
NSW Resources

Resources Regulator



Compliance audit program

EL4458 Nymagee Mine Exploration Project

Nymagee Resources Pty Ltd

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1. Introduction

1.1. Background

Exploration licence 4458 (1992) was granted to Ausminindex NL on 26 November 1992. The exploration area was about 83 kilometres south-east of Cobar in central NSW. The licence was transferred to Nymagee Resources Pty Ltd (main holder) and Ausminindex Pty Ltd on 7 November 2012.

As part of the compliance audit program, an audit of the exploration activities associated with the Nymagee Mine exploration project within EL4458 was undertaken on 3 December 2025 by the Resources Regulator within the Department of Primary Industries and Regional Development.

1.2. Audit objectives

The objectives of the audit were to:

- undertake a compliance audit of the Nymagee Resources Pty Ltd exploration activities against the requirements of the *Mining Act 1992* and the conditions of the exploration licence and activity approvals issued pursuant to that Act
- assess the operational performance of the exploration activities and the ability of the titleholder and/or its operator to implement management systems and controls to provide for sustainable management of the operations.

1.3. Audit scope

The scope of the audit included:

- the exploration activities associated with the Nymagee Mine exploration project including:
 - exploration activities within EL4458 including a selected sample of exploration drillholes
 - borehole sealing and rehabilitation activities for selected drilling activities undertaken since November 2022.
- a review of documents and records pertaining to the exploration operations for the period commencing 1 December 2023 and ending 3 December 2025.

1.4. Audit criteria

The audit criteria against which compliance was assessed included:

- *Mining Act 1992*, specifically, Sections 5, 30, 140, 163C to 163E, 163G, 378D
- Mining Regulation 2016, specifically clauses 59 to 68
- conditions attached to EL4458 (granted 26 November 1992, last renewed 23 December 2022)
- assessable prospecting operations application dated 19 August 2024 for up to 15 diamond drill holes from 8 drill pads, and associated approval dated 24 September 2024 (APO0001828)

- assessable prospecting operations application dated 22 July 2025 for 2 diamond drill holes, and associated approval dated 7 August 2025 (APO0002097)
- Exploration code of practice: Environmental management (Version 5, March 2022)
- Exploration code of practice: Rehabilitation (Version 5, March 2022)
- Exploration code of practice: Community consultation (Version 2.1, May 2023)
- Exploration code of practice: Produced water management, storage and transfer (Version 5, March 2022)
- Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales (Version 4, January 2022)
- Exploration Guideline: Annual activity reporting for prospecting titles (Version 4, October 2022) published by Department of Regional NSW.

1.5. Publishing and disclosure of information

This audit report was published on the Regulator's website consistent with:

- Section 365 of the *Mining Act 1992*
- Resources Regulator's [Public comment policy](#)
- *Government Information (Public Access) Act 2009*.

2. Audit methods

The audit process involved interviewing site personnel, reviewing documentation and samples of records provided by the licence holder and/or operator to determine the level of compliance of the operations and assess the status of the operational performance. The audit process and methodology are described in more detail in the sections below.

2.1. Opening meeting

An opening meeting was held onsite on 3 December 2025. The audit team was introduced, and the scope of their responsibilities was conveyed to the auditees. The objectives and scope of the audit were outlined. The methods to be used by the team to conduct the audit were explained, including the interview of personnel, review of documentation, examination of records and a site inspection to assess specific compliance requirements.

2.2. Site interviews and inspections

2.2.1. Data collection and verification

Where possible, documents and data provided during the audit process were reviewed electronically on the day. Several documents were unable to be reviewed on the day and were provided following the remote audit.

All information obtained during the audit process was verified by the audit team where possible. For example, statements made by site personnel were verified by viewing documentation and records, including site photographs, where possible. Where suitable verification could not be provided, this has been identified in the audit findings as not determined.

2.2.2. Site inspections

A site inspection was undertaken of the following exploration operations in EL4458:

- Diamond holes NMD107A, NMD108 and NMD109 drilled from the same pad in October 2024 – downhole electromagnetic (EM) survey to be completed.
- Diamond hole MND119 drilled in November 2025 – hole grouted and awaiting rehabilitation.
- Diamond hole NMD115 drilled in November 2025 – downhole EM survey in progress.

2.3. Closing meeting

A closing meeting was held on site on 3 December 2025. The objectives of this meeting were to discuss any outstanding matters, present preliminary findings and outline the process for finalising the audit report.

2.4. Compliance assessment definitions

The reporting of results from the compliance audit was determined based on the definitions presented below in Table 1.

Table 1: Compliance assessment definitions

Assessment	Criteria
Compliance	Sufficient and appropriate evidence is available to demonstrate the particular requirement has been complied with.
Non-compliance	<p>Clear evidence has been collected to demonstrate the particular requirement has not been complied with. There are 3 subcategories of non-compliance reflecting the severity and level of risk associated with the non-compliance:</p> <p>NC1 – the absence of planning or implementation of a required operational element which has the potential to result in a significant risk.</p> <p>NC2 – an isolated lapse or absence of control in the implementation of an operational element which is unlikely to result in a significant risk.</p> <p>NC3 – an administrative or reporting non-compliance which does not have a direct environmental or safety significance.</p> <p>Note: The identification of a non-compliance in this audit may or may not constitute a breach of, or offence under, the <i>Mining Act 1992</i>. Non-compliances identified in this audit report may be further investigated by the Regulator and regulatory actions may be undertaken.</p>
Observation of concern	<p>Where an auditee may be compliant at the time of the audit but there are issues that exist that could result in the potential for future non-compliance if not addressed.</p> <p>Observation of concern was also used where an issue may not have particular compliance requirements, but which was not conducive to good management or best practice.</p>
Suggestion for improvement	Where changes in processes or activities inspected or evaluated at the time of the audit could deliver improvement in relation to risk minimisation, sustainable outcomes and management practices.
Not determined	<p>The necessary evidence has not been collected to enable an assessment of compliance to be made within the scope of the audit.</p> <p>Reasons why the audit team could not collect the required information include:</p> <p>insufficient information on the file relating to the period covered by the audit or insufficient evidence collected to reach a conclusion</p> <p>the wording on the criteria (approval condition) meant that no evidence could be gathered, or it was too difficult to gather the evidence.</p> <p>A ‘not determined’ assessment was also made where the condition was outside the scope of the audit.</p>
Not applicable	The circumstances of the authorisation or licence holder have changed and are no longer relevant (e.g. no longer mining, mining equipment and plant has been removed).

Assessment	Criteria
	An invoking element in the criteria was not activated within the scope of the audit.

2.5. Reporting

Following completion of the audit, the audit checklists were completed, and audit notes were reviewed to compile a list of outstanding matters to be noted in the audit report. This report was prepared to provide an overview of the operational performance of the site in relation to the exploration activities and identify any non-compliances or observations of concern noted by the auditors during the documentation review and interviews.

The draft audit findings were forwarded to Nymagee Resources for comment. Consideration was given to the representations made during the finalisation of the audit report as discussed in the audit findings.

3. Audit findings

3.1. Work program

Condition one of EL4458 required the licence holder to carry out the operations described in the approved work programs. Work program WP-EL4458-2022-2028 was in force during the audit period. Exploration activities were planned to target stages one to 5 of exploration across the tenement.

Evidence was available to confirm exploration activities were progressing. Annual reports for the 2023, 2024 and 2025 reporting periods were reviewed for EL4458. Exploration completed included:

- review of ground gravity data
- drilling of 20 diamond drill holes
- downhole electromagnetic (DHEM) survey.

Nymagee Resources used the annual reporting and budgeting processes to set the work program for the year across the tenement. Exploration programs were monitored and reviewed before the end of each renewal periods.

Exploration data was noted to be maintained by the Nymagee Resources geologists and submitted to NSW Resources with the annual activity reports as required.

3.2. Access arrangements

Section 140 of the *Mining Act 1992* stated, 'the holder of a prospecting title must not carry out prospecting operations on any particular area of land except in accordance with an access arrangement or arrangements applying to that area of land'. The access arrangement was required to be agreed in writing between the holder of the prospecting title and each landholder of that area of land.

Evidence was provided to confirm land access agreements were in place for land on which exploration activities were undertaken. The agreements were typically open-ended agreements with a deed of entry used for each exploration program to provide the details and locations of exploration activities. Where any additional conditions were negotiated by the landholders, these were included in the drillers inductions where relevant.

3.3. Native title and exempted areas

Condition 2 of EL4458 required the licence holder to obtain the prior written consent of the Minister before carrying out any activities on land on which native title had not been extinguished. Similarly, Section 30 of the *Mining Act 1992* required the consent of the Minister before a licence holder undertook any activities within a State Conservation Area.

Nymagee Resources were working towards completing the right to negotiate process for the parts of EL4458 subject to native title. Drilling was completed on areas of the licence not subject to native title. No approvals under condition 2 were required.

There were no state conservation areas within the exploration licence area. No approvals under section 30 of the *Mining Act 1992* were required. Nymagee Resources maintained a geographic information system (GIS) that mapped crown lands and areas subject to native title. The mapping was used in exploration planning to identify areas where further approvals were required.

3.4. Community consultation

Condition 3 of EL4458 required the licence holder to carry out community consultation in relation to planning and conducting exploration activities. Community consultation was required to be carried out in accordance with the requirements of Exploration code of practice: Community consultation.

An assessment against the mandatory requirements of the code of practice was undertaken as documented in the following sections.

3.4.1. Risk assessment

Mandatory requirement one of the code of practice required the licence holder to conduct a risk assessment to identify and consider the range of opportunities and potential threats associated with community consultation and engagement.

Nymagee Resources prepared a community consultation risk assessment for the Nymagee Mine project. The risk assessment included a range of risks related to consultation and engagement and proposed controls to mitigate each risk identified.

3.4.2. Community consultation strategy

Mandatory requirement 2 required the preparation of a community consultation strategy to manage the risks identified in the risk assessment. Mandatory requirement 3 set out the requirements for preparation of the community consultation strategy.

Nymagee Resources prepared a community consultation strategy for its Nymagee Mine project on EL4458. A review of the community consultation strategy confirmed it generally addressed the mandatory requirements of the code of practice, as outlined below:

- Objectives for the strategy were documented in section 2.
- Stakeholders were identified in section 3 – this section included a description and analysis of the identified stakeholders.
- Consultation activities were described in section 4 – consultation mechanisms were tailored to each stakeholder type and were reviewed for each program to assess suitability.
- Processes to monitor and respond to feedback and complaints were outlined in section 5.

Evidence was available to confirm the strategy was reviewed. The triggers for a review of the strategy were not clearly identified. As suggestion for improvement one, Nymagee Resources should consider reviewing the community consultation strategy to include a process and triggers for the review and update of the strategy as required.

3.4.3. Implementation and reporting

Mandatory requirement 4 required the licence holder to implement, monitor and report annually on the community consultation strategy.

Records were available to confirm implementation of the consultation strategy. For example:

- community consultative committee meeting presentations and minutes
- town hall quarterly meeting presentations
- complaint records
- Nymagee Resources maintained a shop front in Cobar where information was available.

The annual community consultation reports were prepared, generally in accordance with the reporting guidance in Appendix 2 of the code of practice. The reports were available upon request, but Nymagee Resources received no requests for community consultation reports to be provided.

3.5. Exploration activity approvals

Section 23A of the *Mining Act 1992* required the holder of an exploration licence to obtain an activity approval prior to carrying out assessable prospecting operations.

Evidence was available to confirm that exploration activity approvals were sought and granted for exploration activities. Exploration activity approvals granted included:

- assessable prospecting operations application dated 19 August 2024 for up to 15 diamond drill holes from 8 drill pads, and associated approval dated 24 September 2024 (APO0001828)
- assessable prospecting operations application dated 22 July 2025 for 2 diamond drill holes, and associated approval dated 7 August 2025 (APO0002097).

Generally, evidence was provided to indicate that the exploration activities were carried out in accordance with the description provided in the application and in accordance with the approval given.

3.6. Environmental management

Condition 4 of EL4458 required the licence holder to prevent or minimise so far as is reasonably practicable, any harm to the environment arising from the activities carried out under the licence. Condition 2 of the exploration activity approvals required the licence holder to carry out the activity in compliance with Part B of the Exploration code of practice: Environmental management.

The diamond drilling program on EL4458 was completed, and all drilling plant and equipment were removed from site. A downhole electromagnetic (DHEM) survey was in progress (Figure 1). A full assessment against the Exploration code of practice: Environmental management was not completed but the following observations were made:

- No evidence of environmental harm was observed at the sites visited during the site inspection. The sites were generally within the disturbance footprint of the historic Nymagee Mine.
- Some minor surface hydrocarbon staining was evident at 2 sites (Figure 2). Nymagee Resources staff said this would be remediated during rehabilitation.

- Noise monitoring was done for the holes drilled close to the Nymagee township. Noise monitoring records were maintained and available for review.
- Nymagee Resources exploration staff said above ground sumps were used for the diamond drilling program.
- No waste was observed at any of the sites inspected. A vacuum truck pumped out the above ground sumps with drilling fluids disposed of at the Hera Mine tailings dam.
- No weed issues were observed during the site inspection. Nymagee Resources implemented a weed and seed protocol. Weed and seed hygiene declarations were documented and maintained as records.
- Cultural heritage searches were completed for the application for assessable prospecting operations. Heritage surveys were completed in 2018, 2023 and 2025. Cultural awareness was included in the induction presentation for all staff and drillers.
- Nymagee Resources prepared a bushfire management plan with a trigger action response plan.

An environmental risk assessment was undertaken for the Nymagee Mine project. The risk assessment was aligned with the mandatory elements of the code of practice and documented controls to mitigate the risks identified. The risk assessment included a performance review for evaluating the effectiveness of controls.

Figure 1: Downhole EM survey in progress on hole NMD115



Figure 2: Minor oil staining next to holes NMD108 and 109



3.7. Security deposit

Condition 5 of EL4458 required the licence holder to provide a security deposit to secure funding for the fulfilment of obligations under the licence.

The security amount required for EL4458 was \$52,000, which department records confirmed was held. The drilling programs on EL4458 triggered an increase in security to the \$52,000 held.

3.8. Rehabilitation

Condition 6 of EL4458 required the licence holder to carry out rehabilitation of all disturbance caused by activities carried out under the licence in accordance with the requirements of the Exploration code of practice: Rehabilitation.

An assessment against the mandatory requirements of the code of practice was undertaken for the exploration activities as documented in the following sections.

3.8.1. Risk assessment

Mandatory requirement one required the licence holder to conduct a risk assessment to evaluate the range of potential threats and opportunities associated with rehabilitating disturbed areas to a condition that could support the intended final land use.

Nymagee Resources prepared a rehabilitation risk assessment for the Nymagee Mine project. The risk assessment included a range of risks associated with rehabilitation of exploration activities. Controls were documented for the risks identified. Nymagee Resources said the risk assessment was reviewed before each project. It was noted the risk assessment included a column for review of the performance of the controls at the completion of the project.

3.8.2. Rehabilitation objectives and completion criteria

Mandatory requirement 2 required the licence holder, no later than 14 days before the commencement of surface disturbing activities, to provide to the Secretary a copy of clear, specific, achievable and measurable rehabilitation objectives and completion criteria (ROCC). For higher risk prospecting operations, a rehabilitation management plan was required to be prepared and submitted with the rehabilitation objectives and completion criteria.

The exploration activity approval applications lodged by Nymagee Resources indicated the surface disturbance area was less than the 5-hectare threshold for a higher risk prospecting operation. The drilling program did not fall within the definition of a higher risk prospecting operation under the code of practice, and a rehabilitation management plan was not required to be developed.

ROCCs were documented as part of the application for assessable prospecting operations. It was noted that the ROCCs were generally based on the template provided in Appendix 2 of the code of practice. The ROCCs were included in the information pack for landholders.

3.8.3. Rehabilitation program

Mandatory requirement 3 required the licence holder to develop, implement and complete a rehabilitation program (which included a monitoring program) to rehabilitate disturbed areas to a condition that could support the intended final land use. Mandatory requirement 4 required the licence holder to commence rehabilitation of a site as soon as reasonably practicable following the completion of activities on that site.

Rehabilitation monitoring was generally done using a photographic record. Photographs before, during, and after drilling were noted to be maintained electronically for each site. The drilling program was completed in November 2025, but downhole surveys were in progress. Initial clean up and preliminary rehabilitation were in progress for holes where downhole surveys were not required.

This was consistent with the commitment to rehabilitate as soon as reasonably practicable after the completion of activities.

Nymagee Resources prepared and implemented a western region exploration rehabilitation procedure to provide a consistent approach to rehabilitation. Rehabilitation activities were documented on a drill hole management form. Nymagee Resources exploration staff said a seed collection and seedbank system were being established to provide resources for the rehabilitation programs. Typically, rehabilitation inspections were undertaken at 3, 6 and 12 monthly intervals.

It was noted rehabilitation of the sites inspected was not signed off as satisfactory by the Regulator. Nymagee Resources was intending to submit an application for sign-off for the drilling programs once monitoring confirmed the rehabilitation objectives and completion criteria were achieved. Nymagee Resources had an informal process for determining when sites were ready for rehabilitation sign-off. As a suggestion for improvement 2, Nymagee Resources should consider developing and implementing a process for assessing rehabilitation performance against the nominated objectives and completion criteria. This would provide a more robust framework for monitoring and evaluating rehabilitation progress.

3.9. Annual activity reporting

Section 163C of the *Mining Act 1992*, clause 59 of the Mining Regulation 2016 and condition 8 of EL4458 required the licence holder to submit an activity report annually within one calendar month following grant anniversary date. Annual activity reports were required to be prepared in accordance with the Exploration guideline: Annual activity reporting for prospecting titles.

During the audit scope period Nymagee Resources submitted annual activity reports comprising:

- an annual geological report
- an environmental rehabilitation and compliance report (ERCR).

Generally, reports were found to be in accordance with the NSW Resources and/or Resources Regulator templates and guidance material. It was noted the ERCR for the 2023-2024 reporting period was lodged late due to a misunderstanding with a change to the Regulator's portal. This was raised as non-compliance one. The Regulator sustained the non-compliance but resolved to take no further action.

The 2025 ERCR was lodged on time, indicating the non-compliance was rectified and Nymagee had processes in place to submit reports within the timeframes required.

3.10. Core and sample storage

Clause 65 of the Mining Regulation 2016 required the holder of an authority to, so far as is reasonably practicable, collect, retain and preserve:

- all drill cores remaining after sampling
- characteristic samples of the rock or strata encountered in any drill holes.

All core and samples collected were required to be labelled, stored and managed in a manner that preserved the integrity of the core or samples.

Core and chip sample storage was maintained at the Hera Mine core yard in Nymagee. Chip samples for reverse circulation and air core drilling were maintained in labelled plastic chip trays. These were stored in a shipping container in the core processing area.

Core was stored in plastic core trays. Each core tray was labelled with the hole number, the depth and core recovery data (Figure 3). Core trays were grouped by hole number and stored on plates in an open core yard (Figure 4). Nymagee Resources maintained a map showing the location of each hole in the core yard, and a spreadsheet listing each hole and its location. Nymagee Resources exploration staff said all core trays were photographed.

Figure 3: Example of core tray labelling



Figure 4: Open core storage yard



A core disposal request was submitted to NSW Resources in 2023. About 40 pallets of core were sent to the Londonderry core library with any remaining core in the disposal request disposed of in the Hera tailings dam.

3.11. Record keeping

Sections 163D and 163E of the *Mining Act 1992* related to creating and maintaining records required under the Act, the Regulations, or a condition of title. Records must be kept in a legible form for production to any inspector and must be maintained for 4 years after the expiry or cancellation of the title. Specific requirements for the types of records to be maintained for exploration activities were detailed in the mandatory requirements of the exploration codes of practice as follows:

- mandatory requirement 6 of the rehabilitation code of practice
- mandatory requirement 13.1 of the environmental management code of practice
- mandatory requirement 5 of the community consultation code of practice.

Records reviewed during the audit demonstrated that Nymagee Resources generally maintained records as required by the licence conditions and the exploration codes of practice. It was noted that relevant documents and records were readily retrievable upon request.

Examples of records reviewed included:

- land access agreements
- GIS mapping

- environmental and rehabilitation risk assessments
- environmental incident reports
- assessable prospecting operations approval and associated documentation
- pre, during and post drilling photos
- drill site environmental monitoring sheets
- drill hole plans
- drill rig site inspections
- noise monitoring records
- weed and seed hygiene declarations
- bushfire management plan
- rehabilitation objectives and completion criteria
- community consultation risk assessment
- community consultation strategy
- community consultation records
- community consultation reports
- annual activity reporting
- core and sample storage maps and photography.

4. Compliance management

4.1. Identifying compliance obligations

Identifying compliance obligations is a critical step in the development of an effective compliance management system. Compliance obligations for an exploration project can include:

- regulatory requirements (for example, the *Mining Act 1992*)
- conditions imposed on the grant, renewal, or transfer of exploration licences
- exploration activity approvals
- exploration codes of practice
- specific commitments made by the organisation (for example, commitments made in the approved exploration activity application).

Once identified, compliance obligations should be reviewed periodically to identify any changes in those obligations (for example, changes in legislation).

The Nymagee Resources exploration staff generally had a good understanding of the compliance requirements for exploration. Systems and processes for managing compliance requirements were generally developed and implemented. For example, Nymagee Resources developed a drill site environmental monitoring sheet which was used for each hole to record relevant details including:

- notifications and approval status
- waste management records
- details of pre, during and post drilling photos taken
- records of rehabilitation methodologies used.

It was noted records were generally maintained to demonstrate compliance.

4.2. Contractor management

Contractors are often used to undertake specialist tasks, for example, exploration drilling. While the responsibility for compliance or the implementation of environmental controls is often passed to the contractor, the licence holder will retain accountability for compliance with its licence conditions and other compliance obligations. It is important that the licence holder exercises management control of its contractors by specifying contract requirements, providing oversight of contracted works, and evaluating the performance of the contractor during the contracted works.

Nymagee Resources used contract drillers for the drilling programs. Drilling was completed at the time of the audit. A full review of contractor management activities was not undertaken but the following observations were made:

- Nymagee Resources exploration staff were generally on site during the drilling operations to supervise the drilling contractor.
- A driller onboarding session and project specific induction was done for each drilling program.
- Drillers were provided with a drill hole plan for each hole to be drilled.

4.3. Inspections, monitoring and evaluation

An effective inspection, monitoring and evaluation process is required to:

- monitor the implementation of the risk controls
- evaluate the effectiveness of those controls based on an assessment of inspection and monitoring data
- implement an adaptive management approach if monitoring shows that controls may be ineffective.

Nymagee Resources exploration staff established an inspection and monitoring process that was suitable for the nature of the exploration operations being conducted. These processes were noted to include inspection of drill sites and rehabilitation to confirm works were completed in accordance with the controls identified in the risk assessments.

Exploration staff said the process for checking the implementation and effectiveness of controls was documented and recorded during a review of the risk assessments at the end of each program.

5. Audit conclusions

From the evidence reviewed during the audit and observations made on site during the site inspection, it was concluded the exploration operations undertaken by Nymagee Resources were well managed. Evidence was available to demonstrate systems and processes were developed to identify and manage compliance requirements. It was observed that records were being maintained as required to demonstrate compliance.

Nymagee Resources were compliant with the requirements of the exploration licence, exploration activity approvals and the exploration codes of practice, for the elements reviewed during the audit. One non-compliance was identified during the audit as summarised in Table 2. The Regulator sustained the non-compliance but resolved to take no further action.

Two suggestions for improvement were identified as summarised in Table 3.

Table 2: Summary of non-compliances

Non-compliance number	Description of issue	Recommendation
1	It was noted the ERCR for the 2023-2024 reporting period was lodged late due to a misunderstanding with a change to the Regulator’s portal.	No further action was required. The 2025 ERCR was lodged on time, indicating the non-compliance was rectified and Nymagee had processes in place to submit reports within the timeframes required.

Table 3: Summary of suggestions for improvement

Suggestion for improvement number	Description of issue
1	Nymagee Resources should consider reviewing the community consultation strategy to include a process and triggers for the review and update of the strategy as required.
2	Nymagee Resources should consider developing and implementing a process for assessing rehabilitation performance against the nominated objectives and completion criteria. This would provide a more robust framework for monitoring and evaluating rehabilitation progress.