

Guideline for community consultation requirements for exploration

Mining Act 1992 and Petroleum (Onshore) Act 1991

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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 guideline sets out the requirements that titleholders should comply with regarding adequate, inclusive and appropriate community consultation in relation to the planning for, and conduct of, exploration activities under a prospecting title.

This guideline provides upfront information to the industry and the community and sets out requirements related to community consultation.

When this guideline applies

This guideline is applied by a condition imposed on coal and petroleum prospecting titles granted, renewed or transferred before 1 March 2016. The condition requires:

The licence holder must engage with the community in relation to the planning for and conduct of prospecting activities authorised under the exploration licence. The consultation must be undertaken in accordance with the 'Guideline for community consultation requirements for exploration' as amended from time to time.

An annual report on community consultation must be submitted to the department within 28 days following the grant anniversary date, together with evidence that consultation has been undertaken in accordance with the guideline.

Titles issued after this time, where the amended condition on title is imposed, are required to comply with the *Exploration code of practice: community consultation*:

For minerals exploration titles, community consultation requirements for titles granted, renewed or transferred in respect of applications received prior to 1 March 2016 may be imposed through a condition on title requiring the establishment of a Landholder and Community Liaison Program.

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 title holder, 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.

How to use this guideline

The guideline establishes the need to undertake a risk assessment based on managing the risks around community consultation. This risk assessment should then lead to the development of a community consultation strategy that establishes the process of consultation. The strategy should be implemented and monitored, which can be recorded through the annual community consultation report, that is required through a condition on title.

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 while 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 guideline 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

Community consultation is required to be undertaken in accordance with these guidelines. If consultation and annual community consultation reports are not undertaken and submitted in accordance with the conditions of a prospecting title, then a breach of this guideline 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 conditions imposed in relation to specific activity approvals.

The Department of Industry, Skills and Regional Development (the department) 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 guideline is not a defence to actions taken under any legislation or statutory instrument.

Interaction 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.
- submit annual activity reports prepared in accordance with the *Exploration guideline: annual activity reporting for prospecting titles*. The guideline requires submission of an annual community consultation report about the community consultation activities carried out over the past year. This report is to be consistent with the approved work program for the reporting period and is to comply with this guideline.

Contact details

(as of March 2023)

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Part B: Guidelines

1. Developing a community consultation strategy

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 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.

1.1. Principles

1.1.1 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. Risk assessment

- 1.2.1 Before commencing any activity authorised by a prospecting title, the titleholder should conduct a risk assessment to identify and consider the range of opportunities and potential threats associated with community consultation and engagement.

1.3. Identification of issues

- 1.3.1 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.

1.4. Community consultation strategy

- 1.4.1 The titleholder should prepare a community consultation strategy to identify how the risks identified in 1.2.1 above will be managed.
- 1.4.2 The community consultation strategy should:
 - (a) establish the objectives of the strategy
 - (b) include a detailed description and analysis of potential community stakeholders that 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
 - (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

- (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 guideline. This must include ensuring that the strategy:
 - (i) continues to meet the objectives of this guideline
 - (ii) includes any additional stakeholders identified during the process of consultation
 - (iii) maintains a process of consultation that is adequate, inclusive and appropriate
 - (iv) responds to issues raised through the development and submission of the annual community consultation report.

1.4.3 The development of a community consultation strategy should:

- (a) consider the process identified in **Figure 1: Steps to develop a community consultation strategy**
- (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 1: Activity impact assessment**, where:
 - (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 2: Minimum identified community stakeholders for activity impact levels**
- (d) consider the community consultation methods identified in **Table 3: Minimum community consultation actions for activity impact levels**.

1.5. Consolidated community consultation strategies

1.5.1 Where a titleholder is developing a community consultation strategy for an activity that is part of a larger project, a consolidated strategy can be developed.

1.5.2 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.

1.6. Community consultation plan

1.6.1 A titleholder may choose to prepare a community consultation plan where activities are identified as **High Impact**.

1.6.2 The community consultation plan should be in plain language.

1.6.3 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 1.4.2(b) above

- (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.

1.6.4 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.

1.6.5 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, be deemed to be inadequate.

1.6.6 Notwithstanding 1.6.5 above, the community consultation plan should be reviewed and updated upon renewal of the title.

1.6.7 When produced, updated and amended community consultation plans could be submitted to the Division of Resources and Energy as appendices to annual community consultation reports to demonstrate compliance with the community consultation strategy.

Figure 1: Steps to develop a community consultation strategy

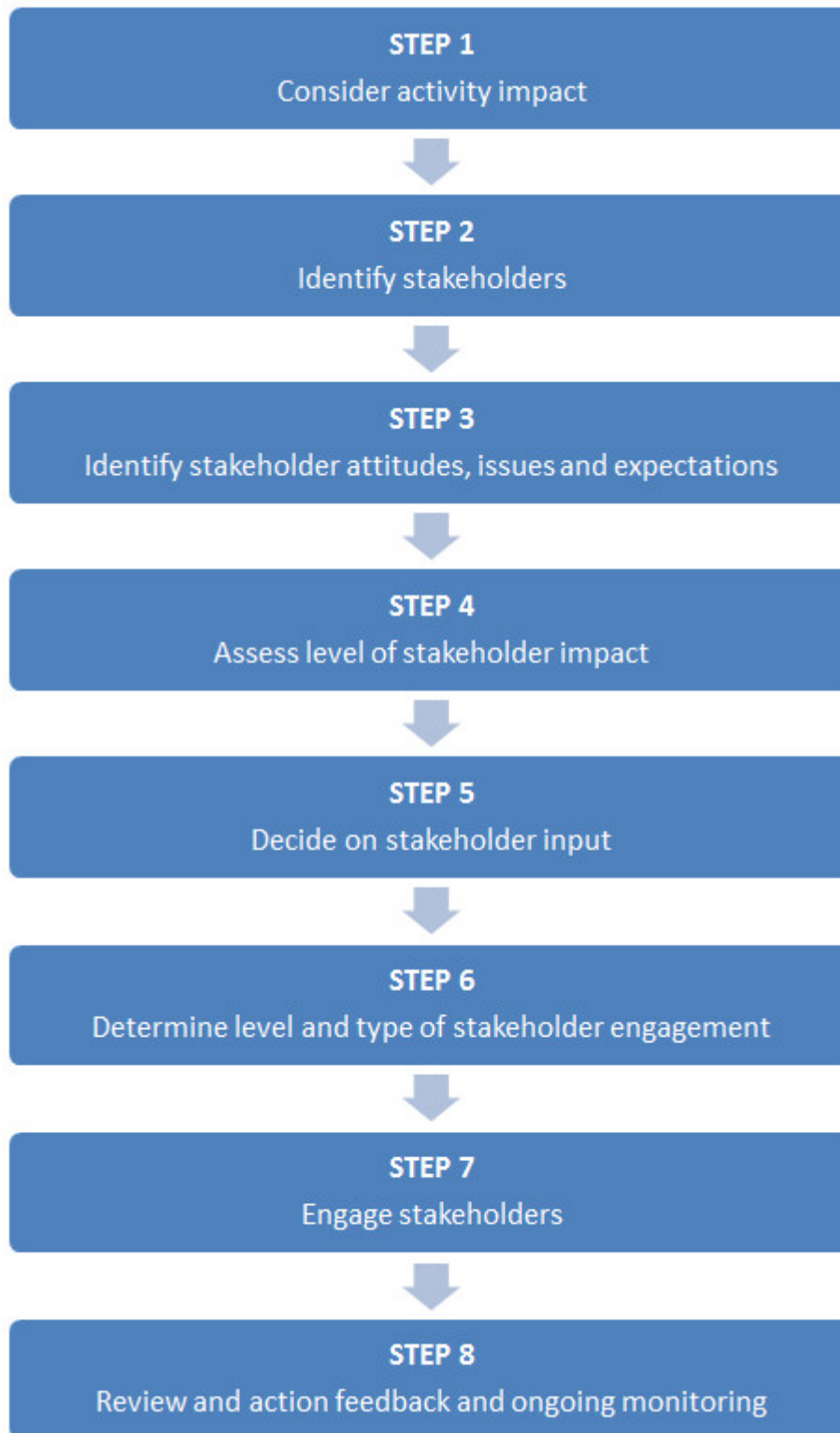


Table 1: Activity impact assessment

To work out the potential activity impact level, answer each question and work out the **total score** for all answers.

Provision 1.4.3(b) (see page 6) identifies the impact level as low, medium or high based on this total score.

					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 to which clause 10(2) of the <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> applies).	Coal and mineral common exploration activities, being activities that meet the Common Exploration Activity (CEA) criteria and are considered unlikely to significantly affect the environment (as set out in <i>ESG5: Assessment requirements for exploration activities</i>).	Petroleum exploration coal and mineral non-common exploration activities that do not meet the CEA criteria (as set out in <i>ESG5: Assessment requirements for exploration activities</i>)	
		Score 0	4	8	
3	What is the population density of the 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
4	Score	0	1	2	
	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	
5	Score	0	1	2	
	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)	
6	Score	0	1	2	
	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 2km and 5km from other extractive industries, mining or petroleum production	Activity closer than 2km from other extractive industries, mining or petroleum production	
7	Score	0	1	2	
	How long will the activity last?	Less than 6 months	6 to 12 months	More than 12 months	
Score					0
Score					1
Score					2
TOTAL SCORE					

*Population density for local statistical areas can be found at <http://www.atlas.nsw.gov.au/public/nsw/home/map/australia-population.html>

Table 2: Identified 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			✓

Table 3: Minimum community consultation actions for activity impact levels

Note: Where a communications option is unavailable in a local area, for example no council newsletter, or unavailability of shopfront display, an alternative may be selected but this should be documented and justified in the relevant community consultation strategy or annual community consultation report.

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		✓	✓
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)			✓

2. Implementing a community consultation strategy

2.1. Undertaking community consultation

2.1.1 Community consultation should:

- (a) be undertaken with consideration given to the minimum community consultation requirements identified in **Table 3: 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.

2.1.2 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.

2.1.3 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
- (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.

2.2. Community stakeholder meetings

- 2.2.1 Community stakeholder meetings should be held at various times of the day, not only during business hours, to ensure that the maximum number of stakeholders are given the opportunity to attend.
- 2.2.2 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.

2.3. Community liaison officer

- 2.3.1 Where an activity is identified as 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.
- 2.3.2 The community liaison officer should be skilled and experienced in undertaking the role, including having undertaken cultural awareness training if appropriate.
- 2.3.3 The person identified in provision 2.3.1 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.

2.4. Community consultative committees

- 2.4.1 For activities identified as high impact, titleholders should consider the establishment of a community consultative committee.
- 2.4.2 Where the titleholder operates another prospecting title within the local government area, or within 20km of the title, community consultation can be undertaken using 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 *Guidelines for establishing and operating community consultative committees for mining projects* (June 2007), for further details on establishing a community consultative committee.

3. Monitoring a community consultation strategy

3.1. Records

- 3.1.1. The titleholder should keep a record of the following:
- (a) the development of the community consultation strategy
 - (b) at what stage(s) of the exploration program the community was engaged
 - (c) details of who was consulted with
 - (d) how the community was involved and the methods used
 - (e) whether the community consultation activities were appropriate, inclusive and adequate
 - (f) what the community consultation program and activities expected to achieve
 - (g) details of feedback provided to the community stakeholders as a result of the activities undertaken
 - (h) how feedback and complaints have been responded to
 - (i) how the consultation procedures or processes have been amended.
- 3.1.2. Records kept in accordance with 3.1.1 above should be kept up-to-date, and retained in order to support the completion of annual community consultation reporting requirements.

3.2. Monitoring

- 3.2.1. Records kept in accordance with 3.1 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
 - (d) identify any revisions required to the community consultation strategy in accordance with 1.4.2(d).

4. Annual community consultation reporting

The following guidance provides details on the requirements for the annual community consultation report. These requirements should be read in conjunction with the *Exploration guideline: Annual activity reporting for prospecting titles* (NSW Department of Industry, July 2015).

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

4.1. Annual community consultation report

- 4.1.1. An annual community consultation report must be submitted to the Division of Resources and Energy within 1 calendar month of the anniversary of the grant of the prospecting title, in conjunction with other annual reports.
- 4.1.2. 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.
- 4.1.3. The annual community consultation report must include, as a minimum:
 - (a) consideration of compliance with the community consultation strategy and community consultation plan (if applicable)
 - (b) a (maximum) one page executive summary outlining the objectives, consultation undertaken and outcomes achieved during the reporting period
 - (c) descriptions and analysis of the identified community stakeholders
 - (d) the objectives, details, date and time of any community consultation events, including issues raised and responses given
 - (e) records of consultation with relevant government agencies including local councils, the names of representatives, and the dates of the meetings
 - (f) what was discussed and issues raised at any consultation events
 - (g) how feedback was collected
 - (h) responses to issues raised
 - (i) summary of comments received in relation to the exploration activity, and actions taken to address any complaints
 - (j) outcomes of the consultation and an assessment of how well the objectives were met
 - (k) how the community consultation strategy or activity has been amended in response to the consultation
 - (l) proposed future consultation.
- 4.1.4. The annual community consultation report should consider the privacy and confidentiality of stakeholders and the level of detail provided in compliance with 4.1.3 above can be determined to protect this.

Table 5: Annual community consultation report checklist

Requirement	Yes	No
Title page	☐	☐
- report title - project operator/titleholder - prospecting title type and number - original grant date/expiry date - the reporting period - exploration project name or location - date of report - author, including contact details and position	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
Executive summary	☐	☐
[A summary of consultation and outcomes achieved during the reporting period.]		
Community consultation undertaken in reporting period	☐	☐
[A detailed summary of engagement with impacted landholders and community groups.]		
- details of who was consulted and why - details of consultation - dates and times - objectives of community consultation events - what was discussed and issues raised	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐
Government agency consultation undertaken in reporting period	☐	☐
[A detailed summary of engagement with relevant government agencies (including local councils)]		
- details of consultation - dates and times - objectives of community consultation events - what was discussed and issues raised	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐
Consideration of compliance with any Community Consultation Strategy and Community Consultation Plan (if relevant)	☐	☐
How feedback was collected	☐	☐
Responses to issues raised	☐	☐
Summary of comments received in relation to the exploration activity	☐	☐
Summary and nature of complaints and actions taken to address them	☐	☐
If the activity has been altered in response to issues raised	☐	☐
Outcomes of the consultation	☐	☐
Assessment of how well objectives were met	☐	☐
Summary of amendments to the community consultation strategy or activity	☐	☐
Commitments for further consultation	☐	☐

4.2. Reduced annual community consultation report

4.2.1. Where no on-ground 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 submitted, indicating the reasons for the reduced level of consultation.

Note: 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	☐	☐
• report title	☐	☐
• prospecting title number	☐	☐
• original grant date/expiry date	☐	☐
• the reporting period	☐	☐
• exploration project name or location	☐	☐
• project operator/titleholder	☐	☐
• date of report	☐	☐
• author, including contact details and position	☐	☐
Reason for reduced consultation	☐	☐
Details of any consultation undertaken in reporting period	☐	☐
Responses to any issues raised	☐	☐
Summary and nature of complaints received and actions taken to address them	☐	☐

Appendix 1: Definitions

In this guideline:

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

Column 1	Column 2
Activity	Activities associated with prospecting including: • the use of land • means of accessing land • the carrying out of a work.
Common exploration activity	Exploration activities that are considered unlikely to significantly affect the environment.
Department	The Division of Resources and Energy within the NSW Department of Industry, Skills and Regional Development.
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*	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> .
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: • dwellings • libraries • educational and research institutions (including schools, colleges and universities) • childcare centres • kindergartens • hospitals, surgeries and other medical institutions

Column 1	Column 2
	• places of worship • milking sheds and holding yards associated with dairies • animal boarding or training establishments • aquaculture • intensive livestock agriculture • 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 title 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**

Appendix 2: 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 2010]	Both a state wide and local newspaper
Coal and minerals assessment lease	Within 45 days of confirmation of lodgement of the application [clause 21, Mining Regulation 2010]	Both a state wide and local newspaper
Coal and minerals mining lease	Within 45 days of confirmation of lodgement of the application [clause 25, Mining Regulation 2010]	Both a state wide and local newspaper

Content

Such notices are to contain the following:

- (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].

Related guidelines

The notification should be published in accordance with the:

- (a) *Guideline for the publication of a notice of an application for an exploration licence*
- (b) *Guideline for the publication of a notice of an application for an exploration licence for Coal*
- (c) *Guideline for the publication of a notice of an application for a mining lease*
- (d) *Guideline for the publication of a notice of an application for a petroleum exploration licence*
- (e) *Guideline for the publication of a notice of an application for a petroleum special prospecting authority*