



EXPLORATION CODE OF PRACTICE COMMUNITY CONSULTATION

# Public exhibition report

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# Executive summary

The draft *Exploration code of practice: Community consultation* was placed on a non-statutory public exhibition for seven weeks. This involved extensive notification on the Division of Resources and Energy website, NSW Government Have Your Say website, emails to identified stakeholders, presentations at meetings, and social media posts.

Submissions were received from 44 stakeholders. Each submission was summarised with key issues identified and responses provided. These submissions were considered in the finalisation of the draft Code and led to several amendments to the content and structure of the Code.

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# Consultation overview

## Background

A public exhibition plan was prepared and approved for the public exhibition of the draft *Exploration code of practice: Community consultation*. The objectives of this plan were to:

- ensure that key external stakeholders were fully engaged and provided with relevant information relating to the changes to community consultation requirements;
- enable feedback into the refinement of the code;
- ensure understanding of the requirements for compliance with the new code; and
- enhance awareness of the benefits to the industry and community of the new code.

The plan identified the key stakeholders and the methods of consultation to be undertaken to engage and consult with these key stakeholders. It also identified the relevant Division of Resources and Energy units to undertake the activities and implement the various components of the Plan.

## External community consultation undertaken

The code was placed on public exhibition for over 7 weeks from 12 October to 30 November 2015, with submissions accepted up until 4 December 2015.

The following engagement activities were undertaken as part of this public exhibition program.

Division of Resources and Energy webpages	<p>Establishment of a dedicated webpage including an online submission form</p> <p>Updates of all Division of Resources and Energy webpages related to community consultation to make reference to the exhibition of the draft code.</p>
Have Your Say webpage	<p>A post was put on the NSW Governments Have Your Say website advising of the exhibition of the draft code.</p>
Email	<p>An email advising of the public exhibition of the draft code was sent on 14 October to 580 community groups, organisations and local councils and 1373 stakeholders, titleholders and subscribers.</p> <p>A follow-up email was sent on 17 November to remind all those contacted of the close of the exhibition on 30 November.</p> <p>An email was also sent on 14 October to the Land and Water Commissioners Land Access Group.</p>
Letter	<p>A letter was posted to 600 titleholders without email contact details on 14 October.</p> <p>Other letters were sent out including copies of the draft code as requested.</p>
Phone calls	<p>Phone calls were made to key stakeholder groups including APPEA, AMEC and NSW Minerals Council on 9 October advising of the public exhibition.</p> <p>Other phone calls were responded to as required by the Community Liaison Officers, project managers and other Division of Resources and Energy staff including Titles, and</p>

	Geological Survey NSW.
Social media	Posts were made on Twitter, LinkedIn and Facebook advising of the public exhibition of the code. These had a potential reach of over 36,000 people with approximately 350 Facebook, 56 Twitter and 10 LinkedIn engagements recorded.
Meetings and presentations	<p>Presentations were made to several external stakeholder groups including:</p> <ul style="list-style-type: none"> <li>• Cadia Valley Operations CCC Community Meeting</li> <li>• KEPCO Bylong coal</li> <li>• Kingsgate Bowden Silver Project</li> <li>• NSW Farmers Mining and CSG Communication Project Steering committee</li> <li>• Land and Water Commissioners Land Access Group</li> <li>• Maitland Business Chamber Breakfast</li> <li>• Muswellbrook Chamber of Commerce</li> <li>• Gloucester Dialogue</li> <li>• Groundswell Gloucester</li> <li>• Wind Industry Working Group</li> <li>• Minerals Industry Liaison Committee (MILC)</li> <li>• Association of Minerals Related Councils</li> <li>• Alkane Community Meeting</li> </ul>

Flyers and frequently asked questions sheets were produced for distribution at external consultation events.

## Internal and government agency consultation

A process of internal stakeholder engagement was undertaken, to gain feedback on the draft code and also to promote awareness amongst internal staff when dealing with external stakeholders. This included presentations to almost 100 staff at approximately 10 team meetings across the Division of Resources and Energy.

An email was sent on 14 October to all internal stakeholders in the Division of Resources and Energy, and other government departments and members of the Coal Seam Gas Working Group. This included:

- Department of Planning and Environment
- Department of Premier and Cabinet
- Department of Primary Industries
- Department of Primary Industries: Water
- Environment Protection Authority
- Land and Water Commission
- Office of Environment and Heritage
- Office of the NSW Chief Scientist and Engineer

## Consideration of compliance with the public exhibition plan

The engagement process was undertaken generally in compliance with the public exhibition plan, which detailed a non-statutory process of engagement for the public exhibition of the draft code.

It was determined at the outset of the exhibition that a notice would not be placed in a newspaper, given the extensive alternative consultation methods being undertaken and the perceived lack of value of such a notice. All other engagement activities identified in the Plan were undertaken.

# Responses to consultation

## How feedback was collected and responses to issues raised

For consideration in the finalisation of the code, written submissions were required, and these were received either by post or email. A total of 44 written submissions were received.

All submissions were read and summarised to identify the key issues, with common issues, comments and concerns identified. Amendments were made to the draft code, where appropriate, and responses provided to all key issues. A table of the issues raised and the response is provided in **Attachment A**. Due to privacy concerns, identifying information has been removed from the summary of submissions information.

## Summary of comments received

The main issues raised in the submission on the draft code are summarised as follows:

### Code too onerous

Several submissions were received that determined that the draft code was too onerous and placed an added burden on the compliance requirements of titleholders. Comments declared that the draft code was too prescriptive and did not enable titleholders to exercise discretion on who to consult and how. However, other comments were received that stated the draft code was not prescriptive enough.

The code was amended to remove some of the more contentious mandatory requirements, for example the need to assess the activity impact, and place it in the guidance section.

### Activity impact assessment table

The activity impact assessment table was deemed to be confusing to implement and this led to titleholders determining their activity as a higher impact than intended, with the commensurate consultation requirements. Whilst several submissions were critical of the table, others identified it as a useful tool to enable variation in the consultation required relative to the impact of the activity.

The table was significantly amended in response to submissions to reduce the complexity, and to clarify its use. The table was also moved from the mandatory requirements section in response to comments.

### Minimum stakeholders table

Amendments were recommended to this table, with some submissions calling for consultation with a greater number of stakeholders for lower impact activities, whilst others called for less.

Minor amendments were made to the table, in response to submissions, including the requirement for consultation with neighbouring landholders, residents and businesses within 2km, and a reduction in the consultation requirements for medium impact activities.

## Minimum community consultation requirement table

Comments were received on the perceived onerous nature of this table, with others commenting broader engagement activities should be required. The practicalities of undertaking some consultation methods were raised as an issue, for example site visits and as a consequence this requirement was removed.

## Privacy and confidentiality

The issues of privacy and commercial confidentiality were raised, associated with the requirements to consult with neighbours and other titleholders, and the keeping of detailed records of consultation events. The need to provide publicly accessible details of those consulted was removed to address these concerns.

## Aboriginal and native title groups

Comments were received relating to the need to engage appropriately with Aboriginal and native title groups. A note was added making reference to appropriate provisions relating to consulting with Indigenous groups.

## Annual community consultation reports

The guidelines relating to these reports were generally welcomed, as clarifying the requirements and enabling reduced reporting where no on-ground activities are proposed.

# Outcomes of consultation

## Summary and nature of complaints and actions taken to address them

No complaints were received in relation to the process of the public exhibition and consultation on the draft code. Several stakeholders requested additional time to provide submissions on the draft code, and these were accepted, with submissions received until 4 December. Further direct consultation was also undertaken with stakeholder groups as requested, to discuss issues with the draft code.

## Amendments to the code in response to issues raised

The consideration of the submissions resulted in amendments throughout the code. The main changes are:

- **Objectives** – the objectives for community consultation have been amended to include the premise that consultation should be conducted in an open and honest way, in the spirit of co-operation and good faith.
- **Risks** – references to the need to undertake a risk assessment have been clarified, with the potential risks revised to remove the negative connotations that were identified in the draft code.
- **How to use this code** – a new section has been inserted to clarify the mandatory requirements and guidance functions of the code.

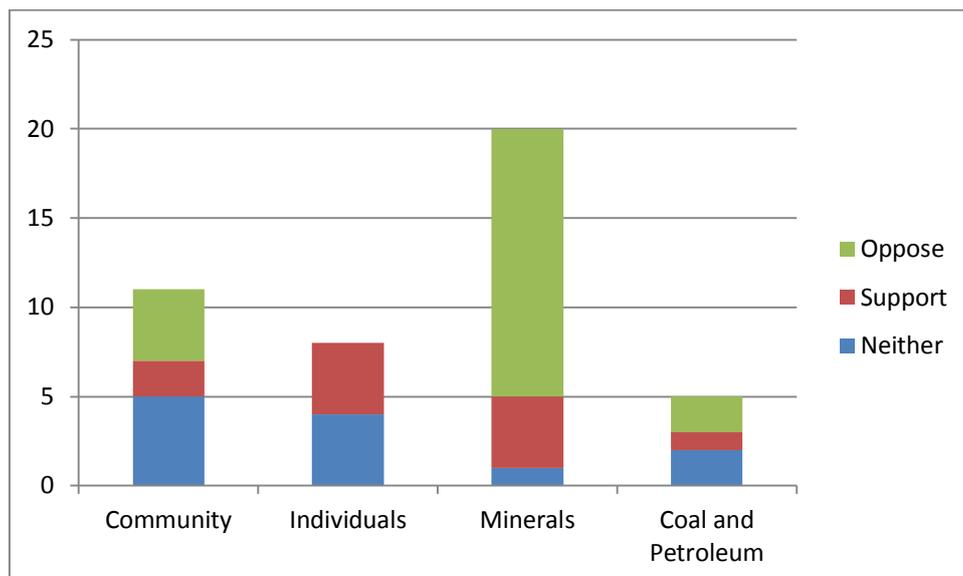
- **Developing a community consultation strategy** – a new section has been inserted to clarify the process for developing a community consultation strategy, how the impact should be assessed, who should be consulted and how. This is supported by a flow chart and the tables, which are now consolidated in one, non-mandatory section.
- **Activity impact assessment table** – this table has been removed from the mandatory requirements, simplified through the removal of some criteria, and generally clarified as to how to undertake the assessment.
- **Consolidated community consultation strategies** – additional guidance has been included to enable the development of consolidated community consultation strategies where activities are associated with a group of titles identified as a single project.
- **Tone of code** – amendments have been made to the code, in particular to the framing of potential risks, to change the tone of the code to be more positive and proactive.

## Outcomes of consultation

The process of the public exhibition and consultation on the draft code led to 44 formal written submissions on the draft code, which were summarised into almost 200 issues and comments. Approximately 50% of these comments directly resulted in amendments to the draft code, although this includes situations where one amendment may satisfy the several comments, for example moving the activity impact assessment table from the mandatory requirements section.

Of the 44 submissions, 8 were from individuals, 25 from mining and resources companies and representative organisations, and 11 from local councils and community groups. This provides a fairly good cross section of the stakeholder population and indicates that the process of consultation was appropriate to reach a variety of target groups.

Of the submissions received, 21 generally opposed the code, with 11 in support and a further 12 explicitly expressing neither support nor opposition but suggesting amendments to improve the code. The chart below shows the breakdown of support, opposition or neither by stakeholder group.



General support for the draft code was received in submissions across all stakeholder groups. Opposition to the draft code was prominent for the minerals stakeholder group, many of whom saw it as too onerous on the sector. However, there was also support for the draft code from this group.

Of the 21 generally opposing the draft code, 5 of these were in opposition as they saw the draft code as not being prescriptive enough. These were generally community group stakeholders but with one title holder stakeholder. Therefore, 16 of the submissions, or 36%, were opposed to the draft code due to its prescriptive nature. Many of the issues raised in these submissions were addressed through the amendments to the code.

## Assessment of how well objectives were met

It is considered that the process of public exhibition of the draft code, and the considerations of the submissions fulfilled the objectives of the public exhibition plan and broader consultation on the draft code.

Stakeholders, both internal and external were fully engaged in the process, through several different mediums. Feedback on the draft code was actively sought, with a variety of methods available to make submissions including by post, email and online forms.

Submissions were fully considered in the finalisation of the code, and responses have been provided to all the key issues raised in the table at **Attachment A**.

## Ongoing commitments for further consultation

Amendments have been made to the code to address issues raised in the submissions. It is not considered appropriate or necessary to further consult on the code prior to publication.

The code will be reviewed within 12 months of publication, and submissions and issues raised during this period will be considered at the time of review.

# Attachment A – Summary of submissions table

Issue	Details	Response
Support for code	The code needs to be workable and user friendly for explorer and there are a number of initiatives contained in the code which will provide a useful way of documenting communication and consultation	Noted
	Supportive of the establishment of a document of this type and in seeking industry feedback	Noted
	Support for the creation of the code for exploration as important stage when social licence won or lost	Noted
	It is noted that the code provides flexibility, and we hope that this will mean lesser demands of consultation in the more remote areas.	Noted
	Guidelines generally good and step forward towards re-establishing community faith in mining industry. Mandatory provisions are a good idea given current conflictual situations created.	Noted
	Guidelines are clear, and 'user friendly' to both industry and community. It will improve communication and understanding between government, industry and community.	Notes
Code too onerous	The code is inflexible and fails to differentiate or provide for different types of landholder, different tenure, activities or communities.	When used properly, the activity impact table accounts for many of the variations that occur between activities. Not all circumstances can be determined and that is why the code is risk based – if an activity doesn't fit neatly into a category but a title holder can demonstrate that they sought an appropriate consultation outcome then that would satisfy the requirements of the code.
	Concept of code to give more guidance is good however, it is geared towards large projects that will progress to production. It is unworkable and not commercially viable for very small scale projects. Under the code, a facility would have to notify a whole township of 6000 despite conducting exploration activities on their own lease	The code seeks to provide differentiation between the requirements for the various types and scales of exploration projects. The activity impact table guides explorers to categorise their activity as high, low or medium, with varying consultation requirements for each group. The explanation of this process has been clarified to enable, particularly small scale title holders, to understand their obligations more clearly.
	Titleholders should be able to used their discretion about who they consult and consulting widely will slow down exploration, increase red tape and costs.	Moving table 1 and 2 to guidelines will allow more discretion by titleholders as long as they are addressing risk.

Issue	Details	Response
	<p>The new code is unnecessary and unhelpful and will increase worry to those consulted. It will be time consuming for low scale explorers and costly to implement.</p> <p>The code is too onerous for minerals explorers –just more paperwork, confusion and distraction from the work of exploring.</p>	<p>The code has been developed to require low impact, small scale explorers to only really consult with the landholder, neighbours, local community groups, and local government. The method of this consultation can be determined by the explorer based on risk.</p>
	<p>Concerned at the highly prescriptive and inflexible nature of code. It should be made clear that the guidelines are guidelines and are not prescribed, detailed requirements.</p>	<p>Amendments have been made to clarify which sections of the code apply as guidance and which are mandatory requirements.</p>
	<p>The requirements of the code provide a large burden, not commensurate with the risks.</p>	<p>The guideline provides recommendations on how to address risks in relation to the activity impact.</p>
	<p>Exploration is just 'having a look', it is not mining and traditionally mineral explorers have very few problems with landholders due to negligible impacts, short term and work together with landholders. It is inappropriate to have to deal with entire communities.</p> <p>Smaller explorers do not have the funds to comply with the code, for example to employ a community liaison officer.</p>	<p>Small and medium minerals explorers should not register as high impact and therefore the provisions of the code are no more onerous than the current title condition requirements.</p>
	<p>Code implies that all conflict will be resolved by implementation of mandatory requirements – some conflicts can never be resolved</p>	<p>The code does not intent to imply that but changes to the terminology seek to address the fact that it is the process of consultation not the outcome that is considered.</p>
	<p>Over the top proposal. Industry should follow department's approach to community consultation on their licences rather than manufacturing a complete new set of 'Mandatory Rules'.</p>	<p>The code is considered appropriate in relation to the mandatory requirements and guidelines and will apply to all title holders with the applicable condition of title.</p>
<p>Code not prescriptive enough</p>	<p>The code does not set out what the consequences of the consultation are and does not stipulate timeframes over when consultation should occur.</p>	<p>The code is risk based and as such cannot prescribe the consequences of consultation for all titles. It is up to the titleholder to implement a strategy to address the identified risks and stakeholder consultation.</p>
	<p>The code falls between informing and consulting definitions of engagement on IAPP spectrum. Little in code that the information gained from consultation should be used to influence decisions.</p> <p>code should include explicit guidance on how to conduct appropriate community consultation.</p>	<p>This was considered in the original drafting of the code but there is little scope at exploration stage for input from community. This is more appropriate at production stage.</p>
<p>Rehabilitation</p>	<p>The code needs to address the local impact on fragile environments, where local council are left with a clean-up commitment or infrastructure repairs.</p>	<p>This is beyond the scope of the code but is more appropriately covered in the code of Practice: Rehabilitation.</p>

Issue	Details	Response
Direct effect	Members of the Community that have reason to appeal sections of these guidelines because of “direct effect” should be able to do so and have their concerns adequately and sympathetically considered. New definition of direct effect should be included.	The code provides for a risk-based framework for community consultation. Should this be deemed to be inadequate there are mechanisms through compliance and enforcement and the auditing of annual community consultation reports to assess this.
Further consultation on code	Due to the extent of changes, a further draft should be provided for review and consultation prior to finalisation of the code.	The consultation on the code has provided a 2 month period for submissions which is considered adequate. It is not considered necessary or appropriate to further consult.
Health impacts of mines	No requirement to inform communities of health impacts of mines. Health Impact Assessments should be required up to 3km from a site.	The code does not relate to the requirements for a Health Impact Assessment, but to community consultation requirements at exploration stage.
Land Access agreements	Should include relationship to land access and compensation.	This is beyond the scope of the code.
	The code makes no mention of agreement-making under the NTA or negotiating access arrangements under the Mining Act.	
	How will code relate to land access agreements and compensation?	
Decision Trees	Code should include decision trees specific to each state/territory that represent intersection between code and relevant state legislation	The code applies only to NSW and the obligations under the condition on title which is outlined in the introduction to the code.
Applicability of code	Clarifications is needed on how the code will apply to titles issued after 1 July but before the code is published.	The code has been amended to clarify that it will only apply where the relevant condition of title is applied.
	The requirement to develop a strategy should be required only Cat 3 activities and not Cat 1 and 2 which are of minor environmental consequence.	The need for consultation is not solely related to environmental impact. The degree of consultation is relative to the assessed activity impact level whereby low impact activities will not require significant consultation under the requirements of the code.
	It is not clear whether the code is intended to replace the existing guidelines	The code has been amended to clarify when it will apply.
	The code currently applies to all activities including low impact prospecting activities. Recommend that category 1 or exempt prospecting activities are excluded.	The code will apply where the condition on title refers to the code.
Compliance requirements	Paragraph on compliance breach is poorly worded. Suggest rewording to clarify responsibilities for compliance.	This section is consistent with the other code of practice.
	Codes would be OK if enforced as proponents documents not examined for accuracy and codes are not adequately enforced.	Noted.
	There is no mention of penalties for breaches of the guidelines should the community consultation conducted be found to be either inadequate, misleading or in any way breaching any part of the approved and gazetted community consultation guidelines.	Penalties will be in accordance with the provisions of the legislation in terms of non-compliance with the code or title condition as relevant. Further work will be undertaken to provide internal enforcement guidelines to detail this.

Issue	Details	Response
	Paragraph on compliance with the code is not required if contrary to development consent.	Code only applies to exploration and therefore there should be no development consent requirements to comply with.
Objectives	Community consultation should be truthful, open and honest and companies should be held responsible to ensure the accuracy of the information provided in their name to the public.	The Objectives of the code have been amended to require 'open and honest dialogue to facilitate a sound working relationship'.
	The code should be amended to reiterate the importance of all stakeholders acting in good faith.	The Objectives of the code have been amended to require all participants to act in a spirit of co-operation and good faith.
	Definition of 'adequate' may be subjective and open to interpretation.	'Adequate and appropriate' is a phrase used in Department of Planning and Environment guideline for major project consultation and it is considered appropriate to be consistent with this.
	Should include a requirement for titleholders to engage in genuine dialogue with communities.	It is not appropriate to include these requirements at exploration stage.
Stakeholders	At the early stages of exploration it is better not to cause anxiety in the community, and should just consult with landholders through access agreements. Should be more widely communicated at discovery stage when project defined.	The code is consistent with the current requirements for community consultation at the exploration stage.
Process of consultation	code should emphasise the back-and-forth nature of genuine consultation and that feedback should be genuinely considered, responded to and incorporated where relevant.	The code includes the requirements and guidelines emphasising the need for consideration of the feedback and the ongoing monitoring of the process of consultation.
Responsibilities	The code could consider including details of responsibilities for consultation of titleholder and department ( ie department to inform community around procedures, etc).	This is beyond the scope of the code which relates to the obligations of the title holder for community consultation.
Monitoring	The draft code does not include any feedback loop or process to follow if a proponent's initial subjective assessment underestimates the level of community interest.	The code includes provisions throughout requiring the ongoing review and update of the strategy to address any changes or where consultation is not deemed to be adequate.
Duplication	The code requires the preparation of a strategy as well as a plan for high impact activities which could duplicate other regulatory requirements including work program, exploration activity applications, and development consents.	The code has been designed to be consistent with the other requirements including the activity approval process which refers to the current guideline which will be replaced. The community consultation plan is phrased as a suggestion and would not replicate development consent requirements but initiate the process sooner in the project and ensure that the community are fully consulted from the outset.
List of issues to discuss during consultation	The code should include a list of issues for initial discussion when exploration commences to allow local councils, landholders and community to raise matters of concern.	The list of matters to be discussed will be very project and stakeholder specific and is not considered appropriate to include in the code.

Issue	Details	Response
Consolidated Plans	The code fails to address the difference between activities on land within the mine footprint as opposed to greenfield site and should clarify that one community consultation plan may be applied to numerous titles or operations.	The code has been amended to include guidance on the provision of consolidated Community Consultation Strategies for activities that form part of a broader, identified project.
Need for flexibility	The code should take into consideration that different entities will prefer different methods of consultation based on existing relationships and knowledge of the area.	The code does not mandate how the consultation should occur and encourages titleholders to consider the stakeholders and the best methods of engagement.
Unresponsive consultation	Consultation not considered in decision making process ie if community oppose development then can still be approved.	The code relates to the process of consultation that is to be undertaken by an approved title and does not relate to the consultation undertaken through the assessment process.
Wider consideration of approvals	The wider community and global environment must be considered in approval of all activities including reference to global climate change and distant environments and communities that may be affected by infrastructure related to the development of the project, such as rail or port development, and its effect on the community and the environment.	This is beyond the scope of the code.
Tone of document	The tone of the code focusses on managing or avoiding conflict and should be rephrased to the positive. Should be more positively framed, promoting engagement and participation by the community about decision-making about mining exploration.	The code has been amended in response to this.
Consultation with Aboriginal and native title groups	Code should be amended to include a section on obligations in relation to native title, Aboriginal heritage and consulting with traditional owners in a culturally appropriate way.	A note has been added to the code to refer to appropriate guidelines that could be considered when engaging with Aboriginal groups. A7 Community Liaison Officer has been amended to include cultural awareness training.
	Draft code should be used as opportunity to work collaboratively with other agencies to providing best practice approach to consultation with traditional owners.	Ongoing discussions with other government agencies are occurring to consider developing cross-departmental guidance.
	Code should be amended to require proponents to actively seek input from Aboriginal community stakeholders in the process of classifying the impact levels.	This is considered too onerous at such an early stage in the exploration process.
	The code should be amended to include guidelines regarding consultation requirements for assessing impacts on Aboriginal cultural heritage as part of the heritage assessment process and ensuring specific and genuine consultation with Aboriginal communities regarding these impacts.	The code relates to community consultation and not heritage assessment requirements. Reference has been made to existing guidelines which detail approaches to consultation with Aboriginal communities.

Issue	Details	Response
	<p>Native title claimants are only notified where operations affect claimable land – what if the site is of cultural significance? Should include Aboriginal Land Councils as a stakeholder group.</p>	<p>Amendments have been made to the table in respect of this.</p>
<p>Timeframes for consultation</p>	<p>Setting appropriate timeframes for consultation and methods of consultation – consultation timeframes should be clearly identified to remove doubt about how consultation should proceed.</p>	<p>The code includes guidance to state that consultation should be timely.</p>
<p>Consideration of outcomes</p>	<p>Code does not have a means to an end ie what actions should be taken if a community is against the exploration activity and what purpose is yearly reporting achieving? The code is a means to a tick box rather than a real attempt to engage and provides no requirement to halt plans for exploration should community concerns warrant it. Code must establish what effective consultation is and require companies to uphold it – effective consultation must be credible, accurate and sufficient to gain acceptance of the proposed activity.</p>	<p>The code provides guidelines to assist titleholder to manage their risks and comply with the title condition. It has intentionally applied language to determine that the titleholder does not need to change minds but to adequately engage. Annual reporting is a condition of title to require a record that appropriate engagement is occurring.</p>
<p>Introduction – When this code applies</p>	<p>Cannot determine level of activity until title is granted in order to include community consultation requirements for work program.</p>	<p>Titleholders need to establish the amount and type of consultation relative to their perceived risk assessment. The communication strategy should be updated to reflect significant changes in the level of activity and associated risk.</p>
	<p>The code is in direct contradiction to email to all EROL users from Dr Wenlong Qian of 10/7 which stated annual community consultation reports apply only to coal and petroleum with different condition for minerals.</p>	<p>This letter indicated the current status of the code, which is not being applied retrospectively to current titles, unless new conditions are applied through transfer or renewal.</p>
<p>What are the Risks?</p>	<p>Add a failure to understand and respond to local knowledge and genuine community concern.</p>	<p>The code has been amended to include this.</p>
	<p>Misconceptions and misinformation denigrates what is actually a difference in perspective that community groups can bring to questions about the merits and manner of resource extraction.</p>	<p>The code has been amended in response to this.</p>
	<p>The list of potential impacts does not reflect the practices of the minerals exploration industry where there is rarely and conflict.</p>	<p>The list provides examples of risks that may occur in accordance with a risk based approach and the other codes of practice. These have been amended to be framed in the positive in response to submissions.</p>
<p>Risk Assessment</p>	<p>Include a requirement for risk assessment to identify stakeholders etc.</p>	<p>The code has been amended in response to this.</p>

Issue	Details	Response
Social licence to operate	Social licence to operate is evident in continuing efficient operation of modern minerals exploration industry. Poor operators soon learn that there is a significant cost in not operating in a forthright manner Definitions should be clarified so as not to require acceptance or approval of every individual in community.	Noted. All operators should be able to comply with the risk-based mandatory provisions. The code provides guidelines to assist operators to achieve this where they do not have the experience to develop their own strategy to gain the social licence to operate.
	Is industry now expected to apply for a 'social licence'?	Amendments have been made to the code to clarify this.
	Social licence to operate means different things to different people and may change over time. Suggest changing paragraph on social licence with "adequate, inclusive and appropriate community consultation".	The code has been amended in response to this.
Risk Based	Must align with other codes and be consistent in structure, level of detail and tone.	The code has been developed to be consistent with the other codes.
	Mandatory requirements are very prescriptive and not risk based.	The mandatory requirements are intended to be prescriptive to ensure that titleholders fully consider the process of community consultation in order to enable them to comply with the conditions of title. This is consistent with the other codes.
	'Must' and 'should' should be removed from guideline section.	The term 'should' has been used for the guidelines of all codes to imply that this would be the desirable outcome. while 'must' is used for mandatory provisions. This is consistent with the other codes and legal advice.
Mandatory requirement	Communications strategy must be developed in consultation with the community which is a fundamental oversight of code. To develop the strategy without engaging community is to risk building flaws and conflict into it from the outset.	This is considered too onerous to require as a mandatory requirement of the code .
	All requirements form part of EIS which is required at development application stage.	Consultation is required at exploration stage under title conditions. The code provides additional clarification as to these requirements. Compliance with these requirements can then be used to inform the EIS should the project progress.
	2. would benefit from including a requirement to analyse issues and efficacy of any response. Also should include a requirement to periodically review the results of the activity impact assessment to ensure it remains accurate for duration.	It is not considered appropriate to include this in the mandatory requirements, however, consideration of the outcomes of the consultation are included in the Identification of issues guidelines.
	2 (d)(i) What is reasonable information to understand the nature of the project? It requires information to understand the likely impacts and benefits that may be derived from the project. More important than this is the negative impacts.	This is up to the titleholder to determine in their risk analysis. If people are misinformed or misunderstanding the impact of the activity then the information is not reasonable. Impacts includes both positive and negative.
	2(e) support the inclusion of this requirement to set out mechanisms to revise the strategy.	Noted.

Issue	Details	Response
	4. Records How long do you keep records for?	The records will be needed to demonstrate that the consultation has occurred. There are no mandatory requirements on how long this should be but an amendment has been made to guidance on Records to indicate that they will need to be retained in order to support the annual reporting requirements.
Tables – General	Provide good insight into the Department's expectations however some requirements are unclear and overly prescriptive.	Amendments have been made to clarify the tables and their operation.
Table 1 Activity Impact Assessment	The activity impact matrix is flawed and not applicable to mineral exploration – the discretion of the title holder must be used to assess the likely impact of a program . The table is confusing, unreadable and will not provide certainty to either side.	The table provides guidance to the title holder and community as to what consultation to expect based on the potential and perceived impact of the activity. The tables to guide this consultation have been moved to the guidance section to enable some discretion to occur where the risk assessment process indicates that reduced consultation may be appropriate despite the impact level.
	Table 1 is fatally flawed and doesn't hold up to practical application. The criteria do not reflect the level of real impact to the community or landholder.	In addition to identifying the tangible measures of distance and scale, the table also addresses perceived impact which often influences the community conflict that may arise from an activity. Further review of the types of activity has been given to ensure that the table is appropriate.
	It is unclear how the scores should be added up to compile the impact level.	The table has been clarified to address the confusion. It has become apparent that titleholders are identifying one aspect in the high category and believing that they must follow the high impact requirements, rather than totalling the scores. This is not the case and the code has been amended to clarify this.
	Commend and support the department of the inclusion of the table which takes factors into consideration rather than impose a 'one size fits all' approach.	Noted.
	The table is not an appropriate approach as: <ul style="list-style-type: none"> <li>• It is not risk based</li> <li>• Community consultation should be based on objective assessment of identified impacts with each activity assessed on merits</li> <li>• Level of community interest score is weighted significantly despite the inability to quantify this level due to subjectivity</li> <li>• Most activities will rate high impact for 'location – sensitive environment' which would be excessive and onerous</li> <li>• Classifications attached to level of impact appear subjective</li> <li>• Temporal environmental impact starts of being temporal but then deviates</li> </ul>	Amendments have been made to the table which seek to address some of these concerns.

Issue	Details	Response
	No avenue for further consideration of impact on sensitive or endangered ecological communities that are likely to be impacted.	The actual assessment of the impact on ecological communities is undertaken through the requirements of the other codes of practice ie environmental management.
	Concern that companies might underestimate community opposition and concern on basis of scores and therefore not undertaken adequate and meaningful consultation. The list is not exhaustive nor is it acknowledged that community may hold views on what constitutes medium and high impact that differ from the departments.	The activity impact assessment is used to assist in categorising the potential impacts in order to guide the level of consultation. Beyond this table the consultation needs to be adequate to address the risks.
	<p>Do you need to undertake an assessment each time you do an activity, or one per project?</p> <p>How long does it last? if you do it at the beginning of the year and inform everyone, what happens if it's delayed?</p> <p>It could take a considerable time to notify stakeholders – is there a timeframe that you need to notify them prior to the commencement of activities?</p>	The assessment should be reviewed as the project changes to ensure that the objectives are met. The reporting timeframe is for annual reporting tied to the work programme but there are not requirements for submitting the community consultation strategy. It is up to titleholders to determine the timeframes of the actual consultation to manage the risks and achieve the objectives. A thorough understanding of the activity and the likely impact, and the actual stakeholders should guide when the consultation should occur ie some stakeholders may need time to absorb detailed technical data and consultation should occur early to enable this.
	Any impact on culture and heritage should be classified as high impact	The impact classification does not run with the impact but with the activity type
	Need clearer guidance on who will be involved in undertaking the assessment and changes made to the table to better reflect the skillset of the individuals who will be responsible for completing the assessment, ie stakeholder consultation expert.	It is not necessary for the assessment to be undertaken by a stakeholder consultation expert as the table relates primarily to the actual activity and its potential impacts and location etc so should be completed by someone with a good understanding of the details of the title and activity.
	1 - Involvement of national and regional groups will escalate all activities to high impact. The level of interest groups should be only level.	Amendments have been made to the code in response to this.
	<p>1 Community interest in a project can be positive which then puts you into medium despite no issues. Should also clarify what the interest is ie in industry, activity</p> <p>Who are community interest groups? Local the gate or local environmental groups, or NSW farmers groups</p>	The intent of the weighting is to highlight negative interest and this will be clarified to now refer to 'concern'.
	1 How is level of community interest to be determined?	This criteria has been clarified but it should also form part of the broader risk assessment process.
	2 Fails to address the issues of materiality providing a one-size fits all.	Use of the table removes the one size fits all approach.

Issue	Details	Response
	<p>2 Literature review, data reprocessing etc should not be something you need to consult on.                      Low impact activities could be negative numbers                      What does drilling include as vast differences in type and impact.                      And how does mechanical sampling fit in?                      The criteria of 5 holes per sq km means that virtually no mineral exploration will be low impact.</p>	<p>Amendments have been made to the code in response to this.</p>
	<p>3 Population density difficult to ascertain from website. And difficult to calculate the number of dwellings.</p>	<p>The code is considered appropriate in this regard.</p>
	<p>3 Unclear on how close to populated area you have to be.</p>	<p>Section 3 states that the density depends on the local statistical area that the activity is within.</p>
	<p>3 Increase score for population density and location – dwellings as exploration in those areas should be discouraged as even if a discovery made, the development of an extractive operation would be very difficult.</p>	<p>The code does not seek to guide where development may or may not be appropriate but give parameters on consultation requirements. No amendments are proposed.</p>
	<p>4 Need to reduce the 10km buffer from towns of 1000 plus as unworkable.</p>	<p>The table does not apply a buffer for no exploration but applies a score for the consideration of the potential activity impact .</p>
	<p>4 Requires explorer to accurately count houses within 5km.</p>	<p>The table has been amended to reduce the distance for which the dwelling number will apply. It is not anticipated that an accurate count will be required but discretion is possible with the move of the table from the mandatory requirements.</p>
	<p>5 Difficulty of establishing whether any sensitive receivers within 5 or 15km. Should be standardised at 5km.</p>	<p>Sensitive receivers ie schools etc can be established from online mapping sources and local council's. The distance changes in relation to the impact ie the further away it is, the lower the impact level.</p>
	<p>5/6 low impact activities not going to affect community or sensitive environment and how is a licence holder to determine the location of sensitive receivers and sensitive environments?</p>	<p>Amendments have been made to the code to remove the consideration of sensitive environments which are considered under the broader assessment process.</p>
	<p>6 – there would be few places where there is no sensitive environments in proximity and may be impractical to consider. High impact should be limited to where it is within an environmental area of state significance. Concern over the inclusion of the location relative to sensitive environments, cumulative impacts etc as may lead to miscommunication of information. These should either be given appropriate weighting to reflect the importance of these issues or removed from the table.</p>	<p>Sensitive environment criteria have been removed.</p>

Issue	Details	Response
	<p>7 cumulative impacts – may not be marked on departments maps and may be private operations. Inclusion of extractive industries including quarries make it impossible not to be within 100km from an extractive activity will escalate all activities to high impact.</p>	<p>The distances related to this aspect have been amended and should be easier to establish the occurrence of other uses.</p>
	<p>7 Where can an explorer establish if other extractive industries are within 50-100km of industry? Can explorers be penalised because of legacy sites.</p>	<p>The code is about community consultation and experiences of other nearby activities can influence community perceptions. The Code has been amended to reduce these distances.</p>
	<p>8 Calculating area and time of air, water and environmental impacts can increase costs through the need to engage consultants.</p>	<p>These criteria have been removed in response to this.</p>
	<p>10 Visual impact too subjective so suggest removing and what is the relevance of this information?</p>	<p>These criteria have been removed in response to this.</p>
<p>Table 2 minimum stakeholders</p>	<p>Should include relevant government agencies and indigenous cultural bodies for all levels.</p>	<p>It is considered too onerous to require consultation for low impact where a claim has not been made. Perhaps add provisions relating to indigenous consultation that could include a recommendation that occurs at all levels.</p>
	<p>Should not mandate stakeholders. In regional areas for low impact activities, it may be excessive to notify neighbours who would not be affected at all, and for medium and high impact activities, the stakeholders should be identified through the REF or EIS process. There should be flexibility as different stakeholders will be identified depending on the project</p>	<p>The table has been removed from the mandatory requirements section to allow discretion in its application.</p>
	<p>Inappropriate to inform other titleholders what you are planning to do. There will be commercial sensitivities around issues with neighbouring titleholders.</p>	<p>This requirement has been removed.</p>
	<p>How are local community groups defined?</p>	<p>As a risk based code it is up to titleholders to ensure that they have targeted the appropriate local community groups.</p>
	<p>This should be provided as a list without reference to impact as even stakeholders may like to know about even a small gas proposal in many areas.</p>	<p>The table is read in consultation with the impact level and it is anticipated that this will determine who should be consulted, as even small gas proposals may rate high due to level of community concern. The code has been amended to provide greater clarification around the operation of the tables.</p>

Issue	Details	Response
	Should not need to inform neighbouring landholders, residents and businesses about work for low impact as too onerous, difficult to identify, and expensive to undertake. Neighbours should be defined as those landholders that immediately adjoin the property on which the activity is being undertaken and that are within a 2km radius of the activity	It is considered appropriate to generally maintain this requirement. However, it has been made less onerous by the inclusion of a distance within which neighbours should be notified in accordance with the suggestion.
	Inappropriate to have to inform landholders and residents within 10km for medium impact.	Amendments have been made in relation to the need to notify landholders and residents over a wide area.
	Who are regional, state or national interest groups? Should not need to inform them of exploration.	This provision has been amended to remove the need to specifically notify national or state groups.
	Wouldn't relevant Government agencies already be aware of the work program? What purpose is the notification beyond that already set out in legislation.	This requirement has been removed.
	There should be a requirement for consultation with relevant government agencies for low impact.	The requirement has been removed as it is considered that relevant agencies will be contacted through the assessment if applicable.
	Should specifically list local Aboriginal Land Councils.	The table has been amended in response to this.
	Table 2 is significantly out of alignment with the impact of activities and should be redrafted.	The table as amended is considered appropriate.
	Virtually every exploration will be medium impact which will require notifying local politicians. They should be advised of extra correspondence.	It is not anticipated that most activities will be medium impact if the assessment table is used correctly.
	The code attempts to differentiate between different stakeholders and the perceived legitimacy of their concerns – it is not prerogative of resource companies to determine who is a genuine stakeholder or what kinds of concerns and problems are the proper matters for inclusion in consultation – that should be made clear in the code.	The code is risk based and it is therefore up to the stakeholder to identify the stakeholders and the method of consultation to manage that risk.
	Regional community groups are only required to be consulted for high impact but without sufficient detail in Table 1 to capture all possible matters the designation cannot be relied upon. This approach may delegitimise the interests of groups not in the immediate proximity to the activity.	The requirement is considered appropriate.
	The types of community consultation currently required by the draft code are by no means onerous and are a reasonable level of consultation for an industry that is entering a new region or expanding their existing activities.	Noted.

Issue	Details	Response
	Local government is, and should be included as a stakeholder for all activity levels.	Local government is identified as a stakeholder for all levels.
	All medium and high impact should be required to consult with everyone and only low impact advertised locally.	It is considered too onerous to require exploration activities determined to be medium impact to consult more widely.
	May exclude tenants as refers only to landholders.	The table has been amended to include tenants within the notification group of landholders.
Table 3 Records	Should include a timeframes.	It is not considered appropriate to include a timeframe within the mandatory requirement. However guidance on Records has been amended to indicate how long records should be retained for.
	Unclear how this table works. It should include an evaluation requirement to record an indication of how successful the response was to stakeholders.	This table is consistent with those included in the other codes, and is read in conjunction with mandatory provision 5 which is also consistent with the other codes.
Table 4 Minimum Community Consultation Requirements	Medium and high impact activities require meetings with local committees/organisations. This should include local government.	The table has been clarified to ensure that the requirement for meetings is better aligned with the stakeholders identified in Table 2. It is not considered appropriate to require meetings with representatives for all activity levels.
	Meetings with local committee/organisations is unclear what additional benefit could be gained.	This is up to titleholder to determine the need in order to manage risks and ensure consultation is inclusive. Some groups may be more comfortable in a face-to-face meeting.
	Newspaper notices should not be required due to costs.	The requirement for notification in State or regional newspaper has been removed in response to this.
	Media releases – not newsworthy.	This requirement has been removed in response to this.
	Letter to key stakeholders – unclear value of separate notice	This is required to ensure that all stakeholders are appropriately notified and is considered appropriate.
	Webpages and emails – separate webpages and emails are costly and unnecessary.	These requirements have been amended to be less onerous.
	Needs to be reviewed. The need to place notice in Council newsletter to inform that they are undertaking a lit review is excessive and could cause undue concern.	The table is to be read in conjunction with the activity impact assessment table to determine appropriate methods of consultation depending on the activity impact.
	Letter to key stakeholders and community groups inviting comments should only be to landholders and directly impacted stakeholders at most.	It is up to the titleholder to establish who their key stakeholders are based on their impact level, risk assessment and table 2. The move of the tables from the mandatory section should help address this.
	Requirements appear quiet ad hoc. Recommend publication of notice in local newspaper should occur across categories, and given prominence and reach of social media, question why only triggered where an activity is deemed to be high impact and should also apply to medium.	It is considered too onerous to require the publication of a notice for consultation for low impact activities. The requirement for social media use is considered appropriate.

Issue	Details	Response
	<p>Concern over table which mandates minimum activities rather than suggesting them. Needs flexibility in approach to ensure not just tick box process and can take into account issues of 'consultation fatigue'. Finances not finite and resources will be directed to areas where outcomes can be met efficiently.</p>	<p>The table forms part of the non-mandatory guidelines and is included as a guide to the minimum that should be undertaken in order to manage the potential risks.</p>
	<p>Notification of a project starting in close proximity should be done in person and not by a letterbox drop or by paperwork shoved behind the property sign on the gate.</p>	<p>Face-to-face contact with every stakeholder at exploration stage is considered too onerous. No change proposed.</p>
	<p>The table indicates that in 'low impact' categories there is only a requirement to meet with 'key individuals not mentioning local government.</p>	<p>It is not considered appropriate to require meetings with all stakeholders for low impact activities, a letter or notification may suffice.</p>
	<p>Table 4 seems to be discordant with rest of guidelines as it is prescriptive and not risk assessed in nature.</p>	<p>Table 4 provides additional guidance as to the methods of consultation, in line with the other guidance information. The guidance that supports the table is expressed in a similar way to the other guidance which is risk based.</p>
	<p>Should be edited to ensure that all levels of impact trigger the need for a dedicated website/page, a dedicated project email address, letters to key stakeholders and community groups inviting submissions, and holding meetings with local communities/organisations. Holding open community forum/public meetings should also be required for medium impact activities.</p>	<p>This is considered too onerous for small, low impact minerals exploration activities, or desk top based activities.</p>
	<p>Public exhibition – what information would be exhibited and could breach confidentiality and trust.</p>	<p>This is up to titleholder to determine in order to manage risks.</p>
	<p>Site inspections – rarely appropriate to hold site inspections when activity undertaken on private property.</p>	<p>This has been removed from the table in response to this.</p>
	<p>Advising the public via advertisements for low to medium activities will only provide a platform for those with a vested interest against activities. Consultation for low/medium should be through well executed quiet process rather than a loudly proclaimed one.</p>	<p>The requirement for low impact activities does not require advertising. Medium impact activities should be considered for a notice in a local paper. This provision is not mandatory and should be determined by the titleholder based on the risk.</p>
	<p>Stating a full list of mandatory requirements for consultation does not allow consultation to suit the particular activity or community, This would be better to list a range of activities than have minimum requirements.</p>	<p>The table does not provide mandatory requirements but provides a list of engagement activities with minimum actions based on activity impact, similar to the suggestion.</p>
	<p>There are disparities in the table ie low impact activities should include a contact email and why should publish notice in community newsletter but not in local newspaper.</p>	<p>The requirements are considered appropriate. Minor explorers may not have the resources to establish or respond to emails rather than face-to-face or hard copy. Local newsletters can be more targeted to an area, and are more accessible for small explorers that local papers with a wider circulation</p>

Issue	Details	Response
	The need to undertake extensive consultation for medium impact activities will significantly increase costs and drive away explorers.	It is not anticipated that most activities will be medium impact if the table is used correctly.
	Dedicated webpage is easier and could be required for medium impact.	This table is guidance and should medium impact activities set up a dedicated webpage in lieu of an advert this may be acceptable as long as they could demonstrate that stakeholders were engaged ie how would they know to look for a webpage if they don't know anything is happening?
	Meetings should be regular and held on the same subject at a number of locations throughout the PEL, preferable on a 90 day cycle.	A title holder is to establish the amount and format of meetings in order to manage the risks.
	All requirements are unnecessary except to respond to correspondence/submissions.	Community consultation should be undertaken in a proactive way in addition to reacting to community concerns.
	Should be included in code not just guidelines.	It is not considered appropriate to mandate how stakeholders be consulted in a risk-based document.
Appendix 1 Guidance for Community Consultation	It should be clarified that Appendix 1 is guidance and the text should not be phrased to appear mandatory. It should also be acknowledged that there may be other solutions. The guidelines should be provided as a separate document from the mandatory requirements.	The code follows the format of the other codes of Practice for rehabilitation, produced water and environment, providing guidelines to support the mandatory requirements in a comprehensive document. A new section on how to use the code has been inserted to clarify that the Appendices provide additional guidance on how to comply with the mandatory requirements. It also acknowledges that there may be alternative measures that can be undertaken to manage the risks. The text has been amended where appropriate to remove 'requirement' from the guidance section.
	Guidance should be mandatory.	This would be inconsistent with a risk based code and the other codes of practice.
Appendix 1 Principles	Should be amended to include 'honesty' and include that timely and accessible information is to be provided in plain language with channels for feedback and review.	The Objectives of the code have been amended to require 'open and honest dialogue to facilitate a sound working relationship'. The principles have been amended to include 'truthful'. The guidance includes provisions for plain language information.
Appendix 1 Identification of issues	The identification of issues should be changed to provide for a risk assessment and use text from rehabilitation code.	Provision is made for a risk assessment in the mandatory requirements and it is not considered necessary to reframe this entire section as a risk assessment. No further amendments are proposed.
Appendix 1 Undertaking community consultation	(3) The frequency and format of consultation should include the history of engagement with the local community, and the efficacy of any consultation to date.	Consideration of the outcomes of the consultation are included in the A4 Identification of issues.

Issue	Details	Response
	(2)(d) Suggest rewording to be consistent with minimum standards to require 'continual and proactive consultation, disclosure and notification of honest and factual information regarding the proposed activities'. Some information may be commercial in confidence.	Similar considerations have been included in more appropriate sections of the code.
Appendix 1 Privacy and Confidentiality	Discussions with landholders and other stakeholders can be sensitive and should not be made publicly available.	Amendments have been made throughout the code to remove the requirement for the publication of potentially sensitive information.
	The code does not distinguish between activities conducted on explorers own land.	The code intentionally silent on matters of land ownership as consultation considerations and community impacts are beyond the site boundary.
Appendix 1 Records	Audit of records should be done every 6 months, be publicly available within 30 days and records checked by interviewing persons mentioned.	The current record keeping provisions are considered appropriate.
Appendix 1 Monitoring	(1)(c) It would be difficult to identify stakeholders who are not being adequately or appropriately addressed as the stakeholders needs may continually alter.	The intent is to get titleholders to undertake an assessment of their consultation methods and identify any stakeholders who are not being adequately and appropriately consulted and the records should be used to assist in this.
Appendix 1 Community Stakeholder Meetings	Webinars and podcasts are not a tool that is generally used and may not be feasible.	The option for a webinars and podcasts are given as suggested alternatives to ensure that all stakeholders may be given the opportunity to engage.
Appendix 1 Community Liaison Officer	The appointment of a community liaison officer, the establishment of a community consultative committee and the development of a community consultation plan should be considered for all activities and mandatory for "High Impact" activities.	This is considered to be too onerous for all titleholders at exploration stage.
	Many small explorers could not afford to employ additional staff.	The provisions relating to a community liaison officer specifically mention High Impact activities, and are phrased as a suggestion not a mandatory provision.
Appendix 1 Community Consultative committees	Community consultative committees should not be considered to be part of any community consultation process unless there are minutes taken. Should be open to public attendance, in much the same way that Local Council meetings are, but with no "closed Delegate only sessions".	Community Consultative Committees are not required under the code but recommended for high impact in accordance with the Department of Planning and Environment Guidelines.
Appendix 1 Community Consultation Plan	It is unclear what the difference is between a strategy and plan. Titleholders may seek to be assessed as medium or low impact so they don't have to undertake plan but it should be included as a requirement.	The code includes a definition to describe the difference between a community consultation strategy and a plan. The guidance relating to a community consultation plan is a suggestion rather than a requirement. It is considered too onerous to require a plan at exploration stage for all activities.
	An example of a good community consultation plan should be included.	There is existing guidelines for Community Consultation Plans developed by the Department Planning and Environment where these plans are required as a condition of development consent. Plans are not required by this code.

Issue	Details	Response
	Add original grant date/expiry date.	The section has been amended in accordance with this
	(7) Implies that they are not optional.	The code has been amended to state that where they are developed Community Consultation Plans could be submitted.
Guidance Annual Community Consultation Report	Requirement for annual community consultation report only applies to coal and minerals and this should be clarified in the code.	The code will be supported by new conditions on title, requiring compliance with the code for all resources. The IMER guidelines relating to annual activity reports exclude annual community consultation reports for minerals titles. This guideline will be amended.
	Requirements for Annual Community Consultation Annual Report are too onerous and will be extremely time consuming.	The requirements replicate those of the current guidelines and are not more onerous but seek to clarify these expectations.
	Inconsistency in timing of the submission of reports – 30 or 28 days from grant date.	The current community consultation guidelines say 28 days but activity approval reporting states 30 days. The new code seeks to be consistent with the annual activity reporting guidelines which provide for consolidated reporting.
	(3)(c) detailed description and analysis of identified community stakeholders would raise legitimate privacy concerns should it be published externally.	This guideline has been amended to remove 'detailed' to help address this. It is considered important in the process of reporting that a description and analysis of the stakeholders be considered and provided.
	Should include section on how the activity was adjusted in response to consultation.	A new guidelines has been included to consider how the community consultation strategy or activity has been amended in response to the consultation.
	Should be one annual report for all licences held by the same operating company.	The annual report relates to the title and activity on the title, not to the operating company. They are tied to the anniversary of the title and therefore different licences require reports at different times.
	The code is silent on how the reports should be submitted, the assessment process, timeframes for assessment and feedback or decision, and appeal of assessment outcomes. Some detail contained in Annual Activity Reporting for Prospecting titles.	The process of developing assessment procedures to complement the code is a project that will commence once the code is finalised.
Guidance Reduced Annual Community Consultation Report	Disagree with the note, as where no on-ground exploration being undertaken there should be no requirement to consult.	Consultation is about building a relationship with stakeholders to enable all parties to feel involved in the process. Taking time to engage with stakeholders before on-ground activities commence can be used as a vehicle for informing stakeholders early on.
	This is a welcome change to existing requirement.	Noted.
Guidance Annual Community Consultation Report Checklists	This is a useful checklist.	Noted.

Issue	Details	Response
Definitions	No clear definition of stakeholder which should not be the narrowest defined term of those directly impacted but many people in the community and publicly more broadly take an interest in the issues although they do not reside there.	It is not considered appropriate to define a stakeholders as this will depend on the activity and providing a definition could inadvertently exclude a certain group.
	Using “petroleum exploration” as an example of high impact is inconsistent with actual experience and existing codes and Mining SEPP.	The code has been amended in response to this.
	Watercourse should not include creeks or ephemeral systems and drainage depressions as included in definition.	This definition has been removed as it is no longer required due to changes to the Activity Impact Assessment Table.
	Sensitive environments should include all areas with an environmental zoning in relevant local government plans.	This definition has been removed as it is no longer required due to changes to the Activity Impact Assessment Table.