusive)
 - iii. **low impact** is a cumulative score of 9 or below
- c. identify the stakeholders likely to be impacted by each proposed activity in accordance with **Table 3 Identify community stakeholders for activity impact levels** (page 14), and
- d. consider the community consultation methods identified in **Table 4: Minimum community consultation actions for activity impact levels** (page 15).

Figure 1: Steps to develop a community consultation strategy



To work out the potential activity impact level, answer each question and work out the total score for all answers. Provision 1.2.1(b) (see page 6) identifies the impact level as low, medium or high based on this total score.

Table 2: Activity impact assessment tool

					Score
1	What is the level of community interest in the activity or broader project?	Low level of community concern with no relevant, local community interest groups identified	Intermediate level of community concern with locally known, relevant community interest groups identified	Significant community and public concern about project and involvement of regional/national community interest groups.	
	Score	0	8	16	
2	What is the activity type?	Exempt prospecting operation (means any prospecting operation, including airborne surveying, to which clause 2.13(2) of the State Environmental Planning Policy (Resources and Energy) 2021 applies.	Coal and Mineral Complying Exploration Activities, being activities that meet the CEA criteria and are considered unlikely to significantly affect the environment (as set out in ESG5: Assessment Requirements for Exploration Activities).	Petroleum Exploration Coal and Mineral Non-Complying Exploration Activities that do not meet the CEA criteria (as set out in ESG5: Assessment Requirements for Exploration Activities)	
	Score	0	4	8	
3	What is the population density of statistical local area?	Sparsely populated area (activity within a statistical local area with <10,000 population)*	Intermediately populated area (activity within a statistical local area with 10,000 – 40,000 population)*	Largely populated area (activity within a statistical local area >40,000 population)*	
	Score	0	1	2	
4	How far is the activity from inhabited dwellings?	Activity within 2km of cluster <100 dwellings	Activity within 2km of cluster 100-1000 dwellings	Activity within 2km of cluster >1000 dwellings	
	Score	0	1	2	

5	How far is the activity from known sensitive receivers (excluding dwellings)?	Activity within 2km of a sensitive receiver (excluding dwellings)	Activity between 1 and 2km of a sensitive receiver (excluding dwellings)	Activity within 1km of a sensitive receiver (excluding dwellings)	
	Score	0	1	2	
6	Are there any other extractive industries, mining or petroleum production projects nearby?	Activity further than 5km from other extractive industries, mining or petroleum production	Activity between 2 and 5km from other extractive industries, mining or petroleum production	Activity closer than 2km from other extractive industries, mining or petroleum production	
	Score	0	1	2	
7	How long will the activity last?	Less than 6 months	6 to 12 months	More than 12 months	
	Score	0	1	2	
	Total score				

Stakeholder identification should consider, but not be limited to the list in Table 3. Stakeholders can be defined as the individuals, groups and/or organisations who can affect or be affected by the activity.

Table 3: Identify community stakeholders for activity impact levels

Community stakeholder	Category		
	Low impact	Medium impact	High impact
Landholders and residents/tenants of the site of the activity	✓	✓	✓
Native titleholders or claimants	✓	✓	✓
Local government	✓	✓	✓
Relevant local community and environment groups		✓	✓
Landholders, residents and businesses within 5km of the operational area		✓	✓
Local Aboriginal Land Council		✓	✓
NSW Government local Member of Parliament		✓	✓
Landholders, residents and businesses within 10km of the operational area			✓
Relevant regional public interest groups			✓
Cultural bodies (historic or indigenous)			✓
Local chamber of commerce			✓

Community consultation actions or events require regular review. If additional community consultation actions or events are required to meet the mandatory requirements, they should also be undertaken.

Table 4: Minimum community consultation actions for activity impact levels

Community consultation action or event	Category		
	Low impact	Medium impact	High impact
Respond to correspondence/submissions	✓	✓	✓
Publish notice in community/council newsletter advising of the undertaking of the activity		✓	✓
Letter to key stakeholders and community groups inviting comment		✓	✓
Relevant local community and environment groups		✓	✓
Publish notice in local newspaper advising of the undertaking of the activity			✓
Distribution of relevant information including advising of the undertaking of the activity (e.g. pamphlets, email, letter box drop)			✓
Information provided on website/page			✓
Dedicated project email address/phone number			✓
Displays i.e. in local library, shopfronts (optional)			✓
Public exhibition of information associated with the activity and timing of works (optional)			✓
Social media (optional)			✓
Community stakeholder meetings			
Hold meetings/Interview with key individuals or group representatives	✓	✓	✓
Hold meeting with local committees/organisations and local government representatives			✓
Hold open community forum/ public meeting (optional)			✓

1.3. Consolidated community consultation strategies

- 1.3.1. Where a titleholder is developing a community consultation strategy for an activity which is part of a larger project, a consolidated strategy can be developed.
- 1.3.2. The consolidated community consultation strategy should consider:
 - a. the varying impacts of activities within the project and how consultation may be undertaken to address this
 - b. different stakeholders that may be required to be consulted at different stages of the project
 - c. different methods of consultation that may be required at different stages of the project.

1.4. Identification of issues

- 1.4.1. The titleholder should undertake and provide evidence of the following:
 - a. analysis of the key issues of concern to the identified stakeholders
 - b. how the community consultation that was undertaken sought to respond to these issues
 - c. the outcomes of the community consultation in response to these issues
 - d. any changes to a community consultation plan or strategy required as a result of the issues raised
 - e. whether the issues are likely to continue to be of concern during the next reporting period
 - f. how future community consultation will respond to the issues, or any new issues likely to be raised.

Note: Issues of concern may change as the exploration progresses, for example, when on-ground exploration activities commence, or when more intensive drilling is undertaken.

1.5. Undertaking community consultation

- 1.5.1. With consideration to the Mandatory requirements, community consultation should:
 - a. be undertaken with consideration given to the minimum community consultation requirements identified in Table 4: Minimum community consultation actions for activity impact levels
 - b. be timely, accessible, planned and with clear objectives
 - c. provide information in plain language
 - d. be undertaken through activities that attempt to overcome barriers to public participation
 - e. ensure that the expected level of participation and commitment are clearly expressed to the stakeholders
 - f. establish channels of communication to allow community feedback and identification of potential issues
 - g. include processes for the provision of feedback to participants on the results of their contribution
 - h. review and evaluate the effectiveness of the engagement strategies.
- 1.5.2. Consultation procedures and processes should be designed to:
 - a. maximise opportunities for titleholders, individuals, communities and stakeholder groups to engage in a meaningful way
 - b. promote and support processes for the inclusive representation by titleholders, individuals, communities and stakeholder groups in the engagement process

- c. develop tailored and culturally appropriate approaches that support engagement opportunities
 - d. promote stakeholder confidence in exploration management by ensuring open and transparent discussion of exploration activities, technical studies, impacts and risk management processes
 - e. enhance opportunities for sustainable exploration activities and decision-making by incorporating local community knowledge, views and concerns in technical studies, exploration program design and decision making, where appropriate.
- 1.5.3. The frequency and format of community consultation should have regard to:
- a. community stakeholder values, concerns and attitudes
 - b. community stakeholder expectations in regard to balanced and objective information
 - c. the stage of the exploration program and potential impacts arising from activities at each stage
 - d. the level of community stakeholder interest in the exploration program or industry
 - e. the existing relationship with the community stakeholders, and
 - f. the requirements of individual community stakeholders and groups, and should consider different levels of engagement for different community stakeholders and groups.

Note: Early engagement with stakeholders will assist explorers to identify the best way of interacting and engaging with the stakeholders as the process progresses.

Consideration should be given to the provisions of the Aboriginal cultural heritage consultation requirements for proponents 2010 and Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales 2010 (NSW Department of Environment, Climate Change and Water), also Ask First – A Guide to respecting Indigenous heritage places and values (Australian Heritage Commission, 2002), and other relevant guidelines and resources when consulting with Indigenous groups.

1.6. Records

- 1.6.1. In addition to those matters identified in Mandatory Requirement 5, the titleholder should keep a record of the following:
- a. at what stage(s) of the exploration program the community was engaged
 - b. how the community was involved and the methods used
 - c. what the community consultation program and activities expected to achieve
 - d. details of feedback provided to the community stakeholders as a result of the activities undertaken
 - e. how the consultation procedures or processes have been amended.
- 1.6.2. Records kept in accordance with 1.6.1 above should be kept up-to-date, and retained in order to support the completion of annual community consultation reporting requirements.

1.7. Monitoring

- 1.7.1. Records kept in accordance with 1.6 Records above should be used to:
- a. consider compliance with the objectives of the community consultation strategy
 - b. identify issues that were not anticipated in the development of the strategy
 - c. identify stakeholders whose needs are not being adequately or appropriately addressed, and
 - d. identify any revisions required to the community consultation strategy in accordance with Mandatory Requirement 3(d).

1.8. Community stakeholder meetings

- 1.8.1. Community stakeholder meetings should be arranged when required.
- 1.8.2. Community stakeholder meetings should be held at various times of day, not only during business hours, to ensure that the maximum number of stakeholders are given the opportunity to attend.
- 1.8.3. Where only one stakeholder meeting is to occur at a particular stage, an additional alternative consultation opportunity should be considered, for example a drop-in information session, at a different time of day. For example, if a meeting is held during business hours, a drop-in information session should be held outside of business hours.

1.9. Community liaison officer

- 1.9.1. Where an activity is identified as medium or high impact, the titleholder should consider the appointment of a person with a particular responsibility to engage with the community, for example a community liaison officer.
- 1.9.2. The community liaison officer should be skilled and experienced in undertaking the role, including having undertaken cultural awareness training if appropriate.
- 1.9.3. The person identified in provision 1.9.1 above should have the following responsibilities:
 - a. facilitating community meetings
 - b. responding to questions, comments and complaints in a timely and thorough manner, and
 - c. maintaining electronic media (including social media and webpages) to ensure that information is accurate and up-to-date.

1.10. Community consultative committees

- 1.10.1. For activities identified as High Impact, titleholders should consider the establishment of a community consultative committee.
- 1.10.2. Where the titleholder operates another prospecting title within the local government area, or within 20km of the title, community consultation can be undertaken utilising any existing Community Consultative Committee if appropriate (i.e. if the same stakeholder groups are affected).

Note: Refer to the Department of Planning and Environment's Community Consultative Committee Guideline: State Significant Projects (January 2019), for further details on establishing a Community Consultative Committee.

1.11. Community consultation plan

- 1.11.1. A titleholder may choose to prepare a community consultation plan where activities are identified as High Impact.
- 1.11.2. The community consultation plan should be in plain language.
- 1.11.3. The community consultation plan should include, as a minimum:
 - a. objectives of the consultation process
 - b. roles and responsibilities
 - c. identification and analysis of community stakeholders, in accordance with mandatory requirement 3 (b)
 - d. identification of community stakeholder risks and opportunities, attitudes and expectations
 - e. at what stage of the activity community engagement did, or will, commence
 - f. the frequency and format of consultation
 - g. process for responding to consultation responses

- h. complaints management
 - i. timeframes for consultation events
 - j. monitoring, review and reporting procedures.
- 1.11.4. The community consultation plan title page should include:
- a. document title
 - b. application/licence number
 - c. original grant date and expiry date
 - d. exploration project name or location
 - e. project operator
 - f. date of document
 - g. author including contact details and position.
- 1.11.5. The community consultation plan is to be reviewed, and updated where necessary should:
- a. significant events occur
 - b. the nature of exploration activities change
 - c. significant public concern is raised about the exploration program
 - d. consultation, as identified through the consideration of the community consultation annual report, is deemed to be inadequate.
- 1.11.6. Notwithstanding 1.11.5 above, the community consultation plan should be reviewed and updated upon renewal of the title.

Appendix 2: Annual community consultation reporting

The following guidance provides details on the requirements for the annual community consultation report.

Table 5: Annual community consultation report and **Table 6: Reduced annual community consultation report** provides checklists of the minimum requirements for the annual community consultation reports.

2.1. Annual community consultation report

- 2.1.1 An annual community consultation report must be made publicly available within 2 calendar months of the anniversary of the grant of the prospecting title by publishing it online on the titleholder's online platform or providing a copy on request within 14 days after the request is made, without charge, in conjunction with other annual reports.
- 2.1.2. The annual community consultation report title page must include:
- a. report title
 - b. project operator and titleholder
 - c. title type and number
 - d. original grant date and expiry date
 - e. the reporting period
 - f. project name or location
 - g. date of report
 - h. author, including contact details and position.
- 2.1.3. The annual community consultation report must include, as a minimum:
- a. consideration of compliance with the community consultation strategy and any applicable community consultation plan
 - b. a (maximum) one-page executive summary outlining the objectives, consultation activities undertaken and outcomes achieved during the reporting period
 - c. summary of the stakeholder groups consulted during the reporting period, the methods used to achieve that consultation, and the general outcomes achieved
 - d. a summary of consultation with relevant government agencies including local councils
 - e. analysis of issues raised during consultation activities to identify any trends or emerging issues
 - f. summary of comments received in relation to the exploration activity, and actions taken to address any complaints
 - g. outcomes of the consultation and an assessment of how well the objectives were met
 - h. how the community consultation strategy or activity has been amended in response to the consultation
 - i. A summary of proposed consultation during the next reporting period.
- 2.1.4. The annual community consultation report should consider the privacy and confidentiality of stakeholders. Personally identifying and commercially sensitive information must be excluded from the published annual community consultation report. The level of detail provided in compliance with 2.1.3 above can be determined to protect this.
- 2.1.5. Where mining operation and/or exploration projects or groups of titles have overarching community consultation plans, overarching community consultation reports may be developed and referred to in each authority's community consultation report. Annual

community consultation reports (required for each prospecting title with information specific to that title), may also include reference to any relevant overarching community consultation report.

Table 5: Annual community consultation report checklist

Requirement	Yes	No
Title page	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> report title 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> project operator/titleholder 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> prospecting title type and number 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> original grant date/expiry date 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> the reporting period 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> exploration project name or location 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> date of report 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> author, including contact details and position 	<input type="checkbox"/>	<input type="checkbox"/>
Executive summary (one page maximum) [A summary of consultation and outcomes achieved during the reporting period.]	<input type="checkbox"/>	<input type="checkbox"/>
Community consultation was undertaken in the reporting period [A detailed summary of engagement with each stakeholder group.]	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> stakeholder groups identified 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> summary of consultation activities (how each stakeholder group was consulted) 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> objectives of community consultation events 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> summary of what was discussed, outcomes achieved and issues raised 	<input type="checkbox"/>	<input type="checkbox"/>
Government agency consultation was undertaken in the reporting period [A detailed summary of engagement with relevant government agencies (including local councils)]	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> summary of consultation activities 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> objectives of community consultation events 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> summary of what was discussed, outcomes achieved and issues raised 	<input type="checkbox"/>	<input type="checkbox"/>
Consideration of compliance with any Community Consultation Strategy and Community Consultation Plan (if relevant)	<input type="checkbox"/>	<input type="checkbox"/>
How feedback was collected	<input type="checkbox"/>	<input type="checkbox"/>
Responses to issues raised	<input type="checkbox"/>	<input type="checkbox"/>
Summary of comments received in relation to the exploration activity	<input type="checkbox"/>	<input type="checkbox"/>

Summary and nature of complaints and actions taken to address them	<input type="checkbox"/>	<input type="checkbox"/>
If the activity has been altered in response to issues raised	<input type="checkbox"/>	<input type="checkbox"/>
Outcomes of the consultation	<input type="checkbox"/>	<input type="checkbox"/>
Assessment of how well objectives were met	<input type="checkbox"/>	<input type="checkbox"/>
Summary of amendments to the community consultation strategy or activity	<input type="checkbox"/>	<input type="checkbox"/>
Commitments for further consultation	<input type="checkbox"/>	<input type="checkbox"/>

2.2. Reduced annual community consultation report

2.2.1 Where no ongoing exploration activities have occurred (and consequently limited community consultation has been undertaken), and limited activities are proposed in the next reporting period, a reduced annual community consultation report can be made publicly available online or provided upon request, indicating the reasons for the reduced level of consultation.

Notes: Community consultation should still occur whether on-ground exploration activities occur or not. It is important to engage with the community to explain the processes being undertaken, and when they may expect on-ground activities to commence.

Table 6: Reduced annual community consultation report checklist

Requirement	Yes	No
Title page	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> report title 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> prospecting title number 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> original grant date/expiry date 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> the reporting period 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> exploration project name or location 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> project operator/titleholder 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> date of report 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> author, including contact details and position 	<input type="checkbox"/>	<input type="checkbox"/>
Reason for reduced consultation	<input type="checkbox"/>	<input type="checkbox"/>
Details of any consultation undertaken in reporting period	<input type="checkbox"/>	<input type="checkbox"/>
Responses to any issues raised	<input type="checkbox"/>	<input type="checkbox"/>
Summary and nature of complaints received and actions taken to address them	<input type="checkbox"/>	<input type="checkbox"/>

Appendix 3: Notification requirements

The *Mining Act 1992* and the *Petroleum (Onshore) Act 1991* require notification of an application for an exploration licence or assessment lease to be published under the following circumstances, and in accordance with the relevant regulations. These statutory requirements for notification and consultation are in addition to the requirements of this code of practice.

Table 7: Notification requirements

Application type	When	Where
Petroleum assessment lease	Before or within 21 days after lodging an application [section 36, <i>Petroleum (Onshore) Act 1991</i>]	Both a state wide and local newspaper
Petroleum production lease	Before or within 21 days after lodging an application [section 43, <i>Petroleum (Onshore) Act 1991</i>]	State wide newspaper
Coal and minerals exploration licence	Within 45 days of confirmation of lodgement of the application [clause 15, Mining Regulation 2016]	Both a state wide ¹ and alternative publication ²
Coal and minerals assessment lease	Within 45 days of confirmation of lodgement of the application [clause 21, Mining Regulation 2016]	Both a state wide ¹ and alternative publication ²
Coal and minerals mining lease	Within 45 days of confirmation of lodgement of the application [clause 25, Mining Regulation 2016]	Both a state wide ¹ and alternative publication ²

3.1. Content

- 3.1.1. Such notices are to contain the information specified in the guidelines below, including, as a minimum:
- a. a statement that an application for the relevant licence/lease has been, or will be lodged
 - b. information sufficient to lead to the ready identification of the area of land over which the lease is sought including:
 - i. a plan of the proposed area
 - ii. a description of that area [petroleum]. and
 - iii. a statement indicating the approximate direction and approximate distance of the town nearest to that area [petroleum].

¹ State wide means, published in at least one newspaper circulating generally in NSW.

² It must also be published in both the online and print editions of at least one newspaper circulating in the local area of the proposed exploration licence.

- If publishing in both online and print editions is not possible you must publish in either the online or print edition of the local publication.
- If that is not possible either, (e.g.: there is no local newspaper publication in the relevant locality), you must publish on a website, or another online platform, that is likely to bring the notice to the attention of persons in the local area (e.g.: local council website).

3.2. Secretary's requirements

3.2.1. The notification should be published in accordance with the:

- a. Secretary requirements - advertising a notice of an exploration licence application (coal or oil shale)
- b. Secretary requirements - advertising for ELA groups 1-8 and 10-12
- c. Secretary requirements - advertising a notice of an assessment lease application
- d. Secretary requirements - advertising a notice of a mining lease application
- e. Secretary requirements - advertising a notice in an application for a petroleum exploration licence

Appendix 4: Definitions

In this code of practice:

- Reference to a document in this **code of practice** 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:

Term	Definition
Activity	Activities associated with prospecting include: <ul style="list-style-type: none"> • the use of land • means of accessing land • the carrying out of a work.
Complying exploration activity (CEA)	Exploration activities that are considered unlikely to significantly affect the environment as set out in guideline ESG5: Assessment requirements for exploration activities (NSW Resources Regulator, July 2015).
Department	Mining, Exploration and Geoscience (MEG) within the Department of Regional NSW
High impact*	Means significant, repetitive, regular or frequent aspects of the activity that will affect people’s lives and lifestyles (such as excessive noise and dust) exacerbated due to proximity, or perceived significant environmental, amenity or social impacts. Likely to have a high level of community interest and create community controversy or conflict. For example, intensive resource definition drilling in close proximity to sensitive receivers.
Medium impact*	Means occasional, or regular but infrequent aspects to the activity that may be partial or avoidable/manageable. They have the potential for some controversy or conflict and may affect attributes that are of high value to the community or their lifestyle. For example, exploration drilling or bulk sampling.
Low impact*	This means infrequent and very occasional impacts of the activity with no or low risk of controversy, for example, small scale minerals exploration.
Exempt prospecting operations	Exploration activities with minimal environmental impact that have been identified as exempt development under <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> .
Personal information	Personal information is information that can be used to identify an individual.
Prospecting title	An exploration licence or assessment lease granted under the <i>Mining Act 1992</i> or the <i>Petroleum (Onshore) Act 1991</i> , and a petroleum special prospecting authority under the <i>Petroleum (Onshore) Act 1991</i> .
Sensitive receiver	Includes: <ul style="list-style-type: none"> • dwellings • libraries

	<ul style="list-style-type: none"> • educational and research institutions (including schools, colleges and universities) • childcare centres • kindergartens • hospitals, surgeries and other medical institutions • places of worship • milking sheds and holding yards associated with dairies • animal boarding or training establishments • aquaculture • intensive livestock agriculture • pastoral land with grazing livestock (e.g. Impact on breeding seasons, access to water sources, mustering activities etc. • land identified as critical habitat.
Titleholder	The holder of an exploration licence or assessment lease under the <i>Mining Act 1992</i> or a petroleum exploration licence, petroleum assessment lease or special prospecting authority under the <i>Petroleum (Onshore) Act 1991</i> , as relevant.

* The impact of the activity and should be determined using **Table 2: Activity impact assessment**