
Resources Regulator

Department of Regional NSW



Compliance audit program

EL8820 Caloola Project

United Stone Industries Pty Ltd

March 2024

Published by the Department of Regional NSW

Title: EL8820 Caloola Project
Subtitle: United Stone Industries Pty Ltd
First published: March 2024
Department reference number: ASMT0028115

Amendment schedule		
Date	Version	Amendment
March 2024	1.0	First published

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Table of Contents

1. Introduction.....	5
1.1. Background.....	5
1.2. Audit objectives.....	5
1.3. Audit scope.....	5
1.4. Audit criteria	5
1.5. Publishing and disclosure of information.....	6
2. Audit methods.....	7
2.1. Opening meeting.....	7
2.2. Site interviews and inspections.....	7
2.2.1. Data collection and verification	7
2.2.2. Site inspections	7
2.3. Closing meeting.....	8
2.4. Compliance assessment definitions	8
2.5. Reporting	9
3. Audit findings	10
3.1. Work program	10
3.2. Access arrangements.....	10
3.3. Native title and exempted areas	10
3.4. Community consultation	10
3.4.1. Risk assessment	11
3.4.2. Community consultation strategy	11
3.4.3. Implementation and reporting.....	11
3.5. Exploration activity approvals.....	12
3.6. Environmental management	12
3.6.1. Risk assessment	13
3.7. Security deposit	13
3.8. Rehabilitation	13
3.8.1. Risk assessment	13
3.8.2. Rehabilitation objectives and completion criteria.....	14
3.8.3. Rehabilitation program	14
3.9. Annual activity reporting	15

3.10. Core and sample storage	16
3.11. Record keeping.....	16
4. Compliance management.....	18
4.1. Identifying compliance obligations.....	18
4.2. Subcontractor management	18
4.3. Inspections, monitoring and evaluation	18
5. Audit conclusions.....	20

1. Introduction

1.1. Background

Exploration licence 8820 (1992) (EL8820) was granted to United Stone Industries Pty Ltd on 18 January 2019. The licence was renewed on 16 March 2023. The exploration area is about 19 km south-west of Bathurst in Central NSW.

As part of the compliance audit program, an audit of the exploration activities associated with the Caloola exploration project within EL8820 was undertaken on 14 September 2023 by the NSW Resources Regulator within the Department of Regional NSW.

1.2. Audit objectives

The objectives of the audit were to:

- undertake a compliance audit of the United Stone exploration activities against the requirements of the *Mining Act 1992* and the conditions of the exploration licences and activity approvals issued pursuant to that Act
- assess the operational performance of the exploration activities and the ability of the licence holder and/or its operator to implement management systems and controls to provide for sustainable management of the operations.

1.3. Audit scope

The scope of the audit included:

- the exploration activities associated with the Caloola exploration project including:
 - exploration activities within EL8820 including a selected sample of exploration drillholes
 - borehole sealing and rehabilitation activities for selected drilling activities undertaken since January 2020.
- a review of documents and records pertaining to the exploration activities
- the assessment of compliance for the period commencing 1 September 2021 and ending 14 September 2023.

1.4. Audit criteria

The audit criteria against which compliance was assessed included:

- *Mining Act 1992*, specifically, Sections 5, 30, 140, 163C to 163E, 163G, 378D
- Mining Regulation 2016, specifically clauses 59 to 68
- Conditions attached to EL8820 (granted 19 January 2019 and renewed 16 March 2023)

- Exploration activities application dated 16 November 2019 for up to 10 angled Reverse Circulation (RC) and / or Diamond (DDH) drillhole and about 336 metres of new tracks, and associated approval dated 8 December 2021 (MAAG0012538)
- Exploration code of practice: Environmental Management (Version 4, June 2021 and Version 5, March 2022)
- Exploration code of practice: Rehabilitation (Version 4, June 2021 and Version 5, March 2022)
- Exploration code of practice: Community consultation (Version 2.0, October 2022 and Version 2.1, May 2023)
- Exploration code of practice: Produced water management, storage and transfer (Version 3, September 2017, Version 4, June 2021 and Version 5, March 2022)
- Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales (Version 3, October 2021 and Version 4, January 2022)
- Exploration Guideline: Annual activity reporting for prospecting titles (Version 3.0, December 2020 and Version 4, October 2022) published by Department of Regional NSW

1.5. Publishing and disclosure of information

This audit report was published on the Regulator's website consistent with:

- Section 365 of the *Mining Act 1992*
- Resources Regulator's [Public comment policy](#)
- *Government Information (Public Access) Act 2009*.

2. Audit methods

The audit process involved interviewing site personnel, reviewing documentation and samples of records provided by the licence holder and/or operator to determine the level of compliance of the operations and assess the status of the operational performance. The audit process and methodology are described in more detail in the sections below.

2.1. Opening meeting

An opening meeting was held onsite on 14 September 2023. The audit team was introduced, and the scope of their responsibilities was conveyed to the auditees. The objectives and scope of the audit were outlined. The methods to be used by the team to conduct the audit were explained, including the interview of personnel, review of documentation, examination of records and a site inspection to assess specific compliance requirements.

2.2. Site interviews and inspections

2.2.1. Data collection and verification

Where possible, documents and data provided during the audit process were reviewed electronically on the day. Several documents were unable to be reviewed on the day and were provided after the audit.

All information obtained during the audit process was verified by the audit team where possible. For example, statements made by site personnel were verified by viewing documentation and records, including site photographs, where possible. Where suitable verification could not be provided, this has been identified in the audit findings as not determined.

2.2.2. Site inspections

A site inspection was undertaken of the following exploration activities within EL8820:

- drill hole USC043
- drill hole USC044
- site Q - Drill pad constructed, but not drilled
- drill hole USC049
- drill hole USC050.

In addition, the following selected exploration sites within the footprint of the Caloola Marble Mine, which comprises three mining authorisations (ML5460, M(C)L307 and M(C)L308) were observed during in the audit inspection. These exploration activities do not form part of the audit scope.

- drill hole USC041 and USC042
- drill hole USC0045

2.3. Closing meeting

A closing meeting was held on site on 14 September 2023. The objectives of this meeting were to discuss any outstanding matters, present preliminary findings and outline the process for finalising the audit report.

2.4. Compliance assessment definitions

The reporting of results from the compliance audit was determined based on the definitions presented below in Table 1. Table 1 Compliance assessment definitions

Assessment	Criteria
Compliance	Sufficient and appropriate evidence is available to demonstrate the particular requirement has been complied with.
Non-compliance	<p>Clear evidence has been collected to demonstrate the particular requirement has not been complied with. There are three subcategories of non-compliance reflecting the severity and level of risk associated with the non-compliance:</p> <p>NC1 – the absence of planning or implementation of a required operational element which has the potential to result in a significant risk.</p> <p>NC2 – an isolated lapse or absence of control in the implementation of an operational element which is unlikely to result in a significant risk.</p> <p>NC3 – an administrative or reporting non-compliance which does not have a direct environmental or safety significance.</p> <p>Note: The identification of a non-compliance in this audit may or may not constitute a breach of, or offence under, the <i>Mining Act 1992</i>. Non-compliances identified in this audit report may be further investigated by the Regulator and regulatory actions may be undertaken.</p>
Observation of concern	<p>Where an auditee may be compliant at the time of the audit but there are issues that exist that could result in the potential for future non-compliance if not addressed.</p> <p>Observation of concern was also used where an issue may not have particular compliance requirements, but which was not conducive to good management or best practice.</p>
Suggestion for improvement	Where changes in processes or activities inspected or evaluated at the time of the audit could deliver improvement in relation to risk minimisation, sustainable outcomes and management practices.
Not determined	<p>The necessary evidence has not been collected to enable an assessment of compliance to be made within the scope of the audit.</p> <p>Reasons why the audit team could not collect the required information include:</p> <p>insufficient information on the file relating to the period covered by the audit or insufficient evidence collected to reach a conclusion</p> <p>the wording on the criteria (approval condition) meant that no evidence could be gathered, or it was too difficult to gather the evidence.</p>

Assessment	Criteria
	A 'not determined' assessment was also made where the condition was outside the scope of the audit.
Not applicable	<p>The circumstances of the authorisation or licence holder have changed and are no longer relevant (e.g. no longer mining, mining equipment and plant has been removed).</p> <p>An invoking element in the criteria was not activated within the scope of the audit.</p>

2.5. Reporting

After completion of the audit, the audit checklists were completed, and audit notes were reviewed to compile a list of outstanding matters to be noted in the audit report. This report was prepared to provide an overview of the operational performance of the site in relation to the exploration activities and identify any non-compliances or observations of concern noted by the auditors during the documentation review and interviews.

The draft audit findings were forwarded to United Stone for comment. Consideration was given to the representations made during the finalisation of the audit report as discussed in the audit findings.

3. Audit findings

3.1. Work program

Condition 1 of EL8820 required the licence holder to carry out the operations described in the approved work program. Work program, WP-EL8820-2022-2026 was in force during the audit period.

Evidence was available to confirm that exploration activities were progressing. Annual reports for the 2021, 2022 and 2023 reporting periods were reviewed for EL8820. Exploration completed included:

- drilling 4 RC holes on EL8820, which was part of a wider drilling program
- geological assessment and resource modelling.

A tenement manager is engaged to assist with providing guidance and tracking obligations.

Work programs are reviewed annually and progress is reported to Mining, Exploration and Geoscience (MEG) with the annual activity reports.

3.2. Access arrangements

Section 140 of the *Mining Act 1992* states, 'the holder of a prospecting title must not carry out prospecting operations on any particular area of land except in accordance with an access arrangement or arrangements applying to that area of land'. The access arrangement was required to be agreed in writing between the holder of the prospecting title and each landholder of that area of land.

Evidence was provided to confirm that written land access agreements were in place for the exploration activities undertaken on EL8820. The land access agreement sighted during the audit was a NSW Crown Lands access agreement dated 17 February 2021. The land access agreement included clauses associated with rehabilitation, drilling conditions, communication and records.

3.3. Native title and exempted areas

Condition 2 of EL8820 required the licence holder to obtain the prior written consent of the Minister before carrying out any activities on land on which native title had not been extinguished. Similarly, Section 30 of the *Mining Act 1992* required the consent of the Minister before a licence holder undertook any activities within an exempted area.

Evidence was provided to confirm that United Stone had obtained Minister's consent for both condition 2 of EL8820 and Section 30 of the *Mining Act 1992*.

3.4. Community consultation

Condition 3 of EL8820 required the licence holder to carry out community consultation in relation to the planning and conduct of exploration activities. Community consultation was required to be

carried out in accordance with the requirements of Exploration code of practice: Community consultation.

An assessment against the mandatory requirements of the code of practice was undertaken as documented in the following sections.

3.4.1. Risk assessment

Mandatory requirement 1 of the code of practice required 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.

A community risk assessment was provided as Appendix 1 of the Community Consultation Strategy and Plan.

The risk assessment focused on the potential social impacts associated with the proposed prospecting activities. It was suggested that the next review of the risk assessment give further consideration of the potential risks to achieving effective community consultation. This was recorded as suggestion for improvement number 1.

3.4.2. Community consultation strategy

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

United Stone provided a copy of the Community Consultation Strategy and Plan for EL8820, dated 17 May 2023. Exploration activities within EL8820 was assessed as either low or medium impact depending on the activity type and intensity.

The strategy was noted to address the mandatory requirements of the code of practice, including:

- establishing the objectives of the strategy
- a detailed description and analysis of community stakeholders
- the methods of consultation
- mechanisms for review of the strategy.

3.4.3. Implementation and reporting

Mandatory requirement 4 required the licence holder to implement, monitor and report annually on the community consultation strategy.

The Caloola Project Annual Community Consultation Report for EL8820 for the reporting period 18 January 2022 to 18 January 2023 was provided as part of the audit review. In addition, records outlining landholder and community communication were sighted as part of the audit.

This information supported a finding that the community consultation strategy was implemented, monitored and reported on annually.

It was noted records of consultation activities were maintained electronically in a consultation register. The register included:

- particulars of landholder and community consultation
- details of the issues and outcomes from consultation.

United Stone said a register was maintained to document key consultation activities, however it was noted that not all 'ad-hoc' consultation was recorded. In addition, the Caloola Mine complaints register developed as part of the Safety Management Strategy was used to register consultation.

Before the change to the code of practice in October 2022, annual community consultation reports were prepared and submitted by United Stone as part of the annual activity report.

3.5. Exploration activity approvals

Section 23A of the *Mining Act 1992* required the holder of an exploration licence to obtain an activity approval before carrying out assessable prospecting operations.

Evidence was available to confirm that exploration activity approvals were sought and granted for exploration activities. Exploration activity approvals granted included exploration activities application dated 16 November 2019 for up to 10 angled Reverse Circulation (RC) and/or Diamond (DDH) drillhole and about 336 metres of new tracks, and associated approval dated 8 December 2021 (MAAG0012538)

Generally, evidence was provided to indicate the exploration activities were carried out in accordance with the description provided in the applications and in accordance with the approvals given.

3.6. Environmental management

Condition 4 of EL8820 required the licence holder to prevent or minimise so far as was reasonably practicable, any harm to the environment arising from the activities carried out under the licence. Condition 2 of the exploration activity approval required the licence holder to carry out the activity in compliance with Part B of the Exploration code of practice: Environmental management.

No evidence of environmental harm was observed at the sites visited during the site inspection. The drilling program was completed at the time of the audit and all plant and equipment were removed from site.

An assessment against the Exploration code of practice: Environmental management was not completed, however the following observations were made:

- Erosion and sediment control mitigation measures/management plan were developed for the exploration activities. The concise plan documents basic soil management sediment and erosion management, surface water management, and waste management processes.
- All holes were observed to have been drilled on moderate-to-steep slopes in native woodland areas requiring vegetation removal and excavation for access tracks and drill pads.
- United Stone said vegetation clearing was supervised by a consultant and 'no-go' exclusion areas were marked with flagging tape to ensure vegetation and surface disturbance aligned with the activity approval.

- United Stone said drilling activities were conducted in a specific order to minimise the potential spread of weeds, specifically the invasive serrated tussock. Vehicle hygiene practices were followed for all plant and equipment to minimise the potential spread of weeds. In addition, it was understood that United Stone routinely conducted weed spraying as part of environmental management for the Caloola Mine.
- Earthworks to rehabilitate the drill pads had been completed. The ground was recontoured to the pre-disturbance levels, with natural regeneration processes used to re-establish vegetation.

3.6.1. Risk assessment

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

No evidence was provided to demonstrate a documented environmental risk assessment was conducted for the exploration operations on EL8820. It was noted during discussions with the United Stone representatives that environmental controls were generally implemented for the exploration activities, despite the lack of a documented environmental risk assessment.

The failure to undertake a documented environmental risk assessment was raised as non-compliance number 1. Following the audit, United Stone completed the required risk assessment.

3.7. Security deposit

Condition 5 of EL8820 required the licence holder to provide a security deposit to secure funding for the fulfilment of obligations under the licence.

The security amount required for EL8820 was \$10,000, which department records confirmed was held. The application for assessable prospecting operations for EL8820 was noted to include a review of the security deposit. However, the application and subsequent approval did not trigger an increase in security.

3.8. Rehabilitation

Condition 6 of EL8820 required the licence holder to carry out rehabilitation of all disturbance caused by activities carried out under the licence in accordance with the requirements of the Exploration code of practice: Rehabilitation.

An assessment against the mandatory requirements of the code of practice was undertaken for the exploration activities as documented in the following sections.

3.8.1. Risk assessment

Mandatory requirement 1 required 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.

No evidence was provided to demonstrate a risk assessment was conducted 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. This was raised as non-compliance number 2

Following the audit, United Stone completed a rehabilitation risk assessment in accordance with mandatory requirements 1 and 6 of the code of practice.

3.8.2. Rehabilitation objectives and completion criteria

Mandatory requirement 2 required the licence holder, no later than 14 days before 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 was required to be prepared and submitted with the rehabilitation objectives and completion criteria.

The exploration activity approval applications lodged by United Stone indicated limited total surface disturbance (less than 5 hectares). The drilling programs did not fall within the definition of a high risk activity under the code of practice and a rehabilitation management plan was not required to be developed.

Evidence was available in department records to confirm that ROCCs were submitted for the drilling program as part of the application for assessable prospecting operations.

3.8.3. Rehabilitation program

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

Representatives of United Stone said that a rehabilitation monitoring and inspection program was undertaken using checklists which were provided to the Department with the Rehabilitation Objectives and Completion Criteria and the Erosion and Sediment Control Mitigation Measures / Management Plan.

United Stone said earthworks to rehabilitate drill pads and access tracks were conducted in September 2023, following a decision that they were not required for additional exploration activity in the short-term. There were no significant erosion and sediment control issues observed at the time of audit. Sediment fencing had been placed at strategic locations to minimise movement of sediment.

United Stone said the inspection frequency was typically 3 months, 6 months and 12 months post works with additional inspection following significant rain.

It was noted that the tenement manager, Rangott Mineral Exploration Pty Ltd typically conducted annual inspections, however, there was a pause in the engagement during the audit period.

Figure 1, Figure 2, Figure 3, and Figure 4 depict representative drill holes inspected.

Figure 1 Drill hole USC043, drilled 2022, earthworks completed in September 2023



Figure 2 Drill hole USC044, drilled 2022, earthworks completed in September 2023



Figure 3 Drill pad Q constructed in 2022 but not drilled, rehabilitation earthworks completed in September 2023



Figure 2 Drill hole USC049, drilled 2022, rehabilitation earthworks not completed.



3.9. Annual activity reporting

Section 163C of the *Mining Act 1992*, clause 59 of the *Mining Regulation 2016* and condition 8 of EL8820 required the licence holder to submit an activity report annually within one calendar month following grant anniversary date. Annual activity reports were required to be prepared in accordance with the *Exploration guideline: Annual activity reporting for prospecting titles*.

During the audit scope period, United Stone submitted annual activity reports comprising:

- annual geological report
- environmental rehabilitation and compliance report
- community consultation report (up to October 2022).

Generally, reports were found to be in accordance with the MEG and/or Resources Regulator templates and guidance material.

As a suggestion for improvement number 2, the next environmental rehabilitation and compliance report should include additional details regarding exploration activities such as the constructed drill pads and access tracks.

3.10. Core and sample storage

Clause 65 of the Mining Regulation 2016 required the holder of an authority to, so far as was reasonably practicable, collect, retain and preserve:

- all drill cores remaining after sampling
- characteristic samples of the rock or strata encountered in any drill holes.

All core and samples collected were required to be labelled, stored and managed in a manner that preserved the integrity of the core or samples.

United Stone said chip samples from exploration drilling programs were stored by Rangott Mineral Exploration Pty Ltd at a storage facility. The storage facility was not inspected on the date of the audit.

United Stone provided evidence of the core and sample register, chip sample trays with unique identification and labelling, and sample storage racks.

3.11. Record keeping

Sections 163D and 163E of the *Mining Act 1992* related to the creation and maintenance of records required under the Act, the Regulations, or a condition of title. Records must be kept in a legible form for production to any inspector and must be maintained for a period of four years after the expiry or cancellation of the title. Specific requirements for the types of records to be maintained for exploration activities were detailed in the mandatory requirements of the exploration codes of practice as follows:

- mandatory requirement 6 of the rehabilitation code of practice
- mandatory requirement 13.1 of the environmental management code of practice
- mandatory requirement 5 of the community consultation code of practice.

Records reviewed during the audit demonstrated that United Stone had generally maintained records as required by the licence conditions and the exploration codes of practice. It was noted that relevant documents and records were retrievable upon request.

Examples of records reviewed included:

- rehabilitation requirements agreed to by the landowner
- rehabilitation objectives and completion criteria
- rehabilitation checklists
- photographs of pre, during and post exploration activities.
- land access agreements
- mapping records

- community consultation strategy
- community consultation register (part of the Caloola mine safety management system)
- annual activity reporting.

4. Compliance management

4.1. Identifying compliance obligations

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

- regulatory requirements (for example, the *Mining Act 1992*)
- conditions imposed on the grant, renewal, or transfer of exploration licences
- exploration activity approvals
- exploration codes of practice
- specific commitments made by the organisation (for example, commitments made in the approved exploration activity application).

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

United Stone engaged a tenement manager to assist with understanding, tracking and meeting compliance obligations under the Mining Act, title conditions and exploration codes of practice.

United Stone advised a reporting calendar was maintained to track reporting obligations.

4.2. Subcontractor management

Contractors are often used to undertake specialist tasks, for example, exploration drilling. While the responsibility for compliance or the implementation of environmental controls is often passed to the contractor, the licence holder will retain accountability for compliance with its licence conditions and other compliance obligations. It is important that the licence 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.

United Stone is a small company and work with Rangott Mineral Exploration Pty Ltd who provided tenement management along with geological and exploration services. Rangott geologists provided daily supervision of contract drillers. Given the drilling program was completed over 12 months previously, a detailed review of the contractor management arrangements was not undertaken as part of the audit.

4.3. Inspections, 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.

United Stone indicated a site inspection and monitoring process was undertaken for each drilling program. Inspection checklists were provided to the department with the rehabilitation objectives and completion criteria and the erosion and sediment control mitigation measures / management plan.

It was noted that the monitoring and inspection process did not include an assessment of the effectiveness of risk controls as implemented.

As suggestion for improvement number 3, United Stone should consider expanding the monitoring and evaluation process to assess the performance of control measures and make recommendations for future drilling programs, where controls were shown to be not effective in reducing the risk.

5. Audit conclusions

From the evidence reviewed during the audit, it was concluded that the exploration operations undertaken by United Stone were generally well managed. Two non-compliances were identified in relation to the development of risk assessments, which are mandatory requirements under the Exploration code of practice: Environmental management and the Exploration code of practice: Rehabilitation, as summarised in Table 2.

The audit identified 3 suggestions for improvement as summarised in Table 3.

Table 2 Summary of non-compliances

Non-compliance No.	Description of issue	Recommendation
1	No evidence was provided to demonstrate a documented environmental risk assessment was conducted for the exploration operations on EL8820, as required by mandatory requirement 12 of the Exploration code of practice: Environmental management.	Following the audit United Stone completed a risk assessment to identify and manage environmental risks associated with the exploration operations on EL8820. No further action was required.
2	No evidence was provided to demonstrate a risk assessment was conducted 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 as required by mandatory requirement 1 of the Exploration code of practice: Rehabilitation.	Following the audit United Stone completed a rehabilitation risk assessment in accordance with mandatory requirements 1 and 6 of the code of practice. No further action was required.

Table 3 Summary of suggestions for improvement

Suggestion for Improvement No.	Description of issue
1	The next review of the community consultation risk assessment could give further consideration of the potential risks to achieving effective community consultation.
2	The next environmental rehabilitation and compliance report should include additional details regarding exploration activities such as the constructed drill pads and access tracks.
3	United Stone should consider expanding the monitoring and evaluation process to assess the performance of control measures and make recommendations for future drilling programs, where controls were shown to be not effective in reducing the risk.