

Guide

Work programs for prospecting titles

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Part A: Introduction

Executive summary

A work program is a description of the proposed activities to be completed over the term of an exploration licence or assessment lease (prospecting authorities). It also includes the proposed estimated expenditure for those activities. Work programs have three activity components; exploration, environmental management and rehabilitation, and community consultation. The exploration activities are the primary component of a work program. The environmental management and rehabilitation, and community consultation activities are secondary but closely related components.

A work program should seek to:

- improve the knowledge of mineral resources in NSW through the:
 - generation of new exploration targets,
 - assessment of new or existing targets, and/or
 - assessment of prospects.
- progress prospects towards resource definition and development planning, or existing mining projects toward expansion
- promote best practice exploration science to allow adaptive and innovative exploration, and/or
- support the dynamic needs of mining operations where appropriate.

Explorers seeking the grant or renewal of prospecting authorities must prepare and submit a proposed work program in accordance with this guideline. Mining, Exploration and Geoscience (MEG) within the Department of Regional NSW assesses proposed work programs to determine if they meet this guideline and the *Mineral prospecting minimum standards: for work programs and technical and financial capability* (minimum standards). MEG is responsible for receiving, assessing, and approving work programs. MEG is also responsible for assessing work program performance.

Background and purpose

Prospecting authorities granted under the *Mining Act 1992* enable the holders of these authorities to undertake exploration activities. These activities facilitate information gathering and build knowledge about mineral resources and the potential for their extraction.

MEG regulates prospecting authorities, including assessing applications for their grant, renewal, and transfer. Part of the assessment process includes ascertaining whether applicants have the financial and technical capability to undertake effective and competent exploration, and that the proposed work program meets minimum standards.

Work programs, in conjunction with minimum standards, ensure that authority holders exercise their rights in accordance with the objects of the Mining Act. That is, they must carry out effective, efficient and competent exploration during the term of the authority. Work programs set out the minimum benchmark of activities that MEG measures a prospecting authority holder against at the end of a term.

What activities should be in a work program?

A work program describes the exploration objectives, rationale and intended outcomes of proposed exploration activities. Work programs must be geoscientific and technically appropriate to the targeted commodity or commodities, exploration rationale and nominated exploration 'stage/s'. Part C of this guideline provides more information about how to complete a work program and the activities within it.

Exploration activities in a work program should include the acquisition of new information and data (where appropriate). Proposed activities may include desktop studies, mapping, remote sensing, geochemical sampling, geophysical surveying, drilling, bulk sampling, and modelling.

At a minimum, exploration licence holders must increase the geoscientific knowledge of the mineral resource potential of the authority area. The aim of holding a prospecting authority is the discovery, definition, and development of mineral resources in an environmentally sustainable manner and with appropriate community consultation. The exploration activities should be appropriate to the level of pre-existing geological knowledge and previous exploration of the area. Generally, where there is advanced geological knowledge within the authority area, MEG expects an applicant to propose an advanced level of exploration activity.

The environmental management and rehabilitation activities within a work program should appropriately reflect the exploration activities. This will ensure environmental impacts are managed and mitigated and rehabilitation is completed effectively.

The community consultation activities within a work program should ensure adequate, inclusive, and appropriate community engagement and consultation in planning and conducting exploration.

When the NSW Government invites applications for new prospecting authorities via a competitive process, that process may require applicants to submit detailed proposed work programs. These may be in a specified form, and request applicants set out the activities for each year of the term of an authority.

Project-related work programs

In some circumstances, the nature of exploration may make it appropriate to conduct exploration on a project basis. This may be because the certain authorities form part of a broader exploration project or mining operation. To cater for this, applicants and authority holders may request that commonly held, geographically and geologically related authorities be accepted as a 'project' with respect to the work program. Where 'project status' is accepted, MEG considers the broader exploration objectives of the project and its comprising authorities when assessing the work program. Project status is explained further in Part D of this guideline.

Legislative obligations

Section 129A of the Mining Act requires all applications for authorities in NSW to be accompanied by a work program detailing the proposed activities under the authority.

Clause 4(g) of Schedule 1B of the Mining Act allows the decision-maker to take into account whether the proposed work program meets minimum standards when assessing renewal applications for an authority. Further, under clause 6(b) of Schedule 1B of the Mining Act, the decision-maker may refuse an application for an authority if the proposed work program does not meet minimum standards.

It is a condition of all prospecting authorities that the authority holder complies with the approved work program. Prospecting authority holders must submit annual activity reports that demonstrate compliance with the approved work program by detailing the activities carried out during each year of the term. MEG considers compliance with the approved work program and exploration progress during all previous terms when assessing applications to renew prospecting authorities.

Prospecting authority holders risk refusal of renewal applications where they have not completed their work program in the absence of a valid extenuating factor. This may also be referred to the NSW Resources Regulator for further investigation. The NSW Resources Regulator is responsible for compliance and enforcement activities in relation to the Mining Act.

Approved work programs are not an approval to undertake the activities nominated in them. Depending on the activity proposed, other relevant permits, approvals and/or notifications may be required. These include land access arrangements, community consultation and environmental assessment.

When this guideline applies

This guideline applies to work programs submitted with applications for the grant, renewal, and transfer of prospecting authorities on and after 1 January 2021. Transitional arrangements are detailed in **Table 1**.

Note: Annual resubmission of the work program as part of annual activity reports is no longer required from 1 January 2021.

Transitional arrangements

Table 1 Transitional arrangements for work programs based on when applications are lodged.

Applications for the grant, renewal and transfer of prospecting authorities lodged and determined on or before 31 December 2020 i.e., work program is in the previous work program form	Applications for the grant, renewal and transfer of prospecting authorities lodged but not determined on or before 31 December 2020 i.e., work program is in the previous work program form	Applications for the grant, renewal and transfer of prospecting authorities lodged on or after 1 January 2021 i.e., work program is in the new work program form and subject to the Minimum standards
<ul style="list-style-type: none"> • These applications are not subject to Minimum standards. • The approved work program (in the previous work program form) remains in place until the end of the previous term (expiry date). • If an amendment is required, it must be submitted in the existing approved work program form (relevant year resubmission section). • These amendments are not subject to Minimum standards. • Applicants and title holders may opt into the new work program form by: <ul style="list-style-type: none"> — notifying MEG, and — submitting a work program form. <p>Minimum standards do not apply where applicants and title holders opt in.</p>	<ul style="list-style-type: none"> • These applications are not subject to Minimum standards. • Proposed work programs were submitted in the previous work program form. • If approved, the approved work program (in the previous work program form) will remain in place until the end of the previous term (expiry date). • If an amendment is required, it must be submitted in the existing approved work program form (relevant year resubmission section). • These amendments are not subject to the Minimum standards. • Applicants and title holders may opt into to the new work program form by: <ul style="list-style-type: none"> — notifying MEG, and — submitting a work program form. <p>Minimum standards do not apply where applicants and title holders opt in.</p>	<ul style="list-style-type: none"> • These applications are subject to Minimum standards. • Proposed work programs (including amendments) must be submitted: <ul style="list-style-type: none"> — that comply with this guideline and Minimum standards — using the work program form.

Part B: When and how to submit a work program

A proposed work program for a prospecting authority must be prepared in accordance with this guideline and using the form Prospecting authority work program (Mining Act 1992) (work program form).

A proposed work program must be submitted at the following times:

- With any application for the grant, renewal, or transfer of a prospecting authority (or mining leases if applicable)
- With any application to amend an approved work program (refer to Table 2 for time frames for amendment applications).

Information about how (including the file naming convention) and where to submit a work program is provided in the [work program form](#).

Applications to amend an approved work program should be lodged (as required) in accordance with the time frames set out in **Table 2**. The time frames for submission vary depending on the term of the authority. Amendments cannot be sought if any authority term is one year.

Table 2 Time frames for amendment applications.

Authority term	Amendment applications lodged by
1 year	Amendments are not permitted
2 years	Any time before year 2 of the term starts (by the end of year 1)
3 years	Any time before year 3 of the term starts (by the end of year 2)
4 years	Any time before year 4 of the term starts (by the end of year 3)
5 years	Any time before year 5 of the term starts (by the end of year 4)
6 years	Any time before year 5 of the term starts (by the end of year 4)

Part C: How to complete a work program

Stages of exploration

A proposed work program must include the indicated exploration stage/s in which the exploration activities are categorised. The stages of exploration and their descriptions are provided in **Table 3**.

[The minimum standards](#) provide detail about the stages of exploration, including definitions of each stage and the five-stage model. The five-stage model provides guidance on the following matters at each 'stage':

- the initial status of exploration
- the objective of the proposed exploration activities
- the typical exploration activities that may be carried out in that stage; and
- the outcome of exploration activities and criteria for progression (relevant at renewal).

An applicant may nominate multiple exploration stages over the term of an authority. This may be dependent on the existing geological knowledge and/or data available for certain areas, the resource identification of targets and/or resource potential of an area. This may also result in exploration on different parts of an authority progressing at different rates.

Generally, a geoscientific and technically appropriate work program for an initial six-year term of an authority will propose to complete Stages 1 and 2. If exploration is successful, the authority holder would then be expected to propose work in Stage 3 in their renewal application (if sought). This is consistent with the objective of the Minimum standards in requiring applicants at renewal to demonstrate authentic and tangible exploration progress over the previous term of the authority.

Progression through each exploration stage can have differing timeframes dependent on specific exploration needs of the target/resource and the amount of work required in each stage. In general, Stage 3, 4 and 5 may take longer due the types of activities involved such as more intense and targeted drilling and sampling, mine planning and resource estimation.

In some cases, the progression through exploration stages may not be sequential. In response to exploration results or other external circumstances, an authority holder may retreat in exploration stages or spend longer in a stage. Also, in some cases, the exploration program may not start from Stage 1. For example, brownfield exploration, depending on the level of existing geological knowledge, may skip Stages 1, 2 or 3. Coal exploration licences granted under the NSW Government’s Strategic Release Framework would typically commence in stage 3.

Table 3 Stages of exploration and their description.

Stage of exploration	Description (as per minimum standards)
Reconnaissance	An authority holder works to identify broad geological, geochemical, or geophysical anomalies, historic or conceptual targets, and/or unvalidated targets.
Target definition	An authority holder works to confirm the mineral potential of identified anomalies and targets, and prioritises targets warranting prospect scale detailed assessment.
Prospecting testing	An authority holder undertakes detailed assessment of prospects to determine if the mineral deposit(s) have significant potential, warranting more intensive assessment of the prospect’s potential as a Mineral Resource ¹ .
Advanced prospect testing	An authority holder undertakes intensive assessment of a mineral deposit to determine if there is potential to identify a Mineral Resource, producing at minimum a global resource estimate.
Resource definition	An authority holder undertakes an intensive Mineral Resource definition program including consideration of factors impacting the economic viability to mine the mineral deposit, to produce a Joint Ore Reserve Committee (JORC) or JORC equivalent estimate of categorised Mineral Resources and/or Ore Reserves.

Proposed expenditure for the term of the authority

Applicants must provide a combined proposed estimated expenditure amount for exploration, environmental management and rehabilitation and community consultation activities for the term of the authority. The proposed expenditure should reasonably reflect the likely costs of proposed activities, with consideration of the inherent variability in estimating costs on proposed activities.

The proposed expenditure is an indicative estimate and is not a commitment. MEG uses it as a guide to determine if an applicant has the capacity to fund the proposed work program.

Exploration rationale

The exploration rationale should detail why the applicant/authority holder believes the ground being sought is prospective for the mineral group/s nominated. The rationale demonstrates the applicant/authority holder’s geological understanding of the application/authority area. The exploration rationale should include:

- a geological overview of the application/authority area (e.g. geological province, sedimentary basin, features, previous exploration results and/or discoveries)
- the targeted commodities
- the targeted mineralisation styles (where the area is historically under-explored, it may not be reasonable to expect the applicant/authority holder to target specific styles of mineralisation)

¹ The term ‘Mineral Resource’ in this context refers to the term described in the *Australasian Code for Reporting of Exploration Results, Minerals Resources and Ore Reserves 2012* (JORC code) (as amended from time to time).

- if part of a project, reference to the over-arching exploration rationale of the project.

Exploration objectives

Exploration objectives should build on the rationale by highlighting a goal(s) that the proposed activities intend to achieve during the term of the authority. Exploration objectives must be outcome-based and reflect the nominated exploration stage/s. If more than one exploration stage is nominated, each exploration stage should have a clear exploration objective/s. A proposed work program must include at least one exploration objective for the authority. If an authority is part of a project, the exploration objectives of the project may also be included but still need to be relevant to the respective prospecting authority.

Proposed exploration activities for the term of the authority

Applicants must detail the proposed exploration activities for the term of the authority. These need to be selected in the relevant exploration stage/s at the beginning and end of the term. Applicants must also detail the type of exploration activity, what it relates to (i.e., the whole authority, part of the authority or a named target/prospect/deposit). They must also provide a brief description of the proposed methods to achieve the success criteria of the exploration stage. Refer to the minimum standards for typical activities that may be expected for each exploration stage.

The proposed exploration activities should be based on, and be consistent with, current geological knowledge and exploration rationale. Once completed, the authority should have met the exploration objectives.

Prospecting authority applicants and holders seeking renewal are not required to quantify their proposed exploration activities. This is to account for the iterative and dynamic nature of exploration, changing geological understanding, and difficulty in quantifying proposed exploration activities in advance. For example, soil sampling may be used to help define an exploration target. However, it is unlikely that when a proposed work program is submitted, the applicant will know the exact number of soil samples to be taken over the term of the authority. Similarly, a proposed work program to test a prospect will generally involve drilling, however the applicant is unlikely to know the exact number, final depths, and method of drilling in advance.

Proposed exploration activities in a prospecting authority work program are limited to the authority in question. That is, if an authority forms part of a 'project', the work program must not include exploration activities on other authorities within the project.

Diagram of proposed exploration activities for the term of the authority

Applicants must provide a diagram showing the location/s and types of proposed exploration activities in the work program form. The diagram must also show the authority boundary and relevant geographical references such as towns, major infrastructure (e.g., roads, railways) and any other features that may be relevant to the exploration activities (geological targets/features, existing mines, environmentally sensitive areas etc).

Proposed environmental management and rehabilitation activities for the term of the authority

The applicant must detail the proposed environmental management and rehabilitation activities for the term of the authority. The proposed environmental activities are indicative and not a commitment.

If prospecting operations² are proposed, the applicant must identify the category of prospecting operations as referenced in ESG5: Assessment requirements for exploration activities, where applicable. This may include one or more of the following categories:

- Exempt development³ (e.g., where the following activities are of minimal environmental impact: geological mapping and airborne surveying, sampling and coring using hand-held equipment, geophysical (but not seismic) surveying and downhole logging⁴, and accessing of areas by vehicle that does not involve the construction of an access way, such as a track or road).
- Complying exploration activities⁵ (CEA) (e.g., a drilling program that is outside sensitive areas and meets certain threshold limits).
- Non-complying exploration activities (Non-CEA) (e.g., drilling program in sensitive areas and/or a program that exceeds certain threshold limits).

If an applicant does not propose any prospecting operations, they need not select a category above does. For example, a prospecting authority in the resource definition stage may be proposing community consultation, geological modelling and resource estimation, environmental impact assessment studies and/or mine planning studies.

The applicant must then identify and briefly describe the type of proposed environmental management and rehabilitation activities.

Where an applicant is unsure which category of prospecting operations the proposed exploration activities will fall under, they can select one or multiple. For example, an authority holder will not be in non-compliance or penalised for selecting CEA only to later realise that after the environmental assessment process, the exploration activities do not meet the threshold for CEA. Similarly, if applicants are unsure of the exact type/s of environmental activities that will be carried out, they may list indicative activities proportionate to the types of exploration activities proposed.

The detail of environmental management and rehabilitation activities is necessarily high level and broad. However, environmental activities should be proportionate to the likely risk, type, scale, phases and length of exploration activities, and the potential impact on the environment. It may also be necessary or appropriate to reduce or expand the environmental activities during the term of the authority. This may be to ensure adequate environmental management and rehabilitation is carried out. MEG does not expect that these unforeseen changes are captured in a proposed work program.

With respect to authorities in a 'project', applicants may nominate the same activities across all authorities within a project if they are applicable across all authorities.

It should be noted that a work program approval is not an approval to undertake exploration activities. The requirements with respect to environmental approvals, for undertaking exploration activities are set out in sections 23A and 44A of the Mining Act. Further guidance on the exploration activity application and determination process, including the applicable Exploration Codes of Practice, can be found on the NSW Resources Regulator's website at www.resourcesregulator.nsw.gov.au/rehabilitation/exploration

Proposed community consultation activities for the term of the authority

Applicants must detail their proposed community consultation activities for the term of the authority. The proposed community consultation activities are indicative and not a commitment.

The type/s of proposed community consultation activities as required in accordance with the Exploration code of practice: community consultation (or Guideline for community consultation

² As defined in the *Mining Act 1992*.

³ Under the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP).

⁴ The construction of the borehole to facilitate downhole logging is not exempt development under the Mining SEPP.

⁵ A prospecting operational can be considered complying if it avoids sensitive areas and meets certain threshold limits including vegetation clearing and groundwater take. Refer to ESG5: Assessment requirements for exploration activities.

requirements for exploration for some Group 9 and 9A authorities) must be identified and briefly described.

Types of community consultation activities:

- Stakeholder notifications (e.g., notification of proposed drilling to neighbouring landholders, notification of planned activities to the local council).
- Provision of information (e.g., providing neighbouring landholders, other community members, local authorities with details of hours of operations and vehicle movements and/or copies of management plans relating to exploration sites).
- Landholder liaison/negotiations (e.g., landholder negotiations for proposed drilling sites).
Note: specific details of where and who landholder negotiations are with are not to be included. Land access agreements are confidential agreements between the landholder and authority holder.
- Public meetings (details of public meetings such as dates and invitees (generally – local landholders, local council, local environmental groups etc).
- Community consultative committee (e.g. name of committee, scheduled meetings e.g. bi-monthly, updating committee information on website etc).
- Other activities (any other types of community consultation activities that don't fall into the above activities).

Where applicants are unsure of the exact types of community consultation activities that will be carried out, they may indicate activities relevant to the exploration activities proposed. Refer to the Exploration code of practice: community consultation (or Guideline for community consultation requirements for exploration for some Group 9 and 9A authorities) for guidance on what activities would be required. For example, an authority holder will not be in non-compliance or penalised if they list landholder liaison/negotiations in their work program but do not carry this out.

The detail of community consultation activities is necessarily high level and broad. However, community consultation activities should be proportionate to the likely risk, type, scale, phases and length of exploration activities. They should also be proportionate to the potential impact upon, and concerns of, relevant stakeholders. These include landholders, neighbouring landholders, and communities. It may also be necessary or appropriate to reduce or expand the community consultation activities during the term of the authority. This may be to ensure adequate consultation is carried out in line with the proposed exploration activities. MEG does not expect that these unforeseen changes are captured in a proposed work program.

With respect to authorities that form part of a 'project', applicants may nominate the same activities across all authorities across the project if they are applicable to all the authorities. A

Project-related work programs (if applicable)

Prospecting authorities may be treated as forming part of a 'project' for the purposes of the proposed work program. Authorities in a project grouping may have their exploration rationale, objectives and proposed exploration activities considered in the context of the broader project (i.e., 'project status'). This recognises the administrative, financial, and logistical benefits of conducting exploration on a project basis.

For authorities to be considered as part of a project they should meet all of the following standard criteria:

- All be operated by a common entity or with a joint venture partner.
- All be partially or wholly within a maximum radius of 50 km of one another.
- All be related by geological province and mineralisation style, that is:
 - a. be within the same geological province (**Table 4**)
 - b. be for the same group of minerals

- c. have the same mineralisation style.

Applicants/authority holders seeking project status must:

- Consider if the authorities within the project meet the standard criteria for projects.
- Select the box on the first page of the work program form.
- Complete the relevant fields in the ‘Exploration and mining operation project’ section of the work program form by providing:
 - a. a project name (mandatory for all proposed work programs within the project)
 - b. the geological province the authorities are located as per **Table 4** (from the drop-down box) (mandatory for all proposed work programs within the project)
 - c. project justification (if not provided previously). This should include details (e.g., project rationale and objectives) explaining why the authorities should be considered as a project relevant to the definition of a project within the Minimum standards and the standard criteria for projects.

Table 4 Sedimentary basins and orogenic provinces in NSW.

Sedimentary basin	Orogenic provinces
Darling Basin	Lachlan Orogen
Sydney Basin	New England Orogen
Gunnedah Basin	Thomson Orogen
Clarence Moreton Basin	Delamerian Orogen
Surat Basin	Curnamona Province
Murray Basin	
Gloucester Basin	
Oaklands Basin	
Eromanga Basin	
Bowen Basin	

How project-related work programs are considered

‘Project status’ is an important consideration in the context of work programs and measuring exploration progress when a prospecting authority holder applies to renew the authority. In accordance with the objects of the Mining Act and the Minimum standards, prospecting authority holders must work the ground subject to the authority effectively. This involves committing to efficient, timely and sustainable exploration and demonstrating tangible and authentic progress in either:

- advancing the geoscientific knowledge of the resource potential of the ground subject to the licence; or
- advancing a project toward mining status.

Multiple prospecting authorities that meet the project status criteria may be grouped for the purposes of measuring exploration progress and assessing the respecting proposed work programs against minimum standards. ‘Project status’ may justify individual authorities within the group varying in exploration objectives, proposed outcomes and rates of progression over a given term. For example, an authority holder may reallocate budget, focus and resources from other authorities for a reasonable period. This may be in response to the authority holder making a significant discovery on one authority in the project grouping.

Project status does not exempt a prospecting authority holder from working the ground subject to the authority effectively. MEG administers prospecting authorities individually. While project status may qualify the level of work on an individual authority, each authority remains subject to the Minimum standards. The decision-maker will consider whether the objects of the Mining Act are best served by granting or renewing an exploration licence forming part of a project, taking into account 'project' status.

MEG expects that **all** authorities in a project grouping will demonstrate authentic and tangible exploration progress. In other words, project status is not a vehicle to justify insufficient activity or to circumvent MEG's Renewal of mineral and coal exploration licence policy (Renewals policy) or Policy on the grant and renewal of mineral and coal assessment leases (Assessment lease policy).

The proposed work program must nominate a period for which the applicant or authority holder will undertake limited activities on the authority. The onus is on the applicant to justify why any period of reduced work on an authority within a project grouping is reasonable. When assessing proposed work programs in this situation, MEG will consider the overall project context. While each case is unique, MEG generally considers one full prospecting authority term (3 years or 6 years) as a reasonable period of limited work. MEG will not accept limited activities based on project status indefinitely.

Project status is not an approval. MEG considers it as part of the assessment of the work program proposed for an application or renewal.

Project status does not allow limited exploration on newly granted prospecting authorities.

Generally, MEG considers it acceptable for the holder of an authority included in a project grouping to nominate a period of limited exploration activities on that authority where at least one of the following conditions are met:

- there is evidence to demonstrate the applicant/authority holder has made a serious commitment and significant investment in at least one prospecting authority in the project in the past two years
- there is evidence to demonstrate that exploration is appropriately focused on a target/prospect, or has appropriately increased in at least one prospecting authority, with the objective of proving up a mineral resource to at least Stage 4, as per the Minimum standards. The Stage 4 requirement does not apply if the project grouping includes a mining lease
- the prospecting authority fully or substantially overlies a mining authority for the same mineral (group) and authority holder/entity
- it is appropriate for the authority holder to hold ground adjacent to an existing mine or resource development project for longer term exploration objectives which will benefit NSW.

Project map (if applicable)

A map showing the locations and boundaries of authorities within a project (proposed or existing) must be provided in the work program form, if applicable. Each authority within a project must be clearly labelled. It should also show relevant geographical references such as towns and infrastructure (e.g., roads, railways etc) and any other features that may be relevant to the project (e.g., geological targets/features, existing mines, environmental sensitive areas etc).

Part D: When and how a work program is assessed

MEG will assess whether the proposed work program meets this guideline and the mandatory requirements of the minimum standards. The assessment will focus on the objectives and outcomes of the work program and whether the proposed activities and estimated expenditure are appropriate to meet the objectives and outcomes. **Table 5** outlines when, how and why a work program will be assessed.

Table 5 When, how and why a work program is assessed.

When is a work program assessed?	Assessment type	What is assessed and why?
On application for the grant, renewal or transfer of a prospecting authority	Prospective assessment	The content of the proposed work program to determine if the proposed work program meets this guideline and the Minimum standards
On application to amend an approved work program	Prospective assessment	The content of the proposed work program to determine if the proposed work program meets this guideline and the Minimum standards
On application for renewal of a prospecting authority	Retrospective assessment (in addition to above)	The exploration objectives and stages of the approved work program for the previous term (not the term being sought for renewal), and previous terms (if appropriate), to assess the exploration progress made during the previous term and previous terms to determine compliance with the work program condition and if the relevant renewal policy has been met.

All applications submitted to MEG are treated with procedural fairness. This extends to the assessment of work programs. If a proposed work program is found to contain errors, MEG will provide the applicant or authority holder the opportunity to address the issue and resubmit. For example, the proposed work program may lack the required detail, not be clear, or miss a tick-box.

Assessment of proposed environmental management, rehabilitation and community consultation activities

In assessing proposed environmental management and rehabilitation, and community consultation activities within a proposed work program, MEG will assess if:

- the proposed work program details environmental management and rehabilitation activities proportionate to the likely risk, type, scale, phase and length of the proposed exploration activities proposed, and their potential impact on the environment
- the proposed work program details community consultation activities proportionate to the likely risk, type, scale, phases and length of exploration activities proposed and the potential impact upon and concerns of relevant stakeholders are considered.

Assessment of proposed exploration activities

In assessing proposed exploration activities within a proposed work program, MEG will assess if the applicant/authority holder has:

- demonstrated an understanding of the geology and why the area (individual authority or authorities within a project) is considered prospective for the commodity(s) sought
- proposed exploration activities that reflect the stated objectives, rationale and outcomes
- proposed exploration activities that are appropriate to discover and/or define potentially economic resources
- proposed activities that will result in authentic and tangible progress in advancing the geoscientific knowledge of the area and/or reasonably progressing a project towards mining status during the term

- proposed expenditure that reasonably reflects the likely costs of proposed activities, with consideration of the inherent variability in estimating costs on proposed activities.

Additional assessment of proposed exploration activities if within a project

In determining if the exploration activities within a proposed work program for an authority should be considered in the context of a project, MEG will also assess:

- if the authorities within a project meet the standard project criteria
- the exploration rationale and objectives having regard to, and within the context of, the broader rationale and objectives of the project and the reason for grouping the authorities into a project
- assess the proposed exploration activities having regard to, and within the context of, the proposed exploration activities on all other authorities within the project.

This assessment will focus on ensuring that proposed exploration activities across all authorities within the project will result in tangible and authentic progress during the term of the authorities.

Assessment of work program performance and exploration progress (for renewal applications)

MEG also assesses work program performance and exploration progress during all previous terms of a prospecting authority and project (where applicable), when assessing applications for the renewal of prospecting authorities.

The key measure of work program performance is achieving the outcomes and objectives in an approved work program, evidencing:

- authentic and tangible progress in advancing the geoscientific knowledge of the resource potential of the authority and/or project area; or
- reasonable progress in advancing a project towards mining status.

MEG considers cases of poor performance (partial or full non-completion) and/or unsatisfactory exploration progress without a valid extenuating factor, as non-compliance with the work program exploration licence condition. Thus, non-completion of the proposed work program and failure to cite a valid extenuating factor for non-completion may result in refusal of a renewal application.

Renewal justification and relinquishment in relation to work program performance and exploration progress

Authority holders should refer to MEG's [Renewals policy](#) and [Assessment lease policy](#) before lodging an application to renew a prospecting authority. These policies set out the criteria required to be met for renewal to be granted.

In accordance with section [114A](#) of the Mining Act and MEG's [Renewals policy](#), a prospecting authority can only be renewed for the area genuinely required to support the work program for the renewal term. The exploration licence renewal applicant may also identify any special circumstances that justify the applicant retaining a greater spatial extent than is genuinely required for the proposed work program (i.e., ground that will generally not be subject to exploration activities set out in the proposed work program for that term).

In considering renewal applications, MEG takes into account the Renewals policy, the proposed work program, and the performance and progress over all previous terms of the authority. For authorities in a project, MEG considers a renewal application for an authority in the context of all authorities within the project grouping.

MEG will not support the renewal of a prospecting authority where there is evidence of consistent poor performance (partial or full non-completion) and/or unsatisfactory progress over several consecutive terms without valid extenuating factors. This includes prospecting authorities in a project.

Where satisfied that special circumstances exist, the decision-maker may renew the exploration licence with the total nominated ground extent. Where not satisfied that special circumstances exist, the decision maker may renew the exploration licence in question with a spatial extent they consider to be genuinely required to support the renewal applicant's work program over the renewal term. The onus is on the renewal applicant to justify the extent of ground required for retention. MEG expects that in most cases an exploration licence holder will progressively relinquish part of the licence, whilst applying to retain the areas that they consider the most prospective ground containing high-value targets and prospects.

Prospecting authority holders should consider part or full relinquishment at renewal. As a prospecting authority holder acquires new geological data on any authority in a project, MEG expects that they would use such information to inform the re-evaluation of the prospectivity of the authorities in a project. This will assist in geoscientifically justifying the retention of all or part of an authority in the project as part of a renewal application (in the renewal justification statement).

A relevant example is that of the holder of a prospecting authority within a project grouping. To retain more ground than is genuinely required to support the work program, the holder must justify proposing comparatively less work than would be expected if the authority was held in isolation. Such justification may include:

- a defined and reasonable period for which limited activities are proposed
- a description of how the proposed work program demonstrates authentic and tangible exploration progress on the authority under renewal
- an explanation as to how the authority holder will use the exploration being undertaken at a project scale to inform the re-evaluation of the prospectivity of all authorities in a project (including specific reference to the authority under renewal)
- a description of identified targets and prospects (including ranking / prioritisation, reasons for identification, and progress made to date by the holder),
- medium to long term plans for the authority if known (outside of the proposed renewal term) – these should be tangible activities with timing and locations, not generalisations, and can include any future plans for relinquishment.

MEG will consider the effective relinquishment at the project level as part of the assessment of its assessment of renewal applications for prospecting authorities within a project. Project status is not a means of circumventing the renewal policy or avoiding relinquishment requirements under section 114A of the Mining Act.

Part E: Amendments to approved work programs

What is an amendment to a work program and why would I need to apply for one?

The iterative and dynamic nature of exploration means that approved work programs may need to be amended from time to time. Amendments require prior approval from MEG and must meet the requirements of this guideline and the Minimum standards. Refer to Part B: When and how to submit a work program.

Complying with an approved work program is a condition of all prospecting authorities. When assessing a renewal application, MEG considers the applicant's compliance with the previous approved work program. (Refer to Part D: When and how a work program is assessed; and MEG's Renewals policy). Therefore, an authority holder may apply to amend an approved work program where the circumstance outlined below arise. Amendments must not be used to circumvent the renewal policy or to avoid non-compliance with the work program condition. MEG may refuse an amendment where valid justification cannot be demonstrated.

In most cases amendments will not be required. MEG has designed the work program form and required content, including consideration of exploration 'stages' to be outcomes-focussed and

flexible. This allows for activities to change, increase, or decrease throughout the term of an authority as long as the objectives and success criteria of the nominated exploration stage is achieved.

When is an amendment required?

MEG would expect amendments to be requested only in the following circumstance:

- there is an unforeseen significant reduction in exploration activities over the term of the authority (without an increase in activities on other authorities within a project) that may result in:
 - a retreat in exploration stage/s planned to be achieved and/or a change in exploration objectives; and/or
 - outcomes of the exploration activities over the term of the authority.

Work program amendments do not need to be requested as a result of changes to environmental management and community consultation activities unless the changes are as a result of the circumstance described above.

Amendments are not required when:

1. additional exploration activities are proposed over the term of an authority (e.g. targeted geophysical or geochemical surveying in Stage 4 was not proposed in the approved work program but it will now be carried out)
2. exploration activities change or are substituted but the same objectives and/or exploration stage/s are achieved (e.g. substituting an EM geophysical survey for an IP geophysical survey or RC drilling for core drilling)
3. additional objectives and/or higher exploration stage/s will be achieved over the term of an authority (e.g. Stage 1 reconnaissance activities were proposed for the term, but Stage 2 target definition activities will be carried out and/or Stage 2 outcomes will be achieved)
4. there are difficulties accessing the land for exploration over part of the authority for a short period of the term, where it is anticipated that the exploration objectives and exploration stage can still be achieved during the term (evidence of difficulties accessing land may be required to be provided at renewal)
5. there are changes to the proposed environmental or community consultation activities provided in the work program

Changes to approved work programs outlined in 1, 2, 3, 4 and 5 above will be considered at renewal and do not require justification.

A reduction in exploration activities on an authority that is part of a project may be compensated by an increase in exploration activities on other authorities within the project.

If changes to the authorities within a project occur resulting in the circumstance above, the holder should lodge a work program amendment request. For example, where an authority is added to a project therefore less work is proposed on one or more authorities within that project. A work program amendment is not required to add or remove an authority in a project or to request authorities to be included in a new project unless there is a change in the proposed exploration activities over the term of the authority.

For more information about work program amendments, contact the Mining and Exploration Assessment unit at mining.explorationassessment@regional.nsw.gov.au

What if I don't apply to amend an approved work program or lodge an application too late?

Completion of the work program during the previous term and exploration progress is assessed at the end of the term of an authority as part of a renewal application. This assessment will consider compliance with the work program including work program performance and exploration progress. Extenuating factors may be considered to justify poor performance and unsatisfactory progress.

If an amendment is lodged past the cut-off, the approved work program will remain in place until the end of the term of the authority and extenuating factors may be considered as part of a renewal application.

How do I apply to amend an approved work program?

Refer to the [work program form](#) (when and how to submit on last page) on how to apply to amend an approved work program.

If an amendment is required (the above circumstance has occurred or is likely to occur), an application to amend an approved work program can be submitted as per the timeframes outlined in **Table 2**. Justification for the amendment must be provided.

How long do amendments take to process?

Work program amendments will normally take approximately two months to be processed. Amendment applications are not subject to any agreed service delivery standards.

While an amendment application is pending, the existing approved work program continues in place and the authority holder must continue, as much as reasonably practical, operating in accordance with it.

Glossary

Term	Definition
authority	An exploration licence or assessment lease granted under sections 22 and 41 of the <i>Mining Act 1992</i> or in some instances, under the <i>Mining Act 1973</i> .
exploration	Exploration has the same meaning as in the <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> . Exploration includes the taking of samples and the assessment of deposits of minerals.
JORC code	<u><i>Australasian Code for Reporting of Exploration Results, Minerals Resources and Ore Reserves 2012</i></u>
MEG	Mining, Exploration and Geoscience is a group within the Department of Regional NSW
prospecting operations	Prospecting operations has the same meaning as in the <i>Mining Act 1992</i> . Prospecting operations means the operations carried out in the course of prospecting.
minimum standards	<u>Mineral prospecting the Standards for work programs and technical and financial capability</u>