

Memorandum of Understanding on the regulation of gas activities in NSW

1. Introduction

- 1.1 On 1 July 2015, the EPA began a new role as lead regulator for compliance with and enforcement of conditions of gas activity instruments (EPA gas functions) in NSW. This is a key element of the NSW Gas Plan that was released in November 2014. The legislation commenced on 1 December 2015.
- 1.2 Compliance and enforcement of conditions of petroleum titles that solely relate to work health and safety will continue to be the responsibility of the DRE, given it aligns with its existing responsibility to look after work health and safety for mine sites. Therefore, work health and safety conditions on petroleum titles will not be regulated by the EPA.
- 1.3 The legislative amendments to the POEO Act supports the EPA in being a 'one stop shop' for the community should they have any concerns about the regulation of conditions of gas activity instruments in NSW.
- 1.4 This Memorandum of Understanding sets out the agreed administrative arrangements for how the EPA will carry out its gas functions. The EPA and DRE will undertake a dual regulatory approach to conditions of petroleum titles that relate to both work health and safety and non-work health and safety aspects by co-ordinating their compliance monitoring, incident response and investigation activities.
- 1.5 The Memorandum of Understanding replaces the *Memorandum of Understanding: Collaborative working arrangements in relation to the regulation of petroleum activities*.

2 Interpretation

- 2.1 Except insofar as the context or subject matter otherwise indicates or requires, the terms used in this Memorandum of Understanding have the following meanings:

Bore licence means a bore licence in force under the *Water Act 1912* in respect of a gas activity in NSW

Code of Practice means an approved code of practice gazetted under s. 274 of the *Work Health and Safety Act 2011* that apply generally to mining workplaces

Petroleum code means a code of practice enforced through a condition of title under the *Petroleum (Onshore) Act 1991* that may be amended from time to time

DPE means the Department of Planning and Environment

DPI Water means the Water Division within the Department of Primary Industries, Department of Industry, Skills and Regional Development

DRE means the Division of Resources and Energy within the Department of Industry, Skills and Regional Development

EPL or environment protection licence means an environment protection licence as defined under the *Protection of the Environment Operations Act 1997*

EPA means the Environment Protection Authority constituted under the *Protection of the Environment Administration Act 1991*.

EPA gas function means the regulation by the EPA of compliance with and enforcement of conditions of gas activity instruments, but does not include work health and safety conditions on petroleum titles.

Gas means "petroleum" as that term is defined in the *Petroleum (Onshore) Act 1991*.

Gas activity means an activity that relates to the exploration for, or production of, gas in NSW as it relates to a 'gas activity instrument' (see below).

Gas activity instrument means a petroleum title, planning consent or water licence.

Modification application means an application for modification of a development consent referred to in s. 96 of the *Environmental Planning and Assessment Act 1979* or under section 75W of Part 3A of the *Environmental Planning and Assessment Act 1979* insofar as it continues to apply

Petroleum title means an exploration licence, assessment lease, production lease or special prospecting authority in force under the *Petroleum (Onshore) Act 1991* in respect of a gas activity in NSW

Planning consent means an approval or development consent in relation to a gas activity under Part 3A (insofar as it continues to apply), Part 4 or Part 5 of the *Environmental Planning and Assessment Act 1979* to carry out development and includes, unless expressly excluded, a complying development certificate

Resource and Land Use Chief Executive Officers group means the regular (approximately 6 weekly) meetings of the Chief Executive Officers (or equivalent) of the Department of Industry, Skills and Regional Development (including the Department of Primary Industries and the Division of Resources and Energy), the Department of Planning and Environment, the Office of Environment and Heritage, the Environment Protection Authority, NSW Treasury and the Department of Premier and Cabinet.

State significant development application means an application referred to in Div. 4.1 of Pt. 4 of the *Environmental Planning and Assessment Act 1979*

Water access licence means a water access licence in force under the *Water Management Act 2000* in respect of a gas activity in NSW

Water licence means a water access licence or a bore licence

Well means a hole made by drilling in connection with exploration for petroleum or operations for the recovery of petroleum, but does not include a seismic shot hole

Work health and safety in relation to a condition of a petroleum title means a condition which addresses one or more of the requirements of the *Work Health and Safety Act 2011*.

Work Program means the approved work program of a petroleum title

2.2 In this Memorandum of Understanding:

- a) a reference to particular legislation is a reference to the legislation, as amended from time to time.

3 Parties

3.1 The Parties to the Memorandum of Understanding are:

- a) the EPA;
- b) DRE;
- c) DPE; and
- d) DPI Water.

Drafting note

This MoU was drafted prior to the 1 July 2016 establishment of the Resources Regulator (RR) within the Department of Industry.

Since 1 July 2016, the RR has been responsible for compliance and enforcement functions that were previously part of the Division of Resources and Energy (DRE).

This machinery change within the Department of Industry will not materially impact the operation of the MoU. The change does not impact the principles agreed by the parties, or the objectives and the intended effect of the MoU.

The MoU will be updated in due to course to reflect the establishment of the RR.

4 Objectives and effect of the MOU

- 4.1 The Memorandum of Understanding will support the community and industry to understand and navigate the Government's regulatory framework for gas activities.
- 4.2 This Memorandum of Understanding is not intended to create a legally binding agreement between the Parties. In particular, nothing in this Memorandum of Understanding is intended to confer or impose any legal rights, duties or liabilities on any Party, and the provisions of this Memorandum of Understanding are subject to any relevant statutory provisions.

5 Agency responsibilities for regulating gas activities

- 5.1 To facilitate effective, transparent and efficient regulation of gas activities, the Memorandum of Understanding sets out the responsibilities of the Parties in the regulation of gas activities and establishes systems and processes to support them to perform these roles effectively and seamlessly. The flowchart at **Schedule A** illustrates the process in which the Parties work together.

Environment Protection Authority

5.2 The EPA is the lead regulator for gas functions.

5.3 The EPA's key gas functions are to:

- a) issue and regulate environment protection licences for gas activities;
- b) undertake compliance and enforcement action of planning consents under the *Environmental Planning and Assessment Act 1979* in respect of gas activities;
- c) assess compliance with and undertaking enforcement of conditions of a petroleum title issued under the *Petroleum (Onshore) Act 1991*;
- d) undertake compliance and enforcement action under the *Water Management Act 2000*, comprising:
 - i. assessing compliance with and undertaking enforcement of conditions of a water access licence;
 - ii. regulating offences for the carrying out of a gas activity without the appropriate water access licence; and
 - iii. assessing compliance with and undertaking enforcement for water use approvals, water supply work approvals where linked to relevant water access licences.
- e) undertake compliance and enforcement action related to bore licences (although bores licensed for the purpose of groundwater monitoring or investigation under the *Water Act 1912* will remain the primary regulatory responsibility of DPI Water).

5.4 The EPA is not responsible for:

- a) administration (including approval, renewal, suspension and cancellation) of petroleum titles, water licences or planning consents, but will provide expert environmental and regulatory advice to DRE and DPE respectively to support environmental assessment and determination processes consistently with its statutory functions;
- b) assessing compliance with and undertaking enforcement of conditions of petroleum titles that relate to work health and safety, which will continue to be regulated by DRE (further detail about how DRE and the EPA will undertake a dual regulatory model is at **Schedule B**);
- c) collecting or returning rehabilitation security bonds after well closure which will continue to be determined by DRE (although DRE will not release any final security bonds without first seeking a recommendation from the EPA); and

- d) compliance and enforcement functions in relation to gas pipelines that are not subject to environment protection licences, for example, licences granted under the *Pipelines Act 1967* or the *Gas Supply Act 1996*.

Division of Resources and Energy

5.5 DRE is responsible for administering petroleum titles under the *Petroleum (Onshore) Act 1991* which includes approval, renewal, suspension and cancellation of titles and associated processes.

5.6 DRE's key functions in relation to gas regulation are to:

- a) provide advice and recommendations to the Minister for Industry, Energy and Resources (or his or her delegate) in relation to:
 - i. granting, renewal, suspension and cancellation of a petroleum title;
 - ii. imposing or varying the conditions of a petroleum title;
 - iii. Part 5 approvals associated with petroleum titles;
 - iv. developing and gazetting Codes of Practice and petroleum codes; and
 - v. varying work programs of a petroleum title from time to time as required;
- b) undertake assessment and determination of applications and related documentation to inform the advice and recommendations to the Minister or his/her delegate above in cl. 5.6 a);
- c) assess titleholders' reporting that is required under their title, to understand their effectiveness and efficiency;
- d) refer any information about suspected or actual non-compliance with the conditions of a petroleum title to the EPA for consideration of appropriate compliance and enforcement action;
- e) set rehabilitation conditions in all petroleum titles. DRE is solely responsible for setting rehabilitation conditions for exploration titles. With respect to petroleum production titles, DRE sets rehabilitation conditions that are consistent with the development consent.
- f) make final determination on the collection and return of security bonds, noting that DRE will not release any final security bonds without first consulting with the EPA;
- g) provide information and expert advice to the EPA to support compliance and enforcement of the conditions of a petroleum title, excluding work health and safety conditions; and

- h) assess compliance with and undertaking enforcement of conditions of a petroleum title that relate to work health and safety (refer to **Schedule B** for further detail about how DRE and the EPA will undertake a dual regulatory model).

Department of Planning and Environment

5.7 DPE is responsible for the administration of the *Environmental Planning and Assessment Act 1979* and various environmental planning instruments including the *State Environment Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

5.8 DPE's key functions in relation to gas regulation are to:

- a) undertake the environmental assessment of State significant development applications and modification applications for gas activities;
- b) provide recommendations to the Minister for Planning or his/her delegate, to allow the determination of State significant development applications and modification applications, including imposition of conditions. This includes conditions relating to rehabilitation, which include rehabilitation objectives and requirements for both rehabilitation management plans and progressive rehabilitation;
- c) provide information and expert advice to the EPA to support compliance and enforcement of conditions attached to a planning consent; and
- d) refer any information about suspected or actual non-compliance with the conditions of a planning consent to the EPA for consideration of appropriate compliance and enforcement action.

DPI Water

5.9 DPI Water is responsible for overall management of surface and groundwater in NSW, including the administration of the *Water Act 1912* and *Water Management Act 2000*.

5.10 DPI Water's key functions in relation to gas regulation are to:

- a) issue water access licences and other approvals related to water supply and water use;
- b) provide advice and recommendations to the Minister for Lands and Water on granting, renewal, suspension and cancellation of Water Access Licences and other approvals;
- c) provide expert advice on water resources to DRE, DPE and EPA to support environmental assessment and determination processes;
- d) provide information and expert advice to the EPA to support compliance and enforcement of conditions of water licences; and

- e) refer any information about suspected or actual non-compliance with the conditions of a water licence to the EPA for consideration of appropriate compliance and enforcement action.

5.11 DPI Water also has primary responsibility for bores licensed for the purpose of groundwater monitoring or investigation under the Water Act 1912 (see 5.3 (e)).

6. Principles for working together

- 6.1 All Parties agree to a whole of government approach to facilitate transparent and efficient regulation of gas activities.
- 6.2 To support this approach, the Parties will, insofar as permitted by legislation:
 - a) maximise the use of expert knowledge and experience across Government by sharing information and specialist and technical advice with all Parties to assist all to carry out the responsibilities set out in this Memorandum of Understanding;
 - b) maintain interagency relationships to ensure timely and effective consultation and open communication;
 - c) consider advice provided by another agency, where relevant and appropriate, as part of any decision making process;
 - d) work together to minimise duplication and overlap, including in relation to conditions of instruments, reporting on those instruments and investigations, audits and inspections; and
 - e) collaboratively engage with the community and industry in a unified fashion to ensure clear and consistent communication and stakeholder engagement.
- 6.3 All Parties agree to notify each other of any proposal to introduce new or amended policies or material (e.g. policies, guidelines, petroleum codes, Acts or regulations) or structural or organisational change that will substantially impact on the regulation of gas activities, and to consult on any such proposals.
- 6.4 In relation to regulatory activities where reviewing or approving relevant plans and reports continue to be responsibility of the consent authority, all Parties agree to notify the EPA of any implications for compliance, and provide a copy to the EPA for review on request.

7. Interagency systems and processes to support collaboration

- 7.1 The Parties will work together to achieve the responsibilities described in this Memorandum of Understanding, including by implementing the systems and processes to support collaboration described in this clause.

Developing standard conditions

- 7.2 In consultation with relevant Parties, Parties will work together to develop standard conditions for gas activity instruments (excluding EPLs and water access licences given they largely contain mandatory conditions).
- 7.3 The Parties will consult and seek advice from the EPA on the standard conditions to ensure they are practical, reasonable and enforceable, and make best efforts to agree standard conditions with the EPA (except work health and safety conditions).
- 7.4 Where appropriate, and subject to applicable statutory and common law requirements, including the requirement to ensure that the merits of a particular application for an instrument are considered, the Parties will consider applying the standard conditions to new instruments and, where possible and consistent with these requirements, consider updating existing instruments to reflect the standard conditions.
- 7.5 Where relevant and appropriate having regard to applicable statutory and common law requirements, the Parties will consult with the EPA in relation to any proposal to:
- a) deviate from the standard conditions in relation to a particular project, or
 - b) vary the standard conditions.

This consultation process will include an opportunity for the EPA to provide advice regarding the amendment or deviation and for the EPA to review any proposed amendment or deviation to ensure that, where relevant, its advice has been considered, and that it is enforceable.

- 7.6 The Parties are to review the standard conditions and petroleum codes 12 months after implementation to ensure their effectiveness, and from then on as required.

Streamlining existing conditions

- 7.7 The Parties will work together to identify and reduce duplication of conditions across approvals.
- 7.8 Where possible and consistently with statutory and common law requirements, the Parties will remove or amend duplicative conditions in gas activity instruments to increase efficiency and effectiveness in regulation.

Notification

- 7.9 The Parties will notify the EPA within 7 working days of:
- a) the receipt of an application for a gas activity instrument (or a modification application); and
 - b) the determination of such an application.
- 7.10 The Parties will notify the EPA within 7 working days of modification of any gas activity instruments.
- 7.11 The Parties will notify the EPA as soon as reasonably practicable after detection of a potential breach of a condition of a gas activity instrument or the receipt of information about a complaint on a compliance related incident concerning a gas activity.
- 7.12 The EPA will notify Parties as soon as reasonably practicable of a potential incident concerning a gas activity, or a potential breach of a condition of a gas activity instrument where it can be reasonably expected that the jurisdiction of one or more of the other parties may be involved.
- 7.13 In the course of an EPA investigation into an incident concerning a gas activity or potential breach of a condition of a gas activity instrument, the EPA will provide updates at monthly Gas Working Group meetings (primary NSW Government interagency forum for consideration of gas issues).
- 7.14 The EPA will provide written findings of an investigation into an incident concerning a gas activity or potential breach of a condition of a gas activity instrument to the Minister for Industry, Resources and Energy and any other relevant Minister at the Minister's written request for information.
- 7.15 The EPA will provide written findings of an investigation into an incident concerning a gas activity or potential breach of a condition of a gas activity instrument to the relevant MoU Party as soon as reasonably practicable after its investigation is finalised and any legal action has been instigated or completed and any statutory appeal period has expired.

Public Communication

- 7.16 The EPA Environment Line 131 555 is the one stop shop for any gas exploration and production, and compliance issues. A member of the EPA Gas Regulation Branch will talk you through the process and discuss any issues you may have. The EPA will triage the issues and seek input, or lead other agencies as appropriate to the subject matter.
- 7.17 The EPA will lead all public communications on compliance and enforcement actions in relation to gas activities in NSW for non- work health safety matters.

- 7.18 DRE, DPE, DPI Water and other agencies will lead communications on any matter to do with their legislative frameworks.
- 7.19 All parties will consult with one another to ensure unified messaging on gas activity is disseminated to the community.
- 7.20 The Parties will consult with one another on the development of policies, petroleum codes and other guidance material that relates to, or provides advice regarding compliance and enforcement actions or requirements in relation to a gas activity.
- 7.21 All Parties note that geological expenditure and other information will be kept confidential in accordance with Part 13 of the *Petroleum (Onshore) Act 1999*.
- 7.22 Any disputes in relation to which party will lead on public communications will be resolved by the Executives of the disputing parties.

Determination and regulatory response

- 7.23 The EPA will make an independent determination of the appropriate regulatory response for any alleged non-compliance with a condition of a gas activity instrument, for example, a penalty notice or prosecution.
- 7.24 The EPA's *Compliance Policy* and the *EPA Prosecution Guidelines* outlines the regulatory tools available to the EPA, providing basis on which regulatory responses are used and how regulatory actions are taken.
- 7.25 Where appropriate, the EPA will consult with the relevant MoU Party prior to making a determination on its regulatory response to the alleged non-compliance.
- 7.26 Not more than one Party will issue a penalty notice or institute proceedings against a proponent for the same offence. This is to ensure that a title-holder is not penalised twice for the same offence.
- 7.27 The statutory power to suspend or cancel a petroleum title will continue to be exercised by the Minister for Industry, Resources and Energy.
- 7.28 The EPA will provide timely advice to the Minister for Industry, Resources and Energy (or Minister's delegate) at the Minister's written request to inform the Minister's decision whether to exercise the powers referred to in 7.26 in response to a breach of a condition of a petroleum title.
- 7.29 The statutory power to modify, suspend or revoke a planning consent will continue to be exercised by the Minister for Planning.
- 7.30 The EPA will provide advice to the Minister for Planning (or Minister's delegate) as soon as reasonably practicable at the Minister's written request to inform the Minister's decision whether

to exercise the powers referred to in 7.28 in response to a breach of a condition of a planning consent.

- 7.31 The statutory power to suspend or cancel a water licence will continue to be exercised by the Minister for Lands and Water.
- 7.32 The EPA will provide timely advice to the Minister for Lands and Water (or Minister's delegate) at the Minister's written request to inform the Minister's decision whether to exercise the powers referred to in 7.30 in response to a breach of a condition of a water licence.

Sharing expertise and resources

- 7.33 All Parties will continue to provide timely expert advice to the EPA to assist with compliance and enforcement activities in relation to gas activities. Key resources and information systems of the Parties to which the EPA will need access are listed in **Schedule C**.
- 7.34 It is imperative that the Parties provide the EPA with timely access to agency information and systems necessary to support compliance and enforcement action in relation to gas activities, subject to any legal requirements. Relevant information and systems are listed at **Schedule C**.
- 7.35 If the EPA determines that the activity does not fall within the scope of the EPA gas functions the EPA will refer it in writing to the relevant Party along with any relevant evidence collected subject to any legal requirements.
- 7.36 If another Party is undertaking an investigation and subsequently finds it falls within the EPA gas functions, the Party will refer it to the EPA in writing along with any relevant evidence collected subject to any legal requirements.
- 7.37 The Parties commit to provide formal training for the EPA on the relevant powers and provisions of their respective legislative regimes.
- 7.38 The EPA is also encouraged to consult with the Parties on the technical application of these powers and provisions, without limiting the independence of the EPA.
- 7.39 The Parties commit to provide briefings to one another on their emergency response protocols.

8 Dispute resolution

- 8.1 The EPA will make independent decisions in relation to its compliance and enforcement role for gas activities. However, disputes between the Parties may arise in relation to the implementation of this Memorandum of Understanding. This section therefore refers to dispute resolution about the operation of this Memorandum of Understanding, rather than compliance and enforcement decisions.

- 8.2 Parties will endeavour to resolve any dispute expeditiously, taking steps by mutual agreement, using the following procedure:
- a) the nominated officers of the relevant Parties discuss the dispute;
 - b) if the dispute is not resolved, the nominated senior officers of the relevant Parties will discuss the dispute within 14 days of the original officer level discussion. If necessary, this discussion may involve the Chief Executive Officer or Secretary of the Parties, as applicable.
 - c) If the dispute is not resolved, the discussion is escalated to the Resource and Land Use Chief Executive Officers group.
- 8.3 The nominated officers and senior officers of the Parties are listed at **Schedule D**.

9 Review

- 9.1 The Parties will review and update the Memorandum of Understanding within two years of the date signed.

10 Termination

- 10.1 The Memorandum of Understanding may be terminated at any time by the agreement of all Parties or after any Party gives 3 months' notice of intention to terminate.

11 Schedules

Schedule A: Flow chart

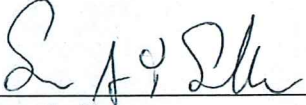
Schedule B: Dual regulation by the EPA and DRE in relation to the work, health and safety conditions of petroleum titles

Schedule C: Parties' resources and information systems

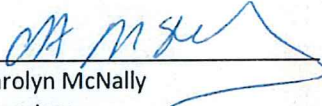
Schedule D: Dispute resolution and nominated officers and senior officers

12 Agreement

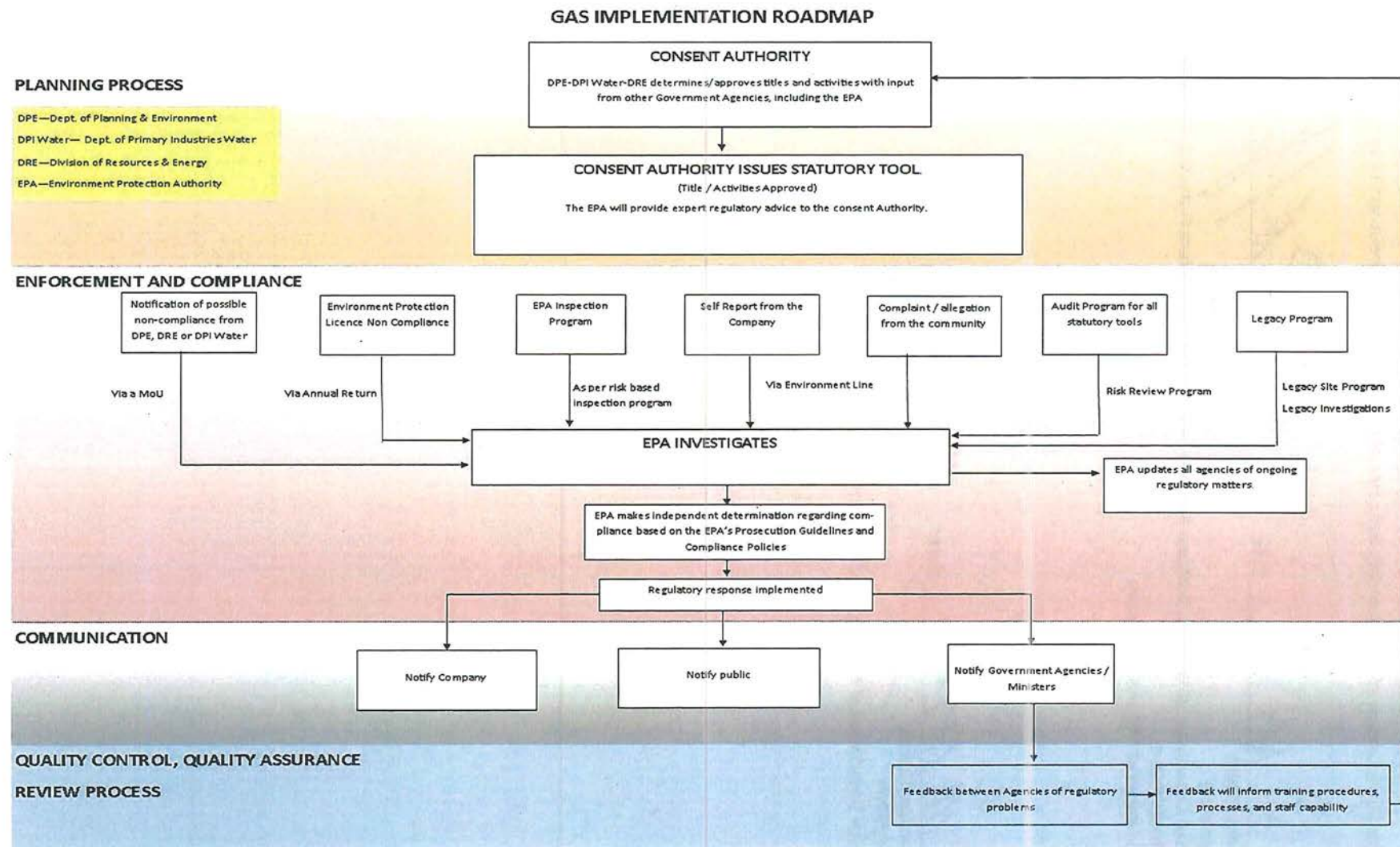
This Memorandum of Understanding and commencing schedules have been agreed by the undersigned.

 Date: _____
Simon Smith
Secretary
NSW Department of Industry, Skills and Regional
Development
(on behalf of DRE and DPI Water)

 Date: 13/7/16
Barry Buffier
Chair and CEO
NSW Environment Protection Authority

 Date: 29.7.16
Carolyn McNally
Secretary
NSW Department of Planning and Environment

Schedule A: Flow chart



Schedule B: Dual regulation by the EPA and DRE in relation to the work, health and safety conditions of petroleum titles

DRE is responsible for safe petroleum and mining worksites under national and State legislation and therefore takes responsibility for compliance and enforcement of conditions of a petroleum title in respect of a gas activity relating to work health and safety. Work health and safety is defined by the objects under the *Work Health Safety Act 2011* and includes the conditions of petroleum titles which address one or more of the requirements under the *Work Health and Safety Act 2011*.

The EPA is responsible for all compliance and enforcement of all other conditions of a petroleum title in respect of a gas activity, including conditions related to the environment, protection of the resource, and the installation and operation of engineering infrastructure.

The EPA and DRE recognise that whilst many engineering standards are designed primarily for human safety, they also contribute to the management and protection of the environment and the resource. This requires a dual regulatory model addressing both 'work health and safety' and 'non-work health and safety' conditions.

To implement an effective and efficient dual regulatory model for work health and safety, the EPA and DRE agree to the following principles:

Compliance activities

DRE and EPA will coordinate their respective compliance activities and work together in a streamlined way in regulating petroleum titles in respect of a gas activity. This will be achieved through co-ordinated proactive joint visits, audits, and sharing of information where legally permissible.

Incidents

DRE and the EPA will work together to manage any incident concerning a gas activity. To support such an approach, DRE and EPA will undertake training in each other's incident response protocols. Incident management will be consistent with the NSW State Emergency Management Plan.

Investigations

Given DRE is the designated work health and safety regulator for mining in NSW, DRE will take the lead for any investigation of work health and safety requirements at the business or undertaking.

In recognition of the fact that safety incidents may well have environmental and other impacts, DRE will advise the EPA of any work health and safety incident related to a petroleum title concerning a gas activity as soon as reasonably practicable after the DRE becomes aware of this. While work health and safety investigations have priority, the EPA is not limited or prevented from investigating other matters in accordance with the Memorandum of Understanding.

As the lead regulator for all conditions of a petroleum title in relation to a gas activity other than work health and safety, the EPA will take the lead in all investigations other than those which have work health and safety consequences at the business or undertaking.

In recognition that the EPA may receive information about work health and safety incidents, the EPA will advise DRE of any work health and safety incident related to a petroleum title as soon as reasonably practicable after the EPA becomes aware of this.

Schedule C: Parties' resources and information systems

Contacts and resources which Parties will need to draw on, including transitional and ongoing access

Agency	Expertise or advice required	Process to access resource
EPA	Compliance and Enforcement Past compliance and activity history Operations and programs	Email: gas.reg@epa.nsw.gov.au
DRE	Geological Survey Past compliance and Activity history Geological advice Titles Administration advice Operations and Programs Compliance and Enforcement	Standard request and response forms - a formal data handshake package Advice/data request template developed by DRE for 2 way communication and data exchange between agencies Email requests to: dre.compliance@industry.nsw.gov.au
DPE	Project application information and advice Project modification information and advice Determination of gas activity and modification applications Post-approval consent condition advice	Email contact – compliance@planning.nsw.gov.au
DPI Water	Groundwater Management Team - Hydrogeological advice Water licensing or compliance advice	Email detailed request marked attention to "Principal Hydrogeologist" to water.enquiries@dpi.nsw.gov.au . An advice request template is available and may help reduce turnaround times. Email request marked attention to "Water Regulation" to water.enquiries@dpi.nsw.gov.au , or phone 1800 353 104

List of information systems that the Parties will need to access

Agency	Information system	Level/method of access	Contact person
EPA	Licensing Management System Investigation Information	Environment Protection Licence Information and Compliance history Information can be freely accessed via the EPA's public register at http://www.epa.nsw.gov.au/publicregister/	Email detailed request to the EPA Email: gas.reg@epa.nsw.gov.au
DRE	Titles information (including Activity approvals, pending applications etc.) Reports by titleholders Records of previous compliance action in relation to petroleum titles GIS database information, including state reserves mapping, location of titles/approvals/wells	Information on petroleum titles is accessible, including relevant recent decisions and locations of wells, on the publicly accessible Common Ground platform http://www.commonground.nsw.gov.au/ Confidential and investigation specific information, including relevant reports prepared by DRE, will be provided through a cloud based platform for other parties to access (noting legal professional privilege).	Email detailed request to DRE dedicated email address for management of this MOU

DPE	<p>Current Project Applications</p> <p>Current Project Modifications</p> <p>Determinations</p> <p>Compliance action taken</p>	<p>Access is available via the Department of Planning and Environment website.</p> <p>http://majorprojects.planning.nsw.gov.au/Access to archived or other specific project information can be provided on request within the timeframes guided by the notifications process outlined in this MOU.</p> <p>Materials required in a shorter timeframe will be negotiated between parties.</p>	<p>Direct request via email to Executive Director, Resource Assessments and Compliance</p>
DPI Water	<p>List of existing WALs and other approvals</p> <p>Records of previous compliance action</p> <p>Pending approvals/applications</p> <p>Spatial and other monitoring data</p>	<p>Static register maintained with EPA, and notification of new or changed as per notification procedures.</p> <p>Advice and updates as required from DPI Water.</p> <p>Direct access through existing web services</p>	<p>Email detailed request to water.enquiries@dpi.nsw.gov.au</p>

Schedule D – Dispute resolution

Dispute resolution escalation nominees

	Nominated officers	Nominated senior officers
EPA	Director Gas Regulation	Chief Environmental Regulator
DPI Water	Director, Monitoring & Investigation Branch (or Director, Water Regulation once DPI Water's new structure takes effect)	Deputy Commissioner, Water Regulation Group (or Deputy Director General – DPI Water once DPI Water's new structure takes effect)
DRE	Director Strategic Compliance Unit	Executive Director, Compliance & Enforcement
DPE	Director, Compliance	Executive Director, Resource Assessments and Compliance