

○ *Post-approval requirements for State significant
mining developments*

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Web-based Reporting Guideline

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Preliminary

Operators of State significant mining developments may be required by various planning and environmental approvals to make information about the operation available via a public website.

This *Web-based Reporting Guideline* was developed by the Department of Planning and Environment in consultation with relevant NSW Government agencies.

Purpose and scope

This guideline is intended to promote transparency and assist operators in applying a consistent approach to the publication of information regarding mining operations in NSW.

This guideline may be applied by mining operations to meet reporting requirements of consent or approval conditions under the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act). It also takes into account the requirements of the:

- *Protection of the Environment Operations Act 1997* (POEO Act);
- *Mining Act 1992* (Mining Act);
- *Water Act 1912* (Water Act); and
- *Water Management Act 2000* (WM Act).

Operators of State significant mining developments are not required to comply with this guideline unless directed by the conditions placed on an approval. However, the Government encourages existing operators to consider using this guideline on a voluntary basis to improve transparency of environmental performance and meet community expectations.

There may also be opportunities for operators to more efficiently comply with existing reporting requirements through web based reporting. For example, in the event that an approval condition requires the operator to provide certain monitoring data to the Department of Planning and Environment, this condition could be met by publishing the data online, consistent with this guideline and notifying the Department of this action.

Reporting framework

The Integrated Mining Policy includes three post approval guidelines that relate to a mine operator's reporting requirements. These are the:

- Annual Review Guideline;
- Independent Audit Guideline; and
- Web-based Reporting Guideline.

These guidelines are important elements of the Government's compliance and enforcement framework – they provide for regular, transparent reporting of an operation's consistency with its approval conditions. The Annual Review and web-based reporting are 'self-reporting' mechanisms that are reviewed by the regulator. Independent audits occur on a periodic basis as determined by the approval conditions or in response to a specific incident or trigger. Regulators conduct ongoing compliance and enforcement activity across the industry, which leverages with these reporting mechanisms to oversight the compliance status of a mining operation.

Importantly, it should be noted that:

- the Web-based Reporting Guideline is not mandatory. However, operators are encouraged to apply the guideline to ensure they meet the transparency standards expected by the Government and the community; and

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- where there is any inconsistency between the reporting guidelines and the conditions placed on an operation's approval, the conditions will prevail.

Given that the conditions on existing approvals prevail over the guidelines, some operators may be required to report on matters that are not covered by reporting guidelines. In this event, operators should consult with relevant regulators to ensure appropriate reporting of all issues required by approval conditions. The approach should be agreed, in writing, and allow for appropriate public access to data.

Although these three guidelines are components of a single reporting framework, the operator, in complying with the guidelines, should always consider the intended audience and aim to inform in the simplest, most transparent manner possible. A reader of web-based data should not, for example, need to refer to specific sections of an Annual Review in order to understand the context of the web data. Similarly, the reader of a hardcopy Annual Review should not need to refer to the operator's website for context on the basic characteristics of a mine. This may result in some minor duplication between the website and the Annual Review, but this is considered essential to ensure transparent, relevant and contextualised reporting, and the same content may be usable in each case.

Definitions

For the purposes of this Framework:

<i>DPE</i>	means the Department of Planning and Environment.
<i>EPA</i>	means the Environment Protection Authority.
<i>Mining operation</i>	means a development which is the subject of an authorisation under the <i>Mining Act 1992</i> and a consent or approval under the <i>Environmental Planning and Assessment Act 1979</i> .
<i>Operation</i>	means a mining operation.
<i>Operator</i>	means the entity that holds the relevant approvals for a given mining operation. Where the operator does not operate the mine, it is expected that the operator will consult closely with the entity operating the mine in applying this Guideline.

Website Guidelines

1 General

Each mining operation in NSW is encouraged to publish information about that operation on a public website. This information should include (but is not limited to):

- any content specifically required by a relevant approval; and
- the content identified under the subsequent headings of this guideline.

Operators should ensure that:

- any data, charts or diagrams are presented clearly and simply, such that they can be reasonably interpreted by a layperson; and
- any text or exposition should be written clearly and succinctly, in plain English.

Operators should ensure that all information presented on the website:

- is published in a user-friendly format;
- is able to be readily viewed, printed and downloaded by the public¹;
- is updated in a timely manner²; and
- does not include false or misleading information.

2 About the operation

The website should include the following information under 'About the Operation' or a similar page or heading:

- name of the operation;
- ownership;
- location;
- map or plan(s) of the mine layout;
- type of operation (e.g. mineral being mined, open cut or underground);
- operating hours;
- approved production levels;
- stage of operations (e.g. construction phase, operating, care-and-maintenance, closure);
- approximate direct employment numbers; and
- any other descriptive information the operator considers relevant.

Information under this section is expected to be general in nature and is only likely to require updating in the event of significant operational changes, for example transitioning from a construction to production phase or sale of the company or mine.

¹ Operators may consider facilitating bulk download of raw or transformed data from the website, for use by the public.

² A 'timely manner' is considered to be within 14 working days of the reportable information being finalised. In this context, 'finalised' means 'approved by the relevant government agency as required under an approval', or in the event the regulator does not approve the document, 'submitted to the regulator'.

3 Contact details

The website should include contact details for the following under a 'Contacts' or similar page:

- operation/operator;
- blasting information;
- complaints; and
- inquiries.

4 Approvals register

The website should include a register of all statutory environmental, planning and cultural heritage approvals for the operation under an 'Approvals' or similar page, including:

- relevant consents and approvals under the EP&A Act and supporting documents³;
- Environment Protection Licence (EPL) under the POEO Act;
- authorisations under the Mining Act, where relevant;
- Subsidence Management Plans (SMPs) or Extraction Plans;
- Mining Operations Plans (MOP) or Rehabilitation Management Plans;
- water licences and other approvals under the Water Act and the WM Act; and
- *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (EPBC Act) Controlled Activity approvals.

A copy of each approval should be provided, along with the following information:

- approval identifier (e.g. development consent number) and/or description of approval/statutory requirement;
- a simple description of what it covers (e.g. development consent for all underground mining operations and associated infrastructure);
- relevant authority/government agency;
- date the approval/statutory requirement/license was granted/endorsed;
- expiry dates; and
- associated documentation (e.g. supporting documents as referenced within the approval such as environmental impact assessments and Response to Submissions reports).

Where appropriate, the operator may elect to provide a link to any document outlined above, which is already hosted on a government website, rather than provide a copy of the document directly. In this event, the operator is responsible for maintaining the link.

If an operation has a pending development or other application, relevant information may be provided via the Approvals Register page and a link to the relevant page on DPE's Major Project Register (for development applications).

³ In particular, this should include relevant Environmental Impact Statements and related assessment materials.

5 Environmental management

The website should include the following information relating to the environmental management of the operation under an 'Environmental Management' or similar page:

- a copy of the mining company's Environmental / Sustainable Development Policy; and
- a copy of any environmental management strategies or plans required under the conditions of a regulatory approval, for example Water Management Plans and Heritage Management Plans.

If these documents are not hosted as outlined above, a clear link should be provided to their location from the website main page, or be easily located from the main page.

6 Monitoring data

The website should include any environmental monitoring data required under the conditions of a regulatory approval under a 'Monitoring' or similar page⁴. This data should either be presented in a meaningful way or include a meaningful summary that can be readily interpreted by the community. This would typically involve comparison to approval criteria or impact assessment predictions and trend analysis. In addition, the website should identify:

- the reporting period for the monitoring results; and
- a map showing the general location of monitoring stations.

If an operator elects not to host online monitoring data required by an approval condition, the provision of monitoring information must be agreed with DPE separately, in writing. If made, this agreement must be in writing and posted on the operator's website with instructions to the community on how the relevant data can be accessed.

7 Compliance

The website should include the following information under a 'Compliance' or similar page.

Compliance reports

The compliance section of the website should include (but is not limited to) the following:

- a copy of any Annual Review or other environmental performance report required by a relevant approval;
- transport records⁵ required under a development consent or project approval;
- a link to any EPL Statement of Compliance on the Environment Protection Authority's public register; and
- a copy of any environmental performance reports required under relevant Mining Leases.

For each report, the web page should specify:

- the relevant area or topic to which the report applies; and
- the year of the report and the period covered (e.g. 2013 report covering period 1 March 2013 to 28 February 2014).

⁴ This section does not relate to an operator's obligation to publish monitoring data required under an EPL. Monitoring data published as a condition of an EPL must meet the requirements of the *Environment Protection Authority's Requirements for Publishing Pollution Monitoring Data* (NSW EPA, 2013 or current version).

⁵ This refers to any transport records that may be required to be reported on under approval conditions, or to improve transparency for councils regarding local impacts.

Independent Audits

The compliance section of the website should include copies all Independent Audits conducted in accordance with relevant approval conditions. The following information should be published for each audit report:

- the operator's response to any recommendations; and
- any action plan arising from the audit's outcomes.

Incident register

The compliance section of the website should include a register of incidents reported to a government agency. For clarity, 'incidents' in this context means environmental non-compliances or other incidences that must be reported to a regulator under the development consent or mining lease approval conditions.

The register should provide the following information:

- the nature of the incident;
- the agency, or agencies, the incident was reported to;
- details of any remediation action required by regulatory authorities or undertaken by the operation; and
- the status of the incident (for example, 'remedial action not required', 'remedial action commenced', or 'remedial action completed').

The register should be updated as required to ensure the information in the register is consistent with the current status of the operation. Information should be maintained for the previous five years.

The incident register does not replace the need for an operator to directly inform regulatory agencies of an incident.

8 Community

The website may include the information, as covered below, which relates to the community engagement activities of the operation under a 'Community' or similar page.

Other community related information may also be placed on the website at the discretion of each operator. Operators are encouraged to publish information that will assist the community to understand the operator's approach to environmental and social issues, and which will assist the community to understand their operations.

Community Consultative Committee (CCC)

The community section of the website should include (but is not limited to):

- CCC minutes categorised by date (most recent at top);
- copies of relevant presentations made to the CCC, as determined by the CCC chairperson; and
- a list of CCC representatives and a method of contacting them⁶.

⁶ It is noted that CCC members would need to consent to having their contact details included on the website. Otherwise, a general contact for the CCC should be provided.

Community Complaints Register

The community section of the website should include a Community Complaints Register with the following information:

- complaint number or other ID;
- date and time;
- mode of complaint (e.g. phone, email or in person);
- complainant ID (see below);
- nature of complaint (e.g. noise, air, water etc.) and brief description; and
- action taken.

No reference to any individual (name, gender, etc.) should be made in the register. The term “Complainant” should be used. No reference to the complainant’s address or other personal information is to be used. A general location description (eg. suburb) and a unique identifying number should be given to each Complainant for the purposes of identifying multiple complaints from the one person.

Details of *How to Lodge a Complaint / Comment* should also to be included under the Community page, and should also be accessible under ‘Contacts’ from the home page.

Blasting Notifications

Where blasting operations are undertaken, blasting information should be placed on the operation’s website and include:

- the upcoming blast schedule;
- information regarding road closures;
- the Blasting Hotline number⁷;
- information regarding the operation’s blast notification system for community members should also be provided under this section, if in place; and
- a link to relevant blast monitoring data.

⁷ The Blasting Hotline number, in particular, must be placed in a prominent location on the website, where it can be easily found.