

# Exploration code of practice: petroleum land access



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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2016). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the NSW Department of Industry, Skills and Regional Development or the user's independent advisor.

# Contents

<b>Part A: Introduction .....</b>	<b>5</b>
Regulatory purpose.....	5
Not legal advice.....	5
When this code applies .....	5
Compliance requirements .....	5
Interpretation and definitions.....	6
Access arrangements .....	6
Variation of access arrangements .....	6
Relevant land access documents .....	6
Other available guidance .....	6
Useful contact details .....	7
Review of this code .....	7
Summary of the legislative framework for petroleum and coal seam gas (CSG) in NSW.....	8
<b>Part B: Guidance for initiating land access negotiations.....</b>	<b>9</b>
Principles.....	9
Appointing a responsible person.....	9
Initial contact .....	9
Initiating negotiations .....	9
Initial meetings .....	10
<b>Part C: Mandatory provisions for land access arrangements .....</b>	<b>11</b>
Notice period .....	11
Access points, roads and tracks .....	12
Water regulation .....	12
Obligation to prevent spread of weeds, pests and diseases .....	13
Livestock and property .....	13
Gates, grids and fences .....	13
Items brought onto land .....	13
Rehabilitation.....	14
After completion of activities .....	14
<b>Appendix 1: Definitions.....</b>	<b>0</b>

## Acknowledgements

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- NSW Land and Water Commissioner
- Agricultural industry peak stakeholder bodies:
  - Cotton Australia
  - Hunter Thoroughbred Breeders Association
  - NSW Farmers
  - NSW Irrigators Council
  - NSW Wine Industry Association
  - Ricegrowers' Association of Australia
- The NSW Petroleum and Natural Gas Drilling Industry, including:
  - Australian Petroleum Production and Exploration Association (APPEA)
  - AGL
  - Santos

# Part A: Introduction

## Regulatory purpose

Under the *Petroleum (Onshore) Act 1991 (Act)*<sup>1</sup> explorers must not carry out prospecting operations on any land, except in accordance with an access arrangement applying to that land.

This means that, for an explorer, an access arrangement is an important prerequisite to being able to undertake prospecting operations under a prospecting title.

The Act also provides for an access code to apply in relation to the negotiation and agreement of access arrangements.<sup>2</sup>

This land access code (code) is the prescribed code for the purpose of section 69DA and 69DB of the Act, and clause 16A of the *Petroleum (Onshore) Regulation 2016 (Regulation)*.

This code:

- should be read in conjunction with the Act and the Regulation but
- does not amend or override any provision of the Act or the Regulation. To the extent that any provision of this code is inconsistent with the Act or Regulation, the provisions of the Act or Regulation will apply.

## Not legal advice

This code has been prepared for the purpose of providing best practice guidance to assist explorers and landholders in negotiating land access arrangements.

This code does not provide legal advice on any matter.

## When this code applies

This code applies to the negotiation and agreement of all access arrangements for the purpose of carrying out prospecting operations, where the notice of intention to seek access under section 69E of the Act is served, by the explorer, after 1 December 2016. This is the commencement date of the *Mining and Petroleum Legislation Amendment (Land Access Arbitration) Act 2015*.

It does not apply to access arrangements for petroleum production, or minerals or coal exploration, or minerals or coal production.

## Compliance requirements

This code is divided into three sections:

- Part A contains introductory provisions and sets out a summary of the legislative framework for petroleum and coal seam gas (CSG) in NSW.
- Part B of this code establishes a best practice framework for explorers when negotiating land access arrangements with landholders.
- Part C of this code prescribes mandatory provisions for all land access arrangements for petroleum exploration (mandatory provisions).

The Part C mandatory provisions set out the minimum terms and conditions of land access for petroleum exploration. These mandatory provisions apply to all land access arrangements in relation to the conduct of explorers in carrying out prospecting operations, unless otherwise agreed to in writing by the parties.

If any terms and conditions of an access arrangement are inconsistent with the mandatory provisions of this code, those terms and conditions will have no effect to the extent of the inconsistency, unless the terms and conditions of the access arrangement are more stringent than the mandatory provisions.

Parties to an access arrangement can agree to terms and conditions that are different to the mandatory provisions. Any agreement to terms and conditions that are different to the mandatory provisions must be clearly expressed in the access arrangement.

For example Part C of this code states: “The explorer must, after using any gate, return the gate to its original position, as found, unless otherwise agreed with the landholder”.

If the parties wish to allow explorers to use gates located on the southern side of the property without returning those gates to their original position after every use, the access arrangement should include the following clause: “The explorer must, after using any gate, except the gates on the southern side of the property, return the gate to its original position, as found, unless otherwise agreed with the landholder. In relation to gates on the southern side of the property, the landholder agrees that gates on the southern side of the property do not need to be returned to their original position.”

<sup>1</sup> Section 69C.

<sup>2</sup> Section 69DA.

## Interpretation and definitions

In this code the word 'must' indicates a mandatory requirement.

Notes in this code are intended to be illustrative and to provide additional clarity. They do not form part of the mandatory requirements of the code and therefore need not be referenced in the access arrangement.

The definitions of terms used in this code are set out in Appendix 1. These definitions form part of the access arrangement.

## Access arrangements

An access arrangement is a contractual arrangement between a landholder and an explorer. It sets out the terms and conditions of access granted by the landholder to the explorer, for the explorer to be able to exercise the prospecting rights granted under the Act.

The Act requires that these arrangements be in writing,<sup>3</sup> and they should also be signed and dated by the landholder and the explorer. A written arrangement will help provide both the landholder and the explorer with greater certainty as to what was agreed to.

Access arrangements should clearly set out and reflect what has been agreed to between a landholder and an explorer. They should also comply with all requirements imposed under other relevant legislation, the prospecting title or activity approvals.

## Variation of access arrangements

Over time, prospecting operations may change from what was initially contemplated, or it may become apparent that what the parties originally agreed to isn't working as well as it could.

In these circumstances, the Act provides that access agreements can be varied or terminated.<sup>4</sup> While it sets out the high level process that must be followed, it does not require any particular formality in this process.

As a rule of thumb, if the original access arrangement contains particular provisions relating to variations, then these should be followed in the first instance; alternatively the parties can simply agree to vary the arrangement.

The process can be initiated formally (e.g. by a written letter) or informally (e.g. verbally by telephone).

How these variations are recorded or formalised depends on the circumstances. It is best practice that any variations agreed to be confirmed in writing and, preferably, signed and dated by both parties. This is especially where the changes are expected to be long term or permanent. However an email from one party to the other, or a verbal exchange, may be sufficient especially if the variation is to accommodate an urgent, short term or one-off change.

## Relevant land access documents

This code is part of a group of documents that establish the process for making access arrangements.

The *Petroleum (Onshore) Act 1991* and the *Petroleum (Onshore) Regulation 2016* set out the overarching framework for land access in NSW. The Act and the Regulation establish the basic rights and obligations of parties in this process.

This code provides more guidance to explorers and landholders in relation to the negotiation of land access arrangements. It also establishes mandatory provisions to apply to all land access arrangements, unless otherwise agreed to in writing by the parties.

Where parties are not successful in negotiating an arrangement, and access is still sought, the matter may progress to mediation and arbitration. The NSW Department of Industry, Skills and Regional Development (the Department) has produced an arbitration procedure that sets out the process of land access mediations and arbitrations in NSW.

## Other available guidance

From time to time other peak industry bodies or independent organisations may produce documentation with the intention of providing additional information that is more specific or tailored to the needs of a particular industry or interest.

These documents do not form part of, or affect, the operation of this code.

Explorers and landholders can contact their relevant representative organisation to enquire whether additional supporting information is available.

<sup>3</sup> Section 69C(1)(a) *Petroleum (Onshore) Act 1992*.

<sup>4</sup> Section 69T *Petroleum (Onshore) Act 1992*.

## Useful contact details

### Land and Water Commissioner

The Office of the Land and Water Commissioner was established to facilitate greater engagement and consultation between government, community and industry in relation to mining and petroleum activities in NSW. The Commissioner is also a key source of information and guidance to assist landholders and communities to better understand the way that mining and gas activities are approved and regulated in NSW, and to give them a say in how things are done.

Locked Bag 21, Orange, NSW 2800  
Telephone 02 6391 3429  
Email [commissioner@landandwater.nsw.gov.au](mailto:commissioner@landandwater.nsw.gov.au)

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## Review of this code

The code will be reviewed by the Land and Water Commissioner as necessary and at least one year after it commences.

The substance of the code may be amended from time to time by publication of a new code and amendment of the Regulation.

The development of a mandatory provision which deals with water testing is the subject of ongoing discussions between stakeholders. Once agreed, the code will be amended to include a “water testing clause”.

## Summary of the legislative framework for petroleum and coal seam gas in NSW

Exploration and production activities for onshore petroleum and coal seam gas (CSG) are regulated under several pieces of legislation<sup>1</sup> including the following:

Act	
<i>Petroleum (Onshore) Act 1991</i>	Petroleum and CSG prospecting titles are granted by the Minister for Industry, Resources and Energy, and are administered by the Minister and the Department under this Act. All petroleum activity must be conducted in accordance with the provisions of this Act. Under this Act, compliance and enforcement of petroleum prospecting titles (other than for work, health and safety matters,) is regulated by the NSW Environment Protection Authority (EPA).
<i>Protection of Environment Operations Act 1997</i>	All petroleum and CSG activities, including production activities, are to be carried out in accordance with an environment protection licence issued by the EPA under this Act. The EPA also regulates and enforces compliance under these environment protection licences.
<i>Water Management Act 2000 and Water Act 1912</i>	Explorers must comply with the relevant requirements of these Acts, where their activities involve the taking or using of water. These Acts set out how water is managed in NSW and are administered by DPI Water. <sup>5</sup>
<i>Work Health and Safety Act 2011 and Work Health and Safety (Mines and Petroleum Sites) Act 2013 (WHSMPA Act)</i>	Explorers must comply with the work, health and safety requirements under these Acts. Under these Acts, all persons conducting a business or undertaking, including petroleum site operators and contractors, have a primary duty to ensure the health and safety of workers they engage, or whose work activities they influence or direct. The regulation and enforcement of work health and safety requirements at petroleum sites where prospecting operations are being carried out are the responsibility of the Department.
<i>Water NSW Act 2014</i>	This Act establishes WaterNSW, which develops and operates the infrastructure necessary to deliver water to regional towns, irrigators, Sydney Water and other licensed authorities, retail suppliers and councils in NSW. Explorers must comply with the requirements of this Act, including the need to obtain consent if their surface activities are located within the declared catchment for Sydney's drinking water.
<i>Environmental Planning and Assessment Act 1979</i>	All petroleum production is considered to be <i>state significant development</i> , and development consent, granted by the Department of Planning under this Act, must be in place before a petroleum production lease can be granted by NSW Department of Industry, Skills and Regional Development.
<i>Environment Protection and Biodiversity Conservation Act 1999, Commonwealth</i>	In addition to the NSW statutory requirements, some petroleum and CSG activities may also require assessment and approval by the Australian Department of the Environment, under this Act.

Note: The EPA does not regulate compliance with this code or with any land access arrangement.

<sup>5</sup> The *Water Act 1912* is currently being progressively phased out and replaced by the *Water Management Act 2000*, however some provisions are still in force.

# Part B: Guidance for initiating land access negotiations

Note: This part of the code sets out best practice guidance for how explorers should initiate and negotiate land access arrangements.

Landholders or explorers can also seek assistance from the Land and Water Commissioner about how this code may apply to them.

## Principles

Explorers should act in accordance with the following principles when initiating negotiations for land access under [Part 4A](#) of the Act with a landholder:

- (a) The development of good relations between landholders and explorers requires effective engagement and communication. This includes the provision of clear, accurate and easy to understand information.
- (b) The development of good relations between landholders and explorers requires recognition of the co-existence of rights and responsibilities of both parties.
- (c) In particular respect for the privacy, property rights and water entitlements of landholders, by the explorer, is critical to building trust and strong long-term relationships.
- (d) Explorers should be courteous, consult regularly with landholders, and comply with statutory and contractual obligations.
- (e) Explorers must negotiate in good faith.<sup>6</sup>
- (f) An access arrangement should clearly state what has been agreed between the parties.

## Appointing a responsible person

To facilitate effective engagement when seeking to initiate negotiations for land access, the explorer should appoint a 'responsible person'.

This is the primary contact person, or representative, that is responsible for managing the relationship and all communication on the explorer's behalf, with the landholder. The responsible person is the first point of contact for the landholder to discuss any matter or concern in relation to the land access arrangement, preferably throughout the term of the access arrangement.

If this person changes during the term of the access arrangement then the landholder should be given notification of this, along with details of the person that the landholder should contact in the future.

The responsible person should:

- (a) be authorised to negotiate an access arrangement on behalf of the explorer
- (b) have appropriate knowledge of the particular project and the proposed prospecting operations
- (c) have an appropriate level of experience in liaising with landholders.

## Initial contact

The initial contact between the explorer and the landholder will depend on the circumstances and may be initiated by the explorer or the landholder. For example, it may be by phone, at a community information session, or at a formal meeting initiated by the landholder's representative.

## Initiating negotiations

If, following the initial contact, the landholder and the explorer agree that negotiations for an access arrangement should commence, the explorer should write to the landholder and provide the following information:

- (a) the contact details for the explorer's responsible person
- (b) a clear map of the title area
- (c) an acknowledgement that the explorer will pay the landholder's reasonable costs in negotiating the access arrangement<sup>7</sup>
- (d) a copy of this code, any current access arrangement template, and any information package approved by the Land and Water Commissioner

<sup>6</sup> Section 69E(2G) *Petroleum (Onshore) Act 1992*. This provision imposes a reciprocal obligation on landholders.

<sup>7</sup> Section 69E(2A) *Petroleum (Onshore) Act 1992*.

- (e) a proposed time, date and place for the first meeting.

## Initial meetings

During the opening discussions between the landholder and the explorer, the explorer should seek information from the landholder about the way the landholder uses their land, and the general terms on which the landholder would be willing to allow access to their land for the proposed prospecting operations.

The explorer should be prepared to provide the landholder with the following information or, if not immediately available, should undertake to provide the information as soon as reasonably practicable after becoming available:

- (a) details of the petroleum exploration licence, assessment lease or special prospecting authority, including the number and term of the licence, lease or authority and the area it covers
- (b) a description of the work program for the prospecting operations proposed to be carried out on the landholder's land (proposed prospecting operations), including:
  - i. the extent and type of the proposed prospecting operations to be conducted
  - ii. the duration and likely timing of the work program
  - iii. whether chemicals are to be used for the purpose of undertaking the proposed prospecting operations and, if so, provide a plain language list of the general types of chemicals that may be used
  - iv. a copy of any relevant activity approval
  - v. provision of copies of the relevant documentation relating to the proposed prospecting operations, such as a map that includes:
    - the proposed location of any proposed prospecting operations
    - proposed access routes and, if required, camp locations
    - any other relevant spatial information
  - i. a general description of any vehicles or equipment proposed to be used
  - ii. an overview of any environmental management plan(s), including proposed remediation or rehabilitation works

- iii. where a relevant condition of prospecting title or activity approval has required the explorer to prepare environmental impact statements including, but not limited to, a Review of Environmental Factors, Environmental Impact Statement, Agricultural Impact Statement, Species Impact Statement or a Groundwater Monitoring and Modelling Plan, the explorer should provide, or undertake to provide, copies of these documents

- (c) A plain language explanation of the water regulatory framework which applies to the proposed prospecting operations to be undertaken in the title area
- (d) Details of the explorer's insurance cover.

## Duration of access arrangements

The duration of an access arrangement should be negotiated by the explorer and landholder.

At a minimum, the duration should be consistent with the explorer's work program (which is required under section 14 of the Act and clause 5 of the Regulation), and include sufficient time for the explorer to carry out rehabilitation of the landholder's land at the conclusion of the prospecting operations.

# Part C: Mandatory provisions for land access arrangements

**Note:** This part of the code sets out the mandatory provisions for land access arrangements.

The mandatory provisions apply to all access arrangements for petroleum exploration, unless otherwise agreed to in writing by the parties. Explorers and landholders may decide to adopt more stringent or rigorous requirements than the mandatory provisions in this code.

Where words in this part are defined in the definitions section at Appendix 1, those definitions are taken to form part of the mandatory provisions.

Notes within this part do not form mandatory provisions and are intended to be illustrative and provide clarity to the mandatory provisions.

## Costs

The explorer must pay the reasonable costs of the landholder in participating in negotiating this access arrangement, in accordance with the Act.<sup>8</sup>

**Note:** Under section 69E(2B) of the Act the maximum amount of reasonable costs payable may be set out by order by the Minister published in the Gazette, however an explorer may choose to pay over this capped amount section 69E(2D).

## Compensation

The explorer must pay the landholder compensation in relation to the carrying out of prospecting in the area permitted under this access arrangement. The explorer and the landholder must agree on the amount of compensation payable in respect of the explorer accessing and carrying out prospecting operations under this access arrangement.

The compensation payable is as stipulated in this access arrangement.<sup>9</sup>

The explorer should pay the compensation promptly:

- (a) at the time of, or before, the explorer accesses the landholder's land for the first time; or
- (b) otherwise at the time or intervals specified in this access arrangement.

## Confidentiality

The explorer must:

- (a) treat as confidential any information of a personal nature obtained about the landholder, or about the landholder's land or operations; and
- (b) determine and agree with the landholder (in writing) whether any or all provisions of this access arrangement are to be treated by the parties as confidential.

**Note:** Section 69C(3) of the Act provides that separate access arrangements may be made to preserve the confidentiality of provisions of the access arrangements, for example to deal with persons becoming landholders at different times or for any other reason.

## Notice period

The explorer must notify the landholder in the manner required in this access arrangement when accessing the landholder's land.

Unless otherwise agreed by the landholder, the explorer must give the landholder at least five business days' notice prior to accessing the landholder's land to commence prospecting operations under this access arrangement, except in the case of an emergency.

In an emergency, an explorer must make every effort to notify the landholder prior to entry onto the landholder's land.

## General compliance

In addition to the specific terms and conditions stipulated in this access arrangement, the explorer must carry out all prospecting operations in compliance with:

- (a) all relevant legislative requirements, including conditions and requirements under the Act and

<sup>8</sup> Section 69E(2A) of the *Petroleum (Onshore) Act 1992*.

<sup>9</sup> Section 69D(2) of the *Petroleum (Onshore) Act 1992*.

- Regulation, and work health and safety legislation;
- (b) all relevant conditions of the explorer's prospecting title; and
- (c) all relevant terms of an activity approval, if applicable.

## Before and during prospecting operations

The explorer must:

- (a) keep the landholder informed of the progress of, and variations to, any prospecting operations on their land
- (b) be responsible for all actions undertaken by employees and contractors of the explorer
- (c) minimise the potential for the prospecting operations to cause any unauthorised impacts to the landholder's land, livestock or property
- (d) notify the landholder of any unauthorised impacts to the landholder's land, livestock or property caused or contributed to by the carrying out of any prospecting operations, and
- (e) unless otherwise agreed, rectify, or compensate, without undue delay, any unauthorised impacts to the landholder's land, livestock or property to the extent caused or contributed to by the carrying out of any prospecting operations.

## Access points, roads and tracks

The explorer must:

- (a) where practicable, and unless otherwise agreed with the landholder, use an existing access point, road or track to enter a landholder's land, provided these are suitable for the intended traffic loads
- (b) design and construct any new access points, roads or tracks, whether required because there is no suitable existing access point, road or track, or because the landholder does not agree to the explorer's use of existing access points:
  - i. as agreed with the landholder
  - ii. in a manner which minimises any unauthorised impact on the landholder's business or land use activities

- (c) unless otherwise agreed with the landholder, ensure that all existing access points, roads or tracks used by the explorer for any prospecting operations are maintained in, and rehabilitated to, the same or a better condition than they were in prior to commencement of any prospecting operations, and
- (d) unless otherwise agreed with the landholder, restrict the use of any unsealed road or track during wet weather to prevent damage to that road or track unless the road or track has been designed and constructed for use in wet weather.

## Induction training

The explorer must ensure that each of its employees and contractors who enter the landholder's land receives information and training on the obligations of the explorer, its employees and contractors under:

- (a) the Act
- (b) any other relevant legislation
- (c) the code (as it applies to this access arrangement)
- (d) this access arrangement
- (e) any relevant conditions of the explorer's prospecting title
- (f) any relevant terms of an activity approval, and
- (g) any relevant emergency plans and safety procedures as set out by the landholder in relation to the landholder's land.

## Water regulation

The explorer must provide the landholder with a written explanation of the way in which the water regulatory requirements are being complied with in relation to the landholder's land. This explanation must be written in plain language, as far as practicable.

If requested by the landholder, the explorer must provide to the landholder (or his or her representative), any available monitoring and testing results carried out under any relevant water regulatory requirements.

## Obligation to prevent spread of weeds, pests and diseases

The explorer must:

- (a) take reasonable steps to prevent the spread of weeds, pests or diseases to, on or from the landholder's land
- (b) take reasonable steps to ensure that, in entering or leaving the landholder's land, the explorer does not introduce or spread weeds, pests or diseases
- (c) ensure that each employee or contractor washes down vehicles and machinery before entering and leaving the landholder's land, if the risk of introducing or spreading a weed, pest or disease is likely to be reduced by the wash-down
- (d) keep a record (the wash-down record) of all wash-downs under subsection (c) carried out during the period(s) in which the explorer accesses the landholder's land, and
- (e) if requested by the landholder, provide a copy of the wash-down record to the landholder.

*Note:* For the purpose of this clause, the meaning of 'wash-down' is to be agreed between the parties.

Where the landholder has advised the explorer that notifiable weeds, pests and diseases are present on the landholder's land, and the provisions of some or all of the following Acts listed in this clause apply to the land or the crops or livestock on the land, the explorer must comply with all obligations imposed by, or under those Acts:

- (a) *Noxious Weeds Act 1993*
- (b) *Stock Diseases Act 1923*
- (c) *Plant Diseases Act 1924*
- (d) *Local Land Services Act 2013*
- (e) *Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991*.

## Livestock and property

The explorer must access and use the landholder's land in a way that minimises any disturbance to existing land uses (including crops), livestock or property, including roads, gates, grids and fences.

## Gates, grids and fences

The explorer must, after using any gate, return the gate to its original position, as found, unless otherwise agreed with the landholder.

The explorer must:

- (a) obtain the landholder's consent before erecting any gate or grid on the landholder's land
- (b) ensure that any gate or grid erected is stock-proof, unless otherwise agreed by the landholder, and
- (c) notify the landholder if livestock stray as a result of any prospecting operations.

The explorer must not cut a fence on the landholder's land without the landholder's consent.

If the landholder allows a fence to be cut by the explorer, unless otherwise agreed with the landholder, the explorer must, as soon as possible after carrying out the prospecting operations:

- (a) repair the fence to the pre-existing standard, and
- (b) erect a stock-proof gate where the fence was cut, if requested by the landholder.

## Items brought onto land

The explorer must not bring firearms, domestic animals, recreational alcohol or drugs onto the landholder's land.

Where fracture stimulation forms part of an approved activity, the explorer must give the landholder a copy of the *fracture stimulation management plan* at the request of the landholder.

The explorer must:

- (a) unless otherwise agreed by the landholder, not bring any chemicals onto the landholder's land without the landholder's prior written consent, and
- (b) if requested by the landholder, provide a plain language list and safety data sheets for any chemicals proposed or agreed by the landholder to be brought onto the landholder's land, and

*Note:* If the explorer wants to obtain the landholder's consent to bring additional chemicals onto the landholder's land after this access arrangement commences, for that purpose, the explorer should give the landholder a written plain language list and

the safety data sheets for those additional chemicals.

- (c) unless otherwise agreed by the landholder, ensure that any waste brought onto the landholder's land by the explorer, or produced in carrying out any prospecting operations, is removed from the landholder's land.

## Rehabilitation

The explorer must undertake all required rehabilitation work in consultation with the landholder, having regard to the requirements of:

- (a) the Act
- (b) any other relevant legislation
- (c) this access arrangement, and
- (d) any relevant conditions of the relevant prospecting title or activity approval, whichever is relevant.

In particular the explorer must:

- (a) agree with the landholder on the intended final land use goal for the areas disturbed by any prospecting operations on the landholder's land
- (b) invite the landholder to inspect the work area when any prospecting operations are finished so that any preferences or problems can be discussed prior to rehabilitation
- (c) rehabilitate the land, in consultation with the landholder, to a standard that is capable of supporting the intended final land use goal agreed by the parties on a sustainable basis
- (d) if lawful, leave in place such works as agreed by the landholder, and
- (e) use all reasonable endeavours to obtain the landholders sign-off on the rehabilitation.

## After completion of activities

Upon completion of any prospecting operations on the land, the explorer must:

- (a) inform the landholder about the potential ongoing use of any equipment or infrastructure (e.g. drill pads, access tracks, borrow pits, wells, casing, etc.) for future prospecting operations
- (b) if the landholder requests, provide general information about the outcomes of the prospecting operations, unless that information is commercial in confidence

**Note:** This information may not be available for several months after any prospecting operations are completed.

- (c) inform the landholder about the likelihood of any subsequent prospecting operations being proposed on the landholder's land (e.g. seismic program, further drilling) and the likelihood of any production activities, pending the results of the prospecting operations, unless the information is commercial in confidence, and
- (d) if the landholder requests, provide to the landholder copies of any Australian Stock Exchange announcements made in relation to exploration results relating to the prospecting operations on the landholder's land.

# Appendix 1: Definitions

In this code:

- (a) reference to a document in this code is a reference to that document as amended or replaced from time to time
- (b) terms in column 1 of the following table have the meaning set out in column 2.

COLUMN 1	COLUMN 2
access arrangement	Means a land access arrangement made under <a href="#">Part 4A</a> of the Act.
Act	Means the <i>Petroleum (Onshore) Act 1991</i> as amended or replaced from time to time.
activity approval	Means, in relation to an assessable prospecting operation, the further approval required from the Minister, before the operation can be carried out, under the conditions of a prospecting title or the Act, whichever is relevant.
assessable prospecting operation	For the purposes of this code, includes all prospecting operations that are not classified as exempt prospecting operations, and which require additional activity approval before they can be carried out.
coal seam gas (CSG)	Means a form of natural gas (predominantly methane) that is extracted from coal beds.
emergency	Means an event which causes, or is likely to cause: <ul style="list-style-type: none"> <li>• an imminent or actual serious risk to the health and safety of workers, the landholder or the public;</li> <li>• an imminent or actual risk of material harm to the environment (as defined under section 147 of the <i>Protection of the Environment Operations Act 1997</i>); or</li> <li>• an imminent or actual risk from a natural hazard, e.g. fires, floods and adverse weather conditions.</li> </ul>
exempt prospecting operations	For the purposes of this code, includes: <ul style="list-style-type: none"> <li>• where the prospecting title was issued before 1 July 2015, category 1 prospecting operations</li> <li>• where the prospecting title was issued on or after 1 July 2015, prospecting operations that have been identified as exempt development under the <i>State Environmental Planning Policy (mining, petroleum production and extractive industries) 2007</i>.</li> </ul>
explorer	Means the holder of a prospecting title.
code	Means this code, as amended or replaced from time to time.
landholder	Has the same meaning as in the Act.
Minister	Means the Minister for Industry, Resources and Energy.
petroleum	Has the same meaning as in the Act.
prospect	Has the same meaning as in the Act.
prospecting operations	Has the same meaning as in the Act.
prospecting title	Means a petroleum exploration licence, assessment lease or special prospecting authority granted under the Act, as the case may be.
Regulation	Means the <i>Petroleum (Onshore) Regulation 2016</i> , as amended or replaced from time to time.
waste	Has the same meaning as in the <i>Protection of the Environment Operations Act 1997</i> .
work program	Means a work program that is referred to in section 14 of the Act.