



Independent Environmental Audit 2023

Vickery Coal Mine

07 August 2023

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07 August 2023

Independent Environmental Audit 2023

Vickery Coal Mine



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EXECUTIVE SUMMARY

Environmental Resources Management Australia Pty Ltd (ERM) was commissioned to perform an Independent Environmental Audit (IEA) of the Vickery Extension Project (VEP) on behalf of Whitehaven Coal Limited ('WHC'). The primary purpose of the audit was to satisfy the Department of Planning and Environment (DPE) Ministers' Conditions of Approval (CoA) Development Consent number SSD 7480-2020, which requires completion of an independent audit within 1 year from the date of commencement under the Development Consent. The audit period assessed in this IEA is 28th April 2022 (date of commencement of development) to 14th June 2023 (ERM was commissioned to undertake the IEA on 20 April 2023, with the audit commencing with a kick-off meeting on 10th May 2023 and the site visit occurring on 14 June 2023). The scope of the audit was agreed following discussion between Scott Mitchell of WHC and DPE.

The audit included a review of:

- DPE, Ministers Conditions of Approval Development Consent SSD 7480-2020;
- Mining Leases – ML1464, ML1471, ML1718, ML1838 and CL316;
- Environment Protection Licence – EPL 21283;
- Water Access Licences – WAL 12651 & WAL 12653; and
- Implementation of Management Plans developed as part of the Ministers' Conditions of Approval.

Activities on site during the audit period have primarily been related to exploration and geotechnical assessment works.

A qualitative risk assessment was also completed on the findings, consistent with AS/NZS ISO31000:2018 and as described in the Department of Planning & Environment publication "Post Approval Requirements – Independent Audit" issued May 2020. The number of non-conformances with the statutory conditions and implementation of the management plans is summarised in *Table E.1* below.

Table E.1 Summary of Audit Findings

Review	Non-compliances (NC)
Statutory Instruments	Nil
Implementation of Plans	Nil

1. INTRODUCTION

Environmental Resources Management Australia Pty Ltd (ERM) was commissioned to perform an Independent Environmental Audit (IEA) of the Vickery Extension Project (VEP) on behalf of Vickery Coal Pty Ltd, a wholly owned subsidiary of Whitehaven Coal Limited ('WHC'). The primary purpose of the audit was to satisfy the Department of Planning and Environment (DPE) Ministers' Conditions of Approval (CoA) Development Consent number SSD 7480-2020, which requires completion of an independent audit 1 year from the date of commencement of development under the consent. The audit period assessed in this IEA is 28th April 2022 to 14th June 2023 (the date of the audit site visit). The scope of the audit was agreed following discussion between Scott Mitchell of WHC and DPE.

The audit must:

- be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
- be consistent with ISO 19011:2002 – Guidelines for Quality and/or Environmental Systems auditing, or equivalent updated versions of these guidelines;
- assess the environmental performance of the development, and its effects on the surrounding environment;
- assess whether the development is complying with the relevant standards, performance measures and statutory requirements;
- review the adequacy of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; and
- if necessary, recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems.

The Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

1.1 Overview of Operations and Approvals

The Vickery Extension Project was approved by the Independent Planning Commission of NSW under Development Consent SSD 7480 on 12th August 2020 and by the Federal Environment Minister in September 2021. No modifications have been issued following the approval.

The Vickery Extension Project lies within mining leases (MLs) 1464, 1471, 1718, 1838 and CL316. The mine is wholly owned and managed by Whitehaven Coal.

Activities carried out at the site during the audit period comprise exploration and geotechnical assessments, including maintenance of access tracks, inspections, environmental monitoring and pest control.

Commencement of development occurred on 28 April 2022 following notification to DPIE on 31 March 2022. ERM was commissioned to undertake the IEA on 20 April 2023, with site visit occurring on 14 June 2023.

WHC commenced construction on the 8th of May 2023 following notification to the DPE on the 28th of April 2023.

No mining was conducted at the site during the audit period.

1.2 Audit Team

The audit was undertaken by:

- Andrew Lewis – Lead Auditor; and
- Sophie Barkla – Support Auditor.

1.3 Audit Objectives

The primary objectives of the audit included:

- assess the environmental performance of the project and assess whether it is complying with the requirements in the CoA and any relevant EPL or Mining Lease and Water Access Licences (including any assessment, plan or program required under these approvals);
- review the adequacy of any approved strategy, plan, or program required under the abovementioned consents/approvals; and
- recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.

1.4 Audit Scope

The scope of works in order to complete the Audit includes the following:

- the audit was carried out in accordance with DPE's Guidelines for Independent Audits (2020);
- the audit was carried out in accordance with AS/NZS ISO 19011:2019: Guidelines for quality and/or environmental management systems auditing;
- review of compliance against the documentation identified in the CoA (as it relates to the current activities of the Vickery Mine Extension) which included:
 - document review of compliance against the CoA, statement of commitments, and any other relevant consents/approvals;
 - site inspection to assess compliance against field implementation of active CoA;
 - review of supporting plans developed as part of the CoA and assessment of their adequacy towards effective environmental performance;
- review of monitoring results and trends with comparison of monitoring results against regulatory limits and CoA limits (where applicable);
- community complaints with review completed for any trends and identifying the source of an established trend;
- review of any regulatory actions including any letters, penalty notices and prosecutions;
- review of previous Independent Environment Report audit report to verify close-out of actions;
- consultation with the relevant agencies such as Department of Planning and Environment (DPE) (various divisions: planning and post approvals, compliance, water, resources, biodiversity and conservation), Environment Protection Authority (EPA), Gunnedah Shire Council (GSC), Narrabri Shire Council (NSC) and Community Consultative Committee (CCC);
- draft report (this report) with results of compliance assessment issued for comment to Whitehaven Coal; and
- final report issued for submission to the DPE.

The audit covers the period from commencement of development (28th April 2022) to 14th June 2023 and is limited to assessing the activities completed during the audit period.

1.5 Audit Criteria

The audit covered the following specifications and standards, with a particular focus on activities associated with the current stages of operation. The documents relevant to this audit included:

- CoA of Development Consent SSD7480;
- EPL 21283;
- Mining Leases ML 1464, ML 1471, ML 1718, ML 1838 & CL 316;
- Water Access Licences WAL 12651 & WAL 12653; and
- Management plans - the commitments in the management plans developed as part of the CoA have been implemented.

1.6 Limitations of this Report

This disclaimer, together with any limitations specified in the report, applies to this report and its use.

This report was prepared in accordance with the contracted scope of services for the specific purpose stated and subject to the applicable cost, time and other constraints. In preparing this report, ERM relied on:

- a. client/third party information which was not verified by ERM except to the extent required by the scope of services, and ERM do not accept responsibility for omissions or inaccuracies in the client/third party information; and
- b. information taken at or under the particular times and conditions specified, and ERM do not accept responsibility for any subsequent changes.

This report has been prepared solely for use by, and is confidential to, the client and ERM accepts no responsibility for its use by other persons. This report is subject to copyright protection and the copyright owner reserves its rights. This report does not constitute legal or financial advice.

2. AUDIT METHODOLOGY

2.1 Methodology and Process

The audit comprised a desktop review of project information and an audit conducted on 14th June 2023, including interviews with key personnel, and review of records and other related documentation.

The audit process included the following primary components:

- development of a Terms of Reference which included:
 - audit scope and objectives;
 - date and location of audit;
 - members of audit team;
 - list of people to be audited; and
 - list of reference documents and audit criteria;
- a project inception meeting held on 10th May 2023 to confirm details of the Terms of Reference, and request for documentation required prior to the site inspection component of the audit;
- Audit site visit conducted on 14th June 2023; and
- Preparation of the audit report (this report).

2.2 Agency and Community Consultation

ERM consulted with the agencies and stakeholders as required including Department of Planning, and Environment (DPE), EPA, NSW Resources regulator, CCC, as well as Gunnedah and Narrabri Councils. Emails were issued on 15th May 2023, with a follow up email submitted on 7th June 2023 to those that had not yet replied. Responses are outlined in *Table 2.1*.

In each case, an email was sent to representatives of each agency requesting feedback on those issues considered most relevant by their Department at the time of the audit. The consultation outlining the terms of reference was provided prior to the site inspection to obtain feedback and draw attention to any key issues, within the agreed scope of the audit. The Departmental correspondence is provided in Appendix C.

Table 2.1 Agency and Stakeholder Consultation Summary

Agency/Stakeholder	Method	Consultation summary	Response	Location Addressed in Report
Department of Planning and Environment (DPE)	Email on 15 May 2023	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	<p>Compliance with pre-construction related conditions (specifically that construction related works did not commence prior to all pre-construction related conditions being complied with).</p> <p>Status of management plans.</p>	<p>Refer to Appendix A Tables.</p> <p>No construction related works observed during site inspection.</p> <p>During audit period management plans required to have been developed were noted as having been developed.</p>
Environment Protection Authority (EPA)	Email on 15 May 2023 and follow-up email on 7 June 2023	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	No concerns raised.	N/A
NSW Resources Regulator	Email on 15 May 2023	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	<p>From 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard Conditions of mining leases, Part 2 Standard Conditions, as set out in the Mining Regulations 2016. It is noted that the 4 mining leases (ML 1464, 1471, 1718 and CL 316) that comprise the Vickery Extension Project have been approved by the Regulator to be treated as a single lease for the purposes of Part 2 of Schedule 8A.</p> <p>The audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice.</p>	<p>Refer to Appendix A Tables.</p> <p>Mining licences assessed as single project against requirements of the Standard Conditions – Part 2, Schedule 8A.</p> <p>Rehabilitation activities for the Vickery Extension Project were limited to rehabilitating exploration and geotechnical assessment sites during audit period.</p> <p>ML 1838 was granted on 13 September 2022 and was included in the above assessment.</p>

Agency/Stakeholder	Method	Consultation summary	Response	Location Addressed in Report
Narrabri Shire Council	Email on 15 May 2023	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	Water management, generally Pest management Biosecurity (weeds) management Waste management processes and controls (noting the quantum of current litter on mine access roads)	Refer to Appendix A Tables. No specific water or water management issues noted at site during audit period. Pest animal contractor stated to undertake feral animal control in accordance with the requirements of the NSW Local Land Services Act. WHC stated some ongoing issues with wild boar managed as above. Weed control program to be implemented at site to limit the spread and colonisation of both priority weeds and weeds of national significance. Weed management at the site will be undertaken in accordance with the NSW Biosecurity Act, 2015. Waste Management Plan prepared for managing and controlling waste including garbage.
Gunnedah Shire Council	Email on 15 May 2023	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	No concerns raised.	N/A
Community Consultation Committee (CCC)	Email on 15 May 2023 and follow-up email on 7 June 2023	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	No written response received. Phone call was received on 13 June 2023 asking to check on stock routes.	Stock routes conditions are no longer included as ML condition following introduction of the Standard Condition. WHC did state there has been no works (road realignment) during the audit period that impacted the stock route

2.3 Classification of Audit Findings

Findings resulting from an assessment of audit evidence were divided into three categories (compliance status descriptors) as follows:

- **Compliant (C):** The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit;
- **Non-compliant (NC):** The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit; and
- **Not Triggered (NT):** A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

For conditions where no assessment of compliance is required the following finding categories were recorded:

- **Note:** A statement or fact, where no assessment of compliance is required; and
- **Obs:** Observations where the audit identified issues of concern which do not strictly relate to the scope of the audit or assessment of compliance.

A qualitative risk assessment was also completed on the findings, consistent with AS/NZS 4360:2004 Risk management and HB 436:2004 Risk Management Guidelines Companion to AS/NZS 4360:2004 and as described in the DPE publication "Post Approval Requirements – Independent Audit" issued May 2020.

The overall level of risk was estimated by combining the likelihood of harm occurring with the estimated level of harm associated with each finding. Risk levels have been assigned as follows:

- **High:** Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence;
- **Medium:** Non-compliance with:
 - potential for serious environmental consequences, but is unlikely to occur; or
 - potential for moderate environmental consequences, but is likely to occur;
- **Low:** Non-compliance with:
 - potential for moderate environmental consequences, but is unlikely to occur; or
 - potential for low environmental consequences, but is likely to occur.

3. AUDIT FINDINGS

3.1 Approval and Document List

The approvals and documents reviewed are summarised below:

- CoA of Development Consent SSD7480;
- EPL 21283;
- Mining Leases ML 1464, ML 1471, ML 1718, ML 1838 & CL 316;
- Water Access Licences WAL 12651 & WAL 12653;
- Management plans;
- Reports submitted to regulators;
- Correspondence with regulators; and
- Various other evidentiary sources.

Specific documentation reviewed to determine compliance with each condition is included within the audit tables in Appendix A.

3.2 Summary of Agency Notices, Orders, Penalty Notices or Prosecutions

No agency notices, orders, penalty notices or prosecutions were found during the audit period.

3.3 Non-compliances

No non-compliances were found during the audit period.

3.4 Previous Audit Recommendations

This is the first IEA for the Vickery Extension Project, therefore there are no previous audit findings.

3.5 Complaints Summary

Complaints registers for the auditing period were available online and/or for review. No complaints were noted to have been received during the audit period.

3.6 Environmental Monitoring Performance

3.6.1 Noise

The requirement for noise monitoring at the site has not yet been triggered.

3.6.2 Air quality

The requirement for air quality monitoring at the site has not yet been triggered.

3.6.3 Blasting

No blasting has occurred during the audit period.

3.6.4 Water management

3.6.4.1 Surface water

Wet weather discharge occurred on eight occasions during the audit period with each event sampled where safe access was possible. However, construction activities had not commenced during the audit period, and there were no licensed discharge points on site, therefore monitoring for compliance purposes was not yet triggered. Surface water monitoring requirements have not yet been triggered for the Vickery Extension Project.

3.6.4.2 Groundwater

Groundwater monitoring requirements have not yet been triggered for the Vickery Extension Project.

3.7 Management Plan Adequacy

The Management Plans for the site were reviewed and the adequacy in meeting the relevant approval requirements was assessed in view of current operations at the site. In general, Management Plans were considered to be appropriate for the site's operations at the time of the audit.

3.8 Incidents

No incidents were noted for the Vickery Extension Project within the audit period.

3.9 Site Inspection

The audit site inspection verified no project development/construction activities had been undertaken within the audit period. Site works were limited to the continuation of exploration and geotechnical assessments.

No issues were noted during the site inspection.

3.10 Site Interviews

Site interviews were conducted primarily with the Vickery Extension Project, Group Principal Approvals officer and project contract Environmental Officer, Site supervisor and various personnel about site.

Site interviews noted no issues during the audit.

4. CONCLUSION

An audit of CoA conditions has been completed as well as a check against commitments made in the management plans developed as part of CoA conditions for the site.

Overall, compliance was achieved with the audit documents that were reviewed. No non-compliances with the statutory conditions and implementation of the management plans were observed during the audit - *Table 4.1* below.

Table 4.1 Summary of Audit Findings

Review	Non-compliances (NC)
Statutory Instruments	Nil
Implementation of Plans	Nil

APPENDIX A AUDIT TABLES

Document details	
Document title	Table A1 - Project Approval
Document subtitle	Compliance with Development Consent SSD 7480
Project No.	0616390
Date	13 July 2023
Version	1.0
Author	Sophie Barkla
Client Name	Whitehaven Coal Mining Limited

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
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SCHEDULE 2 – ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A1.	In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	Management Plans Site walk	No harm to the environment was observed on-site during the site visit. All required management plans are in place or are being developed. No non-compliances were noted in relation to this condition.	C	N/A
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TERMS OF CONSENT

A2.	<p>The development may only be carried out:</p> <p>(a) in compliance with the conditions of this consent;</p> <p>(b) in accordance with all written directions of the Planning Secretary;</p> <p>(c) generally in accordance with the EIS; and</p> <p>(d) generally in accordance with the Development Layout.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <i>The general layout of the project is shown in Appendix 2; and</i> <i>The statement of commitments is reproduced in Appendix 7.</i> 	Discussion with site management	<p>(a) Compliance with conditions of this consent is outlined in this document.</p> <p>(b) All activities of the project have been in accordance with all written directions from the Planning Secretary.</p> <p>(c) All activities of the project have been in accordance with the Environmental Impact Statement (EIS).</p> <p>(d) All activities of the project have been in</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			accordance with the development layout.		
A3.	<p>Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:</p> <p>(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and</p> <p>(b) the implementation of any actions or measures contained in any such document referred to in paragraph (a).</p>	N/A	Noted	Noted	N/A
A4.	<p>The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.</p>	N/A	Noted	Noted	N/A
NOTIFICATION OF COMMENCEMENT					
A5.	<p>The Applicant must notify the Department in writing at least two weeks prior to:</p> <p>(a) commencing development under this consent;</p> <p>(b) commencing construction under this consent;</p> <p>(c) commencing mining operations under this consent;</p> <p>(d) ceasing mining operations (i.e. leading to mine closure); and</p> <p>(e) suspending mining operations (i.e. temporary care and maintenance).</p>	<p>Letter dated 31 March 2022 from Whitehaven addressed to Mr O'Donoghue at DPIE</p> <p>Letter dated 23 January 2023 from</p>	(a) ERM sighted a letter from Whitehaven dated 31 March 2022 addressed to Mr O'Donoghue at the DPIE notifying the Department of the commencement of development activities including pre-construction works at least two weeks from the date of the letter.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
		<p>Whitehaven addressed to Mr O'Donoghue at DPIE</p> <p>Letter dated 28 April 2023 from Whitehaven addressed to Joel Curran at DPE</p>	<p>(b) ERM sighted a letter from Whitehaven dated 23 January 2023 to Steve O'Donoghue notifying the Department that construction will commence at least two weeks after the date of this letter.</p> <p>ERM sighted a follow up letter from Whitehaven dated 28 April 2023 to Mr Joel Curran at DPE notifying the Department that construction activities would commence 8 May 2023. A DPIE automated confirmation email was sighted by ERM, dated 11 May 2023, confirming that the Department had received the notification to commence construction, and that the Department had no comments at that time. Construction commenced 8 May 2023 in the form of archaeological heritage salvage work undertaken in the VEP footprint. No other construction activities had taken place by the date of the site visit (14 June</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>2023), confirming that the notification for commencement of construction was provided more than two weeks prior to the commencement date, and that this condition has been complied with.</p> <p>(c) Mining operations have not yet commenced at the Site, and therefore, this condition is not triggered.</p> <p>(d) Mining operations have not been ceased at the Site, and therefore this condition is not triggered.</p> <p>(e) Mining operations have not been suspended, and therefore this condition is not triggered.</p>		
A6.	If the development is to be further staged, the Department must be notified in writing at least two weeks prior to the commencement of each stage, of the date of commencement and the development to be carried out in that stage.	N/A	There have not been further stages of development at the Site during the audit period, and therefore this condition is not triggered.	NT	N/A

LIMITS OF CONSENT

Mining Operations

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
A7.	<p>Mining operations may be carried out on the site, within the approved disturbance area, for a period of 25 years from the date of this consent.</p> <p>Notes:</p> <ul style="list-style-type: none"> Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard. Mining operations and rehabilitation are also regulated under the Mining Act 1992. 	N/A	Mining operations have not commenced at the Site, and therefore this condition is not yet triggered.	NT	N/A

Coal Extraction and Processing

A8.	A maximum of 10 million tonnes of ROM coal may be extracted from the site in any financial year.	N/A	Coal extraction has not begun at the site and therefore this condition is not triggered.	NT	N/A
A9.	A maximum of 3.5 million tonnes of ROM coal extracted from other mining operations may be received at the site in any financial year.	N/A	Coal extraction has not begun at the site and therefore this condition is not triggered.	NT	N/A
A10.	A maximum of 13 million tonnes of ROM coal may be processed on the site in any financial year.	N/A	Coal extraction has not begun at the site and therefore this condition is not triggered.	NT	N/A

Coal Transport - Rail

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
A11.	A maximum of 11.5 million tonnes of product coal may be transported from the site by rail in any financial year.	N/A	Coal extraction has not begun at the site and therefore this condition is not triggered.	NT	N/A

Coal Transport - Road

A12.	For the period up until the commissioning of the Kamilaroi Highway overpass, the Applicant: (a) may not transport more than 3.5 million tonnes of ROM coal from the site by road in any financial year; (b) may transport up to 150,000 tonnes of this ROM coal from the site in any financial year for direct distribution to domestic markets via the approved haulage route to the Kamilaroi Highway; (c) shall transport all other coal from the site to the Whitehaven CHPP via the approved haulage route; and (d) shall, together with the proponent of the Tarrawonga Coal Project, ensure that the cumulative haulage of coal along the approved haulage route does not exceed 3.5 million tonnes in any financial year.	N/A	Coal extraction and transport has not begun at the site; therefore, this condition is not triggered.	NT	N/A
A13.	For the period following the commissioning of the Kamilaroi Highway overpass and until the commissioning of the Project Rail Spur, the Applicant; (a) may not transport more than 4.5 million tonnes of ROM coal from the site by road in any financial year; (b) may transport up to 150,000 tonnes of this ROM coal from the site in any financial year for direct distribution to domestic markets via the approved haulage route to the Kamilaroi Highway; (c) shall transport all other coal from the site to the Whitehaven CHPP via Blue Vale Road and the Kamilaroi Highway overpass; and (d) shall, together with the proponent of the Tarrawonga Coal Project, ensure that the cumulative haulage of coal along the approved haulage route does not exceed 4.5 million tonnes in any financial year.	N/A	Coal extraction and transport has not begun at the site; therefore, this condition is not triggered.	NT	N/A
A14.	Following the commissioning of the CHPP, rail load-out facility and Project Rail Spur, the Applicant must only transport coal from the site by rail except for up to 150,000 tonnes of ROM coal which may be transported from the	N/A	Coal extraction and transport has not begun at the site;	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	site by road in any financial year for direct distribution to domestic markets via the approved haulage route to the Kamilaroi Highway.		therefore, this condition is not triggered.		
A15.	The Applicant shall only transport coal from the site by road, receive coal from other mining operations or receive coal reject from the Whitehaven CHPP by road between the hours of: (a) 6 am to 9.15 pm Monday to Friday; (b) 7 am to 5.15 pm Saturday; and (c) at no time on Sundays or Public Holidays.	N/A	Coal extraction and transport has not begun at the site; therefore, this condition is not triggered.	NT	N/A

Hours of Operation

A16.	The Applicant may undertake the development 24 hours a day, 7 days a week, except for; (a) transport operations as described in condition A15; (b) blasting operations as described in condition B19; and (c) construction hours as described in condition C1.	EPL 21283 Noise Management Plan	<p>According to EPL 21283, construction activities are to be carried out between 7am – 6pm Monday to Friday, and 8am – 1pm Saturday, and at no time on Sunday or Public Holidays.</p> <p>The Noise Management Plan noted that construction and development activities will generally be undertaken between 7am – 6pm Monday to Sunday (inclusive), in accordance with this condition and Condition C1, Schedule 2 of this consent.</p> <p>(a) Transport operation have not commenced at Site, and therefore, this condition is not triggered. (b) Blasting operation have not commenced at Site,</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>and therefore, this condition is not triggered.</p> <p>(c) Construction activities for the Project Rail Spur, Kamilaroi Highway Overpass and road realignments have not commenced at Site, and therefore, this condition is not triggered.</p> <p>Therefore, the operating hours are compliant with this condition.</p>		

Identification of Approved Disturbance Area

A17.	Within three months of the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must provide to the Department a survey plan of the boundaries of the approved disturbance areas.	<p>Vickery Approved Disturbance Area, dated 22 July 2022</p> <p>Letter from Tony Dwyer at Whitehaven Coal to Mr O'Donoghue at the Department of Planning, dated 22 July 2022</p> <p>Letter from Mark Stevens</p>	<p>ERM sighted proof of a survey plan of the disturbance area boundary dated 22 July 2022, with a letter of the same date addressed to Mr Stephen O'Donoghue at the Department, outlining the requirement of this condition and notifying the submission of disturbance boundaries to the Department via the Major Projects portal.</p> <p>Both documents were attached to an email from Tony Dwyer at WHC, addressed to Steve O'Donoghue at the</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
		at WHC to DPE, dated 31 March 2022	<p>Department, dated 25 July 2022, confirming the submission of a survey plan of boundaries of approved disturbance areas for the Project to satisfy this condition.</p> <p>As noted by a letter from Mark Stevens at WHC, dated 31 March 2022, notifying the Department commencement of development at least 2 weeks from date of letter. Commencement of development was on 28 April 2022. This confirms that the provision of survey plan of the site boundaries was provided to the Department within three months of the commencement of development.</p>		
SURRENDER OF EXISTING CONSENT					
A18.	<p>Within 12 months of the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the following development consents are to be surrendered in accordance with the EP&A Regulation:</p> <p>(a) the development consent for the Vickery Coal Project (SSD 5000); and</p> <p>(b) the development consent for the Canyon Coal Mine (DA 8-1-2005).</p> <p>Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the</p>	<p>Extension request for surrendering consents (SSD-5000 & DA 8-1-2005) letter from the Department of Planning & Environment</p>	<p>(a) SSD 5000 is in the process of being surrendered. The Site has received approval for the extension of the surrender of this consent.</p> <p>(b) DA 8-1-2005 is still active, and the Site has received approval for the</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<i>former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.</i>	(Stephen O'Donoghue – Director, Resource Assessments, dated 28-04-2023.	extension of the surrender of this consent. As sighted by Extension request for surrendering consents (SSD-5000 & DA 8-1-2005) letter from the Department of Planning & Environment (Stephen O'Donoghue – Director, Resource Assessments), dated 28-04-2023. The extension request was approved until 30-04-2024.		
A19.	Upon the date of commencement of development under this consent, and before the surrender of the existing development consents required under condition A18, the conditions of this consent prevail to the extent of any inconsistency.	N/A	Noted	Noted	N/A
PLANNING AGREEMENT					
A20.	Within 6 months of the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a PA with the GSC and NSC in accordance with: (a) Division 7.1 of Part 7 of the EP&A Act; and (b) the terms of the Applicant's offer to GSC and NSC in Appendix 7.	Voluntary Planning Agreement with Gunnedah Shire Council dated 21 May 2020	The site is compliant with condition as confirmed by the planning agreement (PA) with Gunnedah Shire Council (GSC) dated 21 May 2020, sighted by ERM. (a) The PA notes it has been developed in accordance with Section 7.4 of the EPA Act ('Planning Agreements'), which is referred to in section 7.1 within the definition of a planning agreement and	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>notes to refer to section 7.4 for a more detailed explanation of a planning agreement. The PA is therefore in compliance with division 7.1 of Part 7 of the EPA Act.</p> <p>(b) Appendix 7 of this consent outlines the applicant's contributions to GSC to be:</p> <ul style="list-style-type: none"> - \$500,000 for the intended use of funding community initiatives and projects, on granting of development consent; - \$500,000 for the intended use of funding community initiatives and projects, on the date of commencement of development under this consent; and - 70% of \$0.065 per tonne of Product Coal produced during a financial year for the intended use of funding community initiatives and projects, not more than 3 months after the end of the financial year for the mine life. <p>All of the above contributions are outlined in Schedule 1</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>Section 1 of the PA (page 13).</p> <p>An invoice from GSC dated 28 September 2020 details the payment made by WHC to GSC of \$500,000, confirming that the first payment to GSC within 6 months of the granting of the development consent, which occurred on 12 August 2020.</p> <p>An invoice dated 11 May 2023 was provided to ERM, noting payment to Gunnedah Shire Council for \$500,000 with the description 'Vickery Project – VPA construction contribution to Gunnedah Shire Council'. Therefore, the Site has submitted the payment required to be submitted at the commencement of development under this consent.</p> <p>No mining has commenced on-site, so the third commitment of 70% of \$0.065 per tonne of Product Coal produced during a financial year has not been triggered yet.</p> <p>Therefore, the site and the PA with GSC are in</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>compliance with this condition.</p> <p>The site has not entered into a PA with Narrabri Shire Council (NSC), and therefore the following condition (A21) is complied with.</p>		
A21.	If the Applicant and NSC do not enter into a PA within the timeframe under condition A20, then within a further 3 months, the Applicant must make a Section 7.12 of the EP&A Act contribution to NSC of \$3.2 Million. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the <i>Narrabri Shire Section 7.12 – Fixed Development Consent Levies Contributions Plan 2011</i> .	Remittance Advice 12689, dated 7 December 2022	ERM sighted an invoice dated 7 December 2022, providing proof of payment from Whitehaven Coal Mining Ltd to Narrabri Shire Council for a sum of \$3.2 million. Therefore, the site is in compliance with this condition.	C	N/A
A22.	If there is any dispute between the Applicant and the relevant Council in regards to conditions A20 and A21 then either party may refer the matter to the Planning Secretary for resolution.	N/A	Note	Noted	N/A
COMMUNITY CONSULTATIVE COMMITTEE					
A23.	<p>The Applicant must continue operation of the Vickery Coal Project Community Consultative Committee (CCC) established under SSD 5000 for the development. The CCC must be operated in accordance with the Department's <i>Community Consultative Committee Guidelines: State Significant Projects</i> (2019) during the life of the development, or other timeframe agreed by the Planning Secretary.</p> <p>Notes:</p> <ul style="list-style-type: none"> The CCC is an advisory committee only. 	CCC Meeting Minutes	CCC Meeting Minutes are available on the Whitehaven Vickery web page, including for dates 11 May 2022 and 7 September 2022. Therefore, CCC meetings have been held every 6 months since the commencement of the Vickery Extension Project.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> <i>In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, GSC, NSC and the local community.</i> 				
EVIDENCE OF CONSULTATION					
A24.	<p>Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <p>(a) consult with the relevant party prior to submitting the subject document for approval; and</p> <p>(b) provide details of the consultation undertaken to the Planning Secretary, including:</p> <p>(i) the outcome of that consultation, matters resolved and unresolved; and</p> <p>(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</p>	<p>CCC Meeting Minutes</p> <p>Email from Renee Shepherd at BCS dated 25 November 2020</p> <p>Letter to BCS from WHC, dated 1 February 2021</p> <p>Email from WHC dated 28 October 2020 addressed to Cindy Foley</p> <p>Email from Cindy, dated 29 October 2020</p> <p>Email and letter to Cindy Foley from WHC, dated 1 February 2021</p>	<p>(a)</p> <p>Parties consulted with include:</p> <ul style="list-style-type: none"> - Biodiversity, Conservation and Science (BCS) directorate at DPIE for consultation on the Biodiversity Management Plan (BMP) and Koala Plan of Management (KPoM), as confirmed with an email from Renee Shepherd at BCS dated 25 November 2020, outlining the feedback for WHC on the received BMP and KPoM. Both plans were resubmitted on 1 February 2021 and a table was included in a letter to BCS outlining how all comments had been addressed. - Cindy Foley, for consultation on the Aboriginal Cultural Heritage Management Plan (ACHMP), as confirmed with an email from WHC dated 28 October 2020 addressed to Cindy 	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
		<p>Email from WHC to Owen Hasler at DMMS, dated 10 November 2020</p> <p>Email from WHC to Owen Hasler, dated 1 February 2021</p> <p>Email from WHC addressed to Heritage NSW, dated 27 October 2020</p> <p>Email sent from Timothy Olliver at Heritage NSW addressed to WHC, dated 27 November 2023</p> <p>Letter from WHC to Heritage NSW, dated 1 February 2021</p> <p>Email from Whitehaven employee</p>	<p>Foley, requesting consultation. A reply email from Cindy was sent on 29 October 2020, confirming support for the ACHMP. The ACHMP was submitted and Cindy was notified of the submission via email and letter, dated 1 February 2021.</p> <p>- Owen Hasler at the Dorothea Mackellar Memorial Society (DMMS) for consultation on the Historic Heritage Management Plan (HHMP), as confirmed by an email from WHC to Owen dated 10 November 2020. Once WHC submitted the HHMP, an email was sent to Owen on 1 February 2021 confirming the submission and providing in a letter how each piece of feedback from DMMS was addressed by WHC.</p> <p>- Heritage NSW for consultation on the Heritage Management Plan (HMP), as confirmed by an email from WHC addressed to Heritage NSW dated 27 October 2020 seeking consultation prior to submitting the HMP. Heritage NSW provided feedback on 27 November</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
		<p>Scott Mitchell addressed to Heritage NSW, dated 20 May 2021</p> <p>Email sent from Michael Long at White Cockatoo to WHC on 2 November 2020</p> <p>Letter from Lynden Cini at WHC to Michael at White Cockatoo, dated 1 February 2021</p> <p>Email from WHC to NSC, dated 2 December 2020</p> <p>Email and letter from WHC to NSC, dated 1 February 2020</p> <p>Email from AT Gomilaroi Cultural Consultancy to</p>	<p>2020, as noted by an email sent from Timothy Olliver at Heritage NSW addressed to WHC. WHC provided notification to Heritage NSW upon submission of the HMP and included a letter dated 1 February 2021, outlining how all feedback from Heritage NSW was addressed.</p> <p>- Heritage NSW for consultation on the Aboriginal Cultural Heritage Management Plan, as confirmed by an email from Whitehaven employee Scott Mitchell addressed to Heritage NSW, dated 20 May 2021, discussing the nature of the consultation.</p> <p>- Michael Long at White Cockatoo, for consultation on the ACHMP. Michael and White Cockatoo provided comments as noted by an email sent from Michael to WHC on 2 November 2020. WHC provided a letter to Michael confirming that the ACHMP has been submitted to the Department, as confirmed by a letter from Lynden Cini at WHC to Michael at White Cockatoo, dated 1 February 2021, and including some comments in</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
		<p>WHC, dated 2 November 2020</p> <p>Response letter from the EPA dated 25 November 2020 addressed to WHC</p> <p>Letter from WHC to NWLLS, dated 27 October 2020</p> <p>Letter from WHC to GSC, dated 2 December 2020</p> <p>Letter from WHC to TfNSW dated, 27 October 2020</p> <p>Letter from WHC to Myles O'Reilly at NSW RFS, dated 27 October 2020</p> <p>Email from Scott Mitchell</p>	<p>response to Michael's feedback on the management plan.</p> <p>- Narrabri Shire Council (NSC) for consultation on the KPoA, Traffic Management Plan (TMP) and Waste Management Plan (WMP), as confirmed by an email from WHC seeking consultation on 2 December 2020. NSC provided feedback on the management plans on 10 December 2020, and WHC confirmed submission of the management plans via email and letter on 1 February 2020 including details of how feedback was addressed.</p> <p>- AT Gomilaroi Cultural Consultancy for consultation on the ACHMP. AT Gomilaroi Cultural Consultancy provided feedback on 2 November 2020, and were then notified of the ACHMP submission by WHC.</p> <p>- NSW EPA for consultation on the Air Quality and Greenhouse Gas Management Plan (AQGGMP), WMP, Blast Management Plan (BMP),</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
		to Heritage NSW, dated 20 May 2021	<p>and Noise Management Plan (NMP), as confirmed by a response letter from the EPA dated 25 November 2020 addressed to WHC, providing feedback on all four of these management plans.</p> <p>- North West Local Land Services (NWLLS) for consultation on the TMP, as confirmed by a letter dated 27 October 2020 from WHC to NWLLS requesting feedback on the Management Plan.</p> <p>- Gunnedah Shire Council (GSC) for consultation on the KPoM, HHMP, TMP, and WMP, as confirmed by a letter dated 2 December 2020 from WHC to GSC outlining the request for consultation.</p> <p>- Transport for NSW (TfNSW) for consultation on the TMP, as confirmed by a letter from WHC to TfNSW dated 27 October 2020 outlining the request for consultation.</p> <p>- NSW Rural Fire Service (RFS) for consultation on the Bushfire Management Plan,</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>as confirmed by a letter from WHC to Myles O'Reilly at NSW RFS dated 27 October 2020, outlining the request for consultation. Scott McPherson from NSW RFS responded to the request for consultation as confirmed by a letter dated 28 May 2021, outlining recommendations.</p> <p>- NSW EPA for consultation on the Groundwater Management Plan and Water Quality Management Plan, as confirmed by a letter from Rebecca Scrivener at NSW EPA dated 3 March 2023, noting that the EPA does not provide advice on or endorsement of management plans, and that they will not be providing comment to this request.</p> <p>- Department of Planning and Environment (DPE): Water, for consultation on the Groundwater Management Plan and Water Management Plan, as confirmed by a letter from DPE: Water dated 4 April 2023 outlining their recommendations.</p> <p>- DPE in relation to a request from WHC to submit</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>the rehabilitation strategy in two stages, as confirmed by a letter from the DPE dated 24 August 2022, outlining their response to this request.</p> <p>(b) Consultation logs are included in all management plans as an appendix, confirming that details of consultations are provided to the Department when submitted.</p>		
STAGING, COMBINING, AND UPDATING STRATEGIES, PLANS OR PROGRAMS					
A25.	<p>With the approval of the Planning Secretary, the Applicant may:</p> <p>(a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);</p> <p>(b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);</p> <p>(c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and</p> <p>(d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by a consent or approval for any adjoining mine subject to common, shared or related ownership or management.</p>	<p>Letter from WHC to DPIE, dated 29/09/2020.</p> <p>Response letter from Stephen O'Donoghue from DPIE, dated 11/12/2020.</p> <p>Response letter from Wayne Jones at DPIE, dated 21 December 2022.</p>	<p>(a) With approval from the Planning Secretary, EMPs have been prepared and submitted on a staged basis to initially cover early works and construction activities.</p> <p>With approval from the Planning Secretary, the Rehabilitation Strategy has been prepared and submitted on a staged basis with the first stage covering investigative works that will be undertaken on the mine site to inform the definitive feasibility study for the project; and the second</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
		Response letter from Stephen O'Donoghue from DPE, dated 24/08/2022	stage covering mining operations. (b) and (c) not triggered. (d) with approval from the Planning Secretary, the Traffic Management Plan required under CoC BXXX has been combined the existing approved TMP associated with the Tarrawonga and Rocglen Coal Mines.		
A26.	If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.	N/A	Noted	Note	N/A
A27.	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	Letter to Whitehaven dated 28 August 2022 from Stephen O'Donoghue from DPE	ERM sighted letter dated 28 August 2022 granting approval to waive consultation with agencies on the first stage of the Rehabilitation Strategy.	Note	N/A
APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS					
A28.	The Applicant must continue to apply existing management strategies, plans or monitoring programs approved under SSD 5000 for the Vickery Coal Project and DA 8-1-2005 for the Canyon Coal Mine, until the approval of a similar plan, strategy or program under this consent.	Management Plans	The Site is still implementing requirements of SSD 5000 until it is surrendered. The Blast Management Plan, Environmental Management Strategy, Annual Rehabilitation Report and	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>Forward Program, Cultural Heritage Management Plan, Air Quality and Greenhouse Gas Management Plan, Bushfire Management Plan, Historic Heritage Management Plan, Koala Plan of Management, Rehabilitation Management Plan, Traffic Management Plan, Biodiversity Management Plan, Noise Management Plan, Pollution Incident Response Management Plan, Rehabilitation Strategy, and Waste Management Plan, have all been approved under this consent (SSD 7480).</p> <p>There are no management strategies, plans or monitoring programs approved under SSD 5000 for the Vickery Coal Project that are still required to be applied as condition A19 of SSD7480 states this consent prevails.</p> <p>Three management plans approved under DA-8-1-2005 are still required to be applied as condition A19 of SSD7480 states this consent</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			only prevails to the extent of any inconsistency.		
PUBLIC INFRASTRUCTURE					
Protection of Public Infrastructure					
A29.	<p>Unless the Applicant and the applicable authority agree otherwise, the Applicant must:</p> <p>(a) Repair, or pay the full costs associated with repairing, any public infrastructure^a that is damaged by carrying out the development; and</p> <p>(b) Relocate, or pay the full costs associated with relocating, any public infrastructure^a that needs to be relocated as a result of the development.</p> <p>Note: ^a<i>This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by condition A20 or to damage subject to compensation under the Mining Act 1992.</i></p>	N/A	<p>Noted.</p> <p>No damages have occurred to public infrastructure, nor relocation of public infrastructure required as part of this development. Therefore, this condition has not been triggered for this audit period.</p>	NT	N/A
DEMOLITION					
A30.	All demolition must be carried out in accordance with <i>Australian Standard AS 2601-2001 The Demolition of Structures</i> (Standards Australia, 2001), or its latest version.	N/A	No demolition has occurred for the Project during the audit period. Therefore, this condition has not been triggered.	NT	N/A
STRUCTURAL ADEQUACY					
A31.	All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development must be constructed in accordance with the relevant requirements of the BCA.	N/A	Construction of buildings and structures or any alterations or additions to existing buildings and structures, have not started on site.	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	Notes: <ul style="list-style-type: none"> Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the development. 		Therefore, this condition has not been triggered.		
OPERATION OF PLANT AND EQUIPMENT					
A32.	<p>All plant and equipment used on site, or to monitor the performance of the development must be:</p> <p>(a) Maintained in a proper and efficient condition; and</p> <p>(b) Operated in a proper and efficient manner.</p>	Maintenance records	<p>(a) ERM sighted maintenance records for plant/equipment on Site, confirming that regular inspections are conducted for plant/equipment on-site where required and therefore plant/equipment is maintained in a proper and efficient condition. ERM sighted the following maintenance records:</p> <ul style="list-style-type: none"> - Hanjin 8D, dated 14 April 2023 - Isuzu 300, dated 23 October 2022 - Isuzu 600, dated 26 March 2023 - Isuzu 1400, dated 30 January 2023 - Tilt Tray Truck, 16 maintenance records between 12 May 2022 – 17 April 2023 - Compressor, 5 maintenance records 	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>between 8 February 2022 – 24 May 2023</p> <ul style="list-style-type: none"> - Drill Rig, 25 maintenance records between 30 August 2022 – 23 May 2023 - Rig Carrier, five maintenance records between 5 January 2022 – 27 June 2022 - Tool Trailer, four inspections between 31 January 2022 – 24 January 2023 - Hilux Light Vehicle, 18 inspections between 23 June 2022 – 9 May 2023 <p>(b) Site management noted that employees are trained, certified, and authorised to operate plant and equipment prior to use. Additionally, as noted by plant and equipment being inspected regularly and when required, it can be observed that the Site is operating plant and equipment in a proper and efficient manner.</p>		
COMPLIANCE					
A33.	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the	VEP Site Familiarisation	Site management provided a safety document titled Vickery Extension Project	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	conditions of this consent relevant to activities they carry out in respect of the development.	<p>Email from Scott Mitchell at WHC dated 1 June 2023</p> <p>Whitehaven website, Vickery project page, accessed 18 July 2023</p>	<p>(VEP) Site Familiarisation, which notes the environmental, health and safety requirements that staff should be made aware of relevant to the activities that they carry out. Site management noted that all employees and contractors are required to complete a site familiarisation which outlines environmental requirements and actions required when potential exceedances are observed.</p> <p>Additionally, an email from Scott Mitchell at WHC dated 1 June 2023 notes that there has been identification to the Early Mining Team managers within the team at the Site to communicate to their respective teams, contractors and sub-contractors the requirement to comply with the conditions of this consent relevant to the work they carry out. The email specifically states to incorporate into any current and planned training and induction material where appropriate, the requirements of this condition. This email also notes that the consent is</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			available to employees via SharePoint, as well as publicly available on the WHC website under the Vickery Extension page.		
APPLICABILITY OF GUIDELINES					
A34.	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) of the condition.	N/A	Noted	Note	N/A
A35.	However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	N/A	Noted	Note	N/A
CROWN LAND					
A36.	<p>The Applicant must consult with DPIE – Crown Lands prior to undertaking development on Crown Land or Crown Roads.</p> <p>Notes:</p> <ul style="list-style-type: none"> <i>Under section 265 of the Mining Act 1992, the Applicant is required to enter into a compensation agreement with DPIE – Crown Lands prior to undertaking any mining operations or related activities on Crown land or Crown roads within a mining lease.</i> <i>Under section 141 of the Mining Act 1992, the Applicant is required to enter into an access arrangement with DPIE – Crown Lands prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.</i> 	Meeting Notes Crown Lands, dated 3 February 2021	DPIE Crown Lands, LLS, and WHC had a meeting in relation to the Project, as confirmed by a meeting notes document dated 3 February 2021, outlining the key questions and points raised throughout the meeting. This confirms that WHC consulted DPIE – Crown Lands prior to commencing development.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
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PART B – SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Operational Noise Criteria

B1.	<p>The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 1 at any residence^a on privately-owned land, excluding the noise-affected land referred to in Table 13.</p> <p>Table 1: Noise criteria dB(A)</p> <table><tr><th rowspan="2">Residence^a</th><th>Day</th><th>Evening</th><th colspan="2">Night</th></tr><tr><th>L_{Aeq} (15 min)</th><th>L_{Aeq} (15 min)</th><th>L_{Aeq} (15 min)</th><th>L_{AF} max</th></tr><tr><td>131a</td><td>40</td><td>37</td><td>37</td><td>52</td></tr><tr><td>131b, 132</td><td>40</td><td>36</td><td>36</td><td>52</td></tr><tr><td>All other privately-owned residences</td><td>40</td><td>35</td><td>35</td><td>52</td></tr></table> <p>^aThe locations referred to in Table 1 are shown in Appendix 1.</p>	Residence ^a	Day	Evening	Night		L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{AF} max	131a	40	37	37	52	131b, 132	40	36	36	52	All other privately-owned residences	40	35	35	52	Discussion with Site management	Site management noted that noise monitoring has not been completed yet as it is not a requirement for pre-construction activities.	NT	N/A
Residence ^a	Day		Evening	Night																									
	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{AF} max																									
131a	40	37	37	52																									
131b, 132	40	36	36	52																									
All other privately-owned residences	40	35	35	52																									
B2.	<p>The Applicant must ensure that noise generated by transporting coal on the Kamilaroi Highway overpass does not exceed the criteria in Table 2 at any residence on privately-owned land.</p> <p>Table 2: Kamilaroi Highway overpass noise criteria dB(A).</p>	N/A	Coal transport has not begun on site.	NT	N/A																								

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations																											
	<table><tr><th>Land</th><th>Day <i>L_{Aeq}(15 min)</i></th><th>Evening & Night <i>L_{Aeq}(15 min)</i></th><th>Night <i>L_{A1} (1 min)</i></th></tr><tr><td>223</td><td>44</td><td>44</td><td>65</td></tr><tr><td>224</td><td>46</td><td>46</td><td>64</td></tr><tr><td>284</td><td>40</td><td>36</td><td>55</td></tr><tr><td>292</td><td>40</td><td>36</td><td>57</td></tr><tr><td>Any other residence within 2.5 km of the centreline of the private haul road or Kamlaroi Highway overpass</td><td>40</td><td>35</td><td>55</td></tr><tr><td>All other privately-owned residences</td><td>40</td><td>35</td><td>45</td></tr></table> <p>^aThe locations referred to in Table 2 are shown in Appendix 1.</p>	Land	Day <i>L_{Aeq}(15 min)</i>	Evening & Night <i>L_{Aeq}(15 min)</i>	Night <i>L_{A1} (1 min)</i>	223	44	44	65	224	46	46	64	284	40	36	55	292	40	36	57	Any other residence within 2.5 km of the centreline of the private haul road or Kamlaroi Highway overpass	40	35	55	All other privately-owned residences	40	35	45			
Land	Day <i>L_{Aeq}(15 min)</i>	Evening & Night <i>L_{Aeq}(15 min)</i>	Night <i>L_{A1} (1 min)</i>																													
223	44	44	65																													
224	46	46	64																													
284	40	36	55																													
292	40	36	57																													
Any other residence within 2.5 km of the centreline of the private haul road or Kamlaroi Highway overpass	40	35	55																													
All other privately-owned residences	40	35	45																													
B3.	Noise generated by the development must be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) determined by monitoring at the meteorological station required under condition B38 and as defined in Part D of the <i>Noise Policy for Industry</i> (EPA, 2017) apply to the noise criteria in Table 1 and Table 2.	Discussion with Site management	Site management noted that noise monitoring has not been completed yet as it is not a requirement for pre-construction activities.	NT	N/A																											
B4.	The noise criteria in Table 1 and Table 2 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	Email from Huw Morgan at WHC to Carmen Osborne at WHC, dated 15 June 2023	No noise agreements have been formalised or completed yet, but an agreement with the owner of the residence on land identified as 132 was being negotiated. As the agreement has not been finalised, there is no trigger for notifying the Department of the agreement yet.	NT	N/A																											

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance e Status	Recommendatio ns										
Construction Noise Criteria															
B5.	<p>Between the hours of: (a) 7 am to 6 pm Monday to Friday; (b) 8 am to 1 pm Saturday; and (c) At no time on Sundays or Public Holidays, The Applicant must ensure that the noise from activities associated with the construction of the Project Rail Spur, Kamilaroi Highway Overpass and road realignments does not exceed the criteria in Table 3 at any residence on privately-owned land, unless otherwise agreed by the Planning Secretary. Table 3: Project construction noise criteria dB(A)</p> <table><tr><th>Land^a</th><th>Construction Noise Criteria</th></tr><tr><td></td><th><i>L_{Aeq}(15min)</i></th></tr><tr><td>223</td><td>49</td></tr><tr><td>224</td><td>56</td></tr><tr><td>All privately-owned residences</td><td>45</td></tr></table> <p>^aThe locations referred to in Table 3 are shown in Appendix 1</p>	Land ^a	Construction Noise Criteria		<i>L_{Aeq}(15min)</i>	223	49	224	56	All privately-owned residences	45	NT	Construction of the Project Rail Spur, Kamilaroi Highway Overpass and road realignments has not commenced at site and therefore this condition is not triggered.	NT	N/A
Land ^a	Construction Noise Criteria														
	<i>L_{Aeq}(15min)</i>														
223	49														
224	56														
All privately-owned residences	45														
B6.	<p>If the Applicant proposes to undertake any construction works outside the hours specified in conditions C1 and C2, then the Applicant must prepare and implement an Out of Hours Work Protocol for these works to the satisfaction of the Planning Secretary. This protocol must be prepared in consultation with the EPA and the residents who would be affected by the noise generated by these works, and be consistent with the requirements of the <i>Interim Construction Noise Guideline</i> (Department of Environment and Climate Change, 2009). The Applicant shall not carry out any out of hours construction works before this protocol has been approved by the Planning Secretary. Note: For areas where construction noise from the Project Rail Spur is predicted to be at or below 40 dB(A) and/or below the operational noise criteria in Table 1 at sensitive receptors, this is likely to provide sufficient justification to operate outside of recommended standard hours as specified in the ICNG.</p>	N/A	Construction of the Project Rail Spur, Kamilaroi Highway Overpass and road realignments has not commenced at site and therefore this condition is not triggered.	NT	N/A										

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
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Project Rail Spur Operational Noise Criteria

B7.	<p>The Applicant must ensure that noise generated by transporting coal on the Project Rail Spur does not exceed the criteria in Table 4 at any residence on privately-owned land.</p> <p>Table 4: Project Rail Spur noise criteria dB(A)</p> <table><tr><th rowspan="2">Land^a</th><th>Day</th><th>Evening</th><th>Night</th></tr><tr><th>L_{Aeq}(11 hr)</th><th>L_{Aeq}(4 hr)</th><th>L_{Aeq}(9 hr)</th></tr><tr><td>144^b</td><td>50</td><td>45</td><td>42</td></tr><tr><td>All privately-owned residences</td><td>50</td><td>45</td><td>40</td></tr></table> <p>^aThe locations referred to in Table 4 are shown in Appendix 1</p> <p>^bApplicable only to the DA approved dwelling on this property once it has been constructed</p>	Land^a	Day	Evening	Night	L_{Aeq}(11 hr)	L_{Aeq}(4 hr)	L_{Aeq}(9 hr)	144 ^b	50	45	42	All privately-owned residences	50	45	40	N/A	The site is not yet operational and therefore noise criteria is not yet triggered.	NT	N/A
Land^a	Day		Evening	Night																
	L_{Aeq}(11 hr)	L_{Aeq}(4 hr)	L_{Aeq}(9 hr)																	
144 ^b	50	45	42																	
All privately-owned residences	50	45	40																	
B8.	<p>The noise criteria in Table 4 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.</p>	Discussion with Site Management	No noise agreements have been formalised or completed yet.with the . Therefore, there is no trigger for notifying the Department of the agreement yet.	NT	N/A															

Public Road Traffic Noise Criteria

B9.	<p>The Applicant, together with the owners of the Tarrawonga coal mine, must ensure that the noise generated on public roads by the development and</p>	Discussion with Site Management	Site management stated that road traffic noise monitoring is conducted by the Tarrawonga Coal Mine (TCM), and results are	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations								
	<p>other mine does not exceed the criteria in Table 5 at any existing residence on privately-owned land.</p> <p>Table 5: Road traffic noise criteria dB(A)</p> <table><tr><th rowspan="2">Land</th><th>Day and Evening</th><th>Night</th></tr><tr><th>L_{Aeq} (15 hour)</th><th>L_{Aeq}(9 hr)</th></tr><tr><td>All privately-owned residences</td><td>60</td><td>55</td></tr></table> <p>Note: Traffic noise generated by the development is to be measured in accordance with the relevant procedures in the NSW Road Noise Policy (Department of Environment and Climate Change, 2011).</p>	Land	Day and Evening	Night	L _{Aeq} (15 hour)	L _{Aeq} (9 hr)	All privately-owned residences	60	55	TCM Annual Review 2022	reported in the Tarrawonga Coal Mine Annual Review. Monitoring was conducted twice during the audit period, in June and December 2022. The TCM Annual Review for 2022 confirms compliance with noise criteria.		
Land	Day and Evening		Night										
	L _{Aeq} (15 hour)	L _{Aeq} (9 hr)											
All privately-owned residences	60	55											
B10.	The noise criteria in Table 5 do not apply if the Applicant has a written agreement with the relevant landowner to exceed the criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	Discussion with Site Management	No noise agreements have been formalised or completed yet. Therefore, there is no trigger for notifying the Department of the agreement yet.	NT	N/A								

Project Rail Spur Noise impacts

B11.	<p>The Applicant must:</p> <p>(a) prior to commencing the construction of the Project Rail Spur:</p> <p>(i) commission suitably qualified and experienced person/s to review the design of the Project Rail Spur, and determine whether it incorporates all reasonable and feasible noise mitigation measures, including suitable measures to minimise low frequency noise; and</p>	N/A	Project Rail Spur has not yet commenced, and therefore, this condition has not been triggered during this audit period.	NT	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(ii) provide the Planning Secretary with a report summarising the recommended noise mitigation measures and the proposed measures to be incorporated in the design of the Project Rail Spur;</p> <p>(b) implement the recommendations of this acoustic review in condition (a);</p> <p>(c) undertake commissioning trials of the Project Rail Spur to determine the optimal train speed to minimise noise impacts; and</p> <p>(d) following commissioning of the spur line, undertake targeted noise monitoring to determine the accuracy of predicted acoustic impacts and effectiveness of any noise reduction measures, including monitoring during adverse inversion conditions, to be described in the Noise Management Plan required by condition B15,</p> <p>To the satisfaction of the Planning Secretary.</p>				

Attenuation of Plant

B12.	<p>The Applicant must:</p> <p>(a) ensure that:</p> <p>(i) when ROM coal extraction exceeds 3.5 Mt in a financial year, all mining trucks and water carts used on the site are commissioned as noise suppressed (or attenuated) units;</p> <p>(ii) where reasonable and feasible, improvements are made to existing noise suppression equipment as better technologies become available; and</p> <p>(b) monitor and report on the implementation of these requirements annually on its website.</p>	Discussion with Site management	<p>(a)</p> <p>(i) Coal extraction has not begun on site yet. Therefore this condition is not yet triggered.</p> <p>(ii) NT</p> <p>(b) No Noise suppression equipment is on-site yet. This condition is not triggered.</p>	NT	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B13.	<p>The Applicant must:</p> <p>(a) conduct a testing program of the attenuated plant on site, with each item of plant tested at no greater than 3 yearly intervals, to ensure that the attenuation remains effective and maintained within in-service tolerances;</p> <p>(b) restore the effectiveness of any attenuation if it is found to be defective; and</p> <p>(c) report on the results of any testing and/or attenuation work annually on its website, including a summary of any implications for meeting compliance objectives.</p>	Discussion with Site management	<p>(a) The site has not been in operation for 3 years yet, therefore this condition is not triggered.</p> <p>(b) No Noise suppression equipment is on-site yet. This condition is not triggered.</p> <p>(c) As above.</p>	NT	N/A

Noise Operating Conditions

B14.	<p>The Applicant must:</p> <p>(a) take all reasonable steps to minimise all noise from construction, operational and transport activities (including by not dumping on exposed areas of the Western Emplacement Areas at night), including low frequency noise and other audible characteristics, as well as road and rail noise associated with the development, particularly during noise-enhancing meteorological conditions;</p> <p>(b) implement reasonable and feasible noise attenuation measures on all plant and equipment that will operate in noise sensitive areas, including but not limited to the following:</p> <ul style="list-style-type: none"> (i) partial cladding of the CHPP using acoustic lining; (ii) partial cladding of the ROM bin using acoustic lining; and (iii) covers and/or cladding of conveyors; <p>(c) monitor and record all major equipment use and make this data readily available at the request of the Department or the EPA;</p>	Maintenance records	<p>(a) Construction, operation and transport activities have not yet commenced on site. Therefore, this condition is not triggered.</p> <p>(b) Construction, operation and transport activities have not yet commenced on site. Therefore, this condition is not triggered.</p> <p>(c) The Site maintains plant and equipment maintenance records, as sighted by ERM. Maintenance records were sighted for drillers, tilt tray truck, compressor, drill rig, rig carrier, tool trailer, and hilux light vehicle.</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(d) operate a comprehensive noise management system that uses a combination of meteorological forecasts, predictive noise modelling and real-time monitoring to guide the day to day planning of mining operations and the implementation of adaptive management both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;</p> <p>(e) record the daily adaptive management measures implemented on the site, including how operations were modified or stopped to comply with the noise criteria in Table 1, and make these records readily available at the request of the Department or the EPA;</p> <p>(f) ensure that the Project Rail Spur is only accessed by locomotives that are approved to operate on the NSW rail network in accordance with the noise limits in ARTC's EPL (No. 3142);</p> <p>(g) use its best endeavours to ensure that the rolling stock manufactured supplied by service providers on the Project Rail Spur line is designed, constructed and maintained to minimise noise;</p> <p>(h) ensure any new rail rolling stock manufactured specifically for the development is designed, constructed and maintained to minimise noise; and</p> <p>(i) carry out regular attended noise monitoring (at least once a month, unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent.</p>		(d - i) Construction, operation and transport activities have not yet commenced on site. Therefore, this condition is not triggered.		

Noise Management Plan

B15.	<p>The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced person/s</p> <p>(b) be prepared in consultation with the EPA;</p>	<p>Noise Management Plan (available online)</p> <p>Approval of NMP from</p>	(a) As noted in Section 1.1 of the Noise Management Plan (NMP), the NMP has been prepared by WHC, with input from experienced and	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(c) be submitted to the Planning Secretary for approval prior to carrying out construction under this consent;</p> <p>(d) describe the measures to be implemented to ensure:</p> <ul style="list-style-type: none"> (i) compliance with the noise criteria and operating conditions of this consent; (ii) best practice management is being employed; and (iii) noise impacts of the development are minimised during noise-enhancing meteorological conditions; <p>(e) describe the measures that would be implemented to ensure the noise impacts from the construction and operation of the Kamilaroi Highway overpass and Project Rail Spur are minimised as far as practicable;</p> <p>(f) describe the measures to minimise road traffic noise generated by employee commuter vehicles on public roads;</p> <p>(g) describe the noise management system in detail;</p> <p>(h) describe the fleet attenuation and testing program; and</p> <p>(i) include a monitoring program that:</p> <ul style="list-style-type: none"> (i) uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development; (ii) includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time; (iii) adequately supports the noise management system; (iv) includes a procedure for undertaking attended noise compliance monitoring; and (v) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event. 	<p>Stephen O'Donoghue at the Department, dated 9 March 2022</p>	<p>qualified noise experts at Wilkinson Murray.</p> <p>(b) Section 1.2 of the NMP notes that it has been prepared in consultation with the EPA.</p> <p>(c) The submitted NMP approval was received 9 March 2022.</p> <p>(d) Section 6 of NMP outlines the following:</p> <ul style="list-style-type: none"> (i) Planning controls to be implemented to ensure compliance with noise criteria. (ii) Best Practice Management. (iii) Noise Management and Control Measures, including how noise impacts of the development will be minimised in noise-enhancing meteorological conditions. Predictive meteorological forecasting and predictive noise level forecasting will be reviewed at the start of shifts to inform the need to implement management of operations to maintain within specified noise criteria. 		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>(e) Measures to be implemented to ensure the noise impacts from the construction and operation of the Kamilaroi Highway overpass and Project Rail Spur are discussed in Section 5 of the NMP.</p> <p>(f) The measures to be implemented to minimise road traffic noise generated by employee commuter vehicles on public roads is discussed in Section 6.1 of the NMP. This includes promoting carpooling for employees.</p> <p>(g) The Noise Management System is discussed in detail in Section 6 of the NMP, including Planning Controls, Construction Controls, At-receiver noise controls, predictive modelling, and real-time response protocols.</p> <p>(h) Fleet attenuation and testing program is discussed in Section 7.4 'Attenuated Plant Monitoring' of the NMP.</p> <p>(i) Section 7 of the NMP discusses the following:</p> <p>(i) a combination of real-time and supplementary attended monitoring to evaluate the</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>performance of the development</p> <p>(ii) a program to calibrate and validate real-time noise monitoring results with the attended monitoring results over time is discussed in Sections 7.1 and 7.2 of the NMP</p> <p>(iii) Section 7.1 discusses how the NMP supports the noise management system. This section notes that the results of attended monitoring will be used to calibrate and validate the real-time noise monitoring system and assess compliance with the relevant criteria set in SSD-7480. Calibration and validation is to be an ongoing process that is reported annually.</p> <p>(iv) Section 7.2.1 of the NMP includes a procedure for undertaking attended noise compliance monitoring, including monitoring locations, duration of monitoring, recording procedures, and reporting.</p> <p>(v) Sections 7, 8 and 10 of the NMP discuss protocol for identifying any noise-related</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of such events.		
B16.	The Applicant must implement the Noise Management Plan as approved by the Planning Secretary.	Noise Management Plan	Section 2 of the NMP notes the requirement of the Project to implement the NMP as approved by the Planning Secretary.	C	N/A

BLASTING

Blasting Criteria

B17.	<p>The Applicant shall ensure that blasting does not cause any exceedances of the criteria at the locations^a in Table 6.</p> <p>Table 6: Blasting criteria</p> <table><tr><th>Location</th><th>Airblast overpressure (dB(Lin Peak))</th><th>Ground vibration (mm/s)</th><th>Allowable exceedance</th></tr><tr><td rowspan="2">Residence on privately-owned land</td><td>120</td><td>10</td><td>0%</td></tr><tr><td>115</td><td>5</td><td>5% of the total number of blasts over a calendar year</td></tr><tr><td>Kurrumbede^b</td><td>133</td><td>10</td><td>0%</td></tr><tr><td>All other public infrastructure</td><td></td><td>50 <i>(or a limit determined by the structural design methodology in AS 2187.2 - 2006, or other alternative limit for public infrastructure, to the satisfaction of the Planning Secretary)</i></td><td>0%</td></tr></table>	Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance	Residence on privately-owned land	120	10	0%	115	5	5% of the total number of blasts over a calendar year	Kurrumbede ^b	133	10	0%	All other public infrastructure		50 <i>(or a limit determined by the structural design methodology in AS 2187.2 - 2006, or other alternative limit for public infrastructure, to the satisfaction of the Planning Secretary)</i>	0%	Discussion with Site management	No blasting activities have commenced on site; therefore this condition is not triggered.	NT	N/A
Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance																					
Residence on privately-owned land	120	10	0%																					
	115	5	5% of the total number of blasts over a calendar year																					
Kurrumbede ^b	133	10	0%																					
All other public infrastructure		50 <i>(or a limit determined by the structural design methodology in AS 2187.2 - 2006, or other alternative limit for public infrastructure, to the satisfaction of the Planning Secretary)</i>	0%																					

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>Notes:</p> <p>^a The locations referred to in Table 6 are shown in Appendix 1 and Appendix 5.</p> <p>^b Unless a more appropriate criterion is established by the structural engineer's findings in condition B72 and agreed to by the Planning Secretary.</p> <p>However, these criteria do not apply if the Proponent has a written agreement with the relevant landowner to exceed the criteria, and the Proponent has advised the Department in writing of the terms of this agreement.</p>				
B18.	The blasting criteria in Table 6 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or infrastructure to exceed the blasting criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	Discussion with Site management	As above.	NT	N/A

Blasting Hours

B19.	The blasting criteria in Table 6 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or infrastructure to exceed the blasting criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	N/A	Noted	Note	N/A
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Blasting Frequency

B20.	<p>The Applicant may carry out a maximum of:</p> <p>(a) 1 single blast event^a a day; and</p> <p>(b) 5 single blast events^a a week, averaged over a calendar year.</p>	N/A	No blasting activities have commenced on site, therefore this condition is not triggered.	NT	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B21.	<p>Condition B20 does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blast misfires or blasts required to ensure the safety of the mine, its workers or the general public.</p> <p>Note:</p> <p><i>^aWithin conditions B20 and B21, a 'single blast event' means a blast which involves either a single detonation or a number of individual blasts fired in quick succession in a discrete area of the development. Should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast event.</i></p>	N/A	Noted	Note	N/A

Property Inspections

B22.	<p>If the Applicant receives a written request from the owner of any privately-owned land within 2 kilometres of any approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and structures on their land, or to have previous property inspection updated, then within two months of receiving this request the Applicant must:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:</p> <ul style="list-style-type: none"> (i) establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and (ii) identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and structures; and <p>(b) give the landowner a copy of the new or updated property inspection report.</p>	Discussion with Site management	No property inspections have been requested.	NT	N/A
B23.	<p>If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Planning Secretary for resolution.</p>	Discussion with Site management	No property inspections have been requested, therefore this condition is not triggered.	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
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Property Investigations

B24.	If the owner of any privately-owned land within 2 kilometres of any approved open cut mining pit on the site or any other landowner where the Planning Secretary is satisfied an investigation is warranted, claims in writing that buildings or structures on their land have been damaged as a result of blasting on the site, then within two months of receiving this written claim the Applicant must: (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and (b) give the landowner a copy of the property investigation report.	Discussion with Site management	No blasting has commenced for this Project, therefore no claims from residents in relation to damage from blasting would have been received. Therefore, this condition is not triggered.	NT	N/A
B25.	If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damage to the satisfaction of the Planning Secretary.	N/A	Noted	Note	N/A
B26.	If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.	N/A	Noted	Note	N/A

Blast Operating Conditions

B27.	The Applicant must: (a) take all reasonable steps to: (i) Ensure the safety of people and livestock from blasting impacts of the development; (ii) protect public and private infrastructure and property in the vicinity of the site from blasting damage associated with the development; and (iii) minimise the dust and fume emissions of any blasting; (b) ensure that blasting on the site does not damage heritage items ^a , including Aboriginal grinding groove site 20-04-0009 and the Kurumbede Homestead and outbuildings, except in accordance with the predictions in	Blast Management Plan	The Project has a Blast Management Plan in place to ensure safe practices. However, blasting practices have not commenced at the site, and therefore this condition is not triggered.	NT	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>the document/s listed in condition A2(c), and develop specific measures to protect heritage items outside the approved disturbance areas from any blasting damage associated with the development;</p> <p>(c) operate a comprehensive blast management system that uses a combination of meteorological forecasts and predictive blast modelling to guide the planning of blasts to minimise blasting impacts;</p> <p>(d) minimise the frequency and duration of any public road closures for blasting, and use all reasonable efforts to avoid road closures during peak traffic periods;</p> <p>(e) operate a suitable system to enable interested members of the public to get up-to-date information on the proposed blasting schedule on the site and any associated public road closures, including notification via SMS message of the blasting schedule and associated road closures for that day and any variations to that schedule and closures;</p> <p>(f) use all reasonable efforts to co-ordinate the timing of blasting at the site with nearby mines to minimise cumulative blasting impacts; and</p> <p>(g) carry out regular blast monitoring to determine whether the development is complying with the relevant conditions of this consent.</p> <p>Note: ^a The locations of the heritage items referred to in paragraph (b) are shown in Appendix 5.</p>				
B28.	<p>The Applicant must not undertake blasting on the site within 500 metres of any public road or any land outside the site not owned by the Applicant, unless the blast generates ground vibration of 0.5 mm/s or less, or the Applicant has:</p> <p>(a) a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the public road or land, and the Applicant has advised the Department in writing of the terms of this agreement; or;</p> <p>(b) demonstrated, to the satisfaction of the Planning Secretary, that the blasting can be carried out closer to the public road or land without compromising the safety of people or livestock or damaging the road or other buildings and structures, and updated the Blast Management Plan to include specific mitigation measures to be implemented while blasting is being carried out within 500 metres of the road or land.</p>	N/A	As above	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
Blast Management Plan					
B29.	<p>The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced person/s; (b) be prepared in consultation with the EPA; (c) be submitted to the Planning Secretary for approval prior to carrying out any blasting operations on site under this consent; (d) describe the blast management system and the measures that will be implemented to ensure compliance with the blasting criteria and conditions of this consent; (e) include a Blast Fume Management Strategy for: <ul style="list-style-type: none"> (i) minimising blast fume emissions; (ii) rating and recording blast fume events in accordance with <i>Visual NOx Fume Rating Scale</i> (AEISG, 2011), or equivalent monitoring technique; and (iii) reporting significant blast fume events to the Department and the EPA; (f) include a Road Closure Management Plan for any blasting within 500 metres of a public road, that has been prepared in consultation with GSC and NSC and includes provisions for: <ul style="list-style-type: none"> (i) minimising the duration of closures, both on a per event basis and weekly basis; (ii) avoiding peak traffic periods as far as reasonable; and (iii) co-ordinating closures with nearby mines to minimise the cumulative effect of road closures; (g) identify any agreed alternative ground vibration limits for public or private infrastructure in the vicinity of the site (if relevant); and (h) include a monitoring program for evaluating and reporting on compliance with the relevant conditions of this consent. 	Blast Management Plan	<p>(a) Section 1.1 of the Blast Management Plan (BMP) notes that the BMP has been prepared by WHC with input from experienced and qualified blast experts from Wilkinson Murray.</p> <p>(b) Section 1.2 of the BMP notes that it has been prepared in consultation with the NSW Environment Protection Authority (EPA).</p> <p>(c) Section 1.2 confirms that the BMP has been submitted to the Department / Planning Secretary.</p> <p>(d) Sections 4 and 7 of the BMP describe the blast management system and the measures that will be implemented to ensure compliance with the blasting criteria and conditions of this consent.</p> <p>(e)</p> <p>(i) A blast fume strategy for minimising blast fume emissions is included in</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>section 7.5.2 'Dust and Fumes Strategy' of the BMP.</p> <p>(ii) Section 8 and Appendix B of the BMP include details on rating and recording blast fume events in accordance with visual NOx Fume Rating Scale (AEISG, 2011), or equivalent monitoring technique – "Visual monitoring for blast fumes will be undertaken for fume level, colour and extent on a scale between 0 - 5, based on the AEISG Code of Practice (refer Appendix B)."</p> <p>(iii) Section 11.1 discusses reporting significant blast fume events to the Department and the EPA.</p> <p>(f) Section 4.2 of the BMP notes that there will not be any blasts during the construction and initial mining period within 500 m of public roads, so therefore a Road Closure Management Plan is not required for this BMP.</p> <p>(g) Section 7.3 notes that the ground vibration criteria of 50 mm/s for public infrastructure will be observed, unless a</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>written agreement is established with the relevant infrastructure owner. This section adds that the Department will be advised of any relevant agreements.</p> <p>(h) The blast monitoring program is included in section 8 of the BMP. It includes details of monitoring to be undertaken to assess compliance with the relevant conditions of this consent.</p>		
B30.	The Applicant must implement the Blast Management Plan as approved by the Planning Secretary.	Blast Management Plan	Section 2.1 of the BMP notes that the BMP will be implemented as approved by the Planning Secretary.	C	N/A

AIR QUALITY & GREENHOUSE GAS

Odour

B31.	Unless otherwise authorised by an EPL, the Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.	N/A	No activities generating offensive odours have occurred on-site.	C	N/A
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Air Quality Criteria

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations																
B32.	<p>The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Table 7 at any residence on privately-owned land.</p> <p>Table 7: Air quality criteria</p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr><tr><td rowspan="2">Particulate matter < 10 µm (PM₁₀)</td><td>Annual</td><td>^{a, c} 25 µg/m³</td></tr><tr><td>24 hour</td><td>^b 50 µg/m³</td></tr><tr><td rowspan="2">Particulate matter < 2.5 µm (PM_{2.5})</td><td>Annual</td><td>^{a, c} 8 µg/m³</td></tr><tr><td>24 hour</td><td>^b 25 µg/m³</td></tr><tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>^{a, c} 90 µg/m³</td></tr></table> <p>Notes:</p> <p>^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).</p> <p>^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).</p> <p>^c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.</p>	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM ₁₀)	Annual	^{a, c} 25 µg/m ³	24 hour	^b 50 µg/m ³	Particulate matter < 2.5 µm (PM _{2.5})	Annual	^{a, c} 8 µg/m ³	24 hour	^b 25 µg/m ³	Total suspended particulate (TSP) matter	Annual	^{a, c} 90 µg/m ³	Discussion with Site management	Construction and operational activities have not commenced at the site, and therefore air monitoring has not commenced, and this condition is not triggered.	NT	N/A
Pollutant	Averaging period	Criterion																			
Particulate matter < 10 µm (PM ₁₀)	Annual	^{a, c} 25 µg/m ³																			
	24 hour	^b 50 µg/m ³																			
Particulate matter < 2.5 µm (PM _{2.5})	Annual	^{a, c} 8 µg/m ³																			
	24 hour	^b 25 µg/m ³																			
Total suspended particulate (TSP) matter	Annual	^{a, c} 90 µg/m ³																			
B33.	<p>The air quality criteria in Table 7 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed that air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.</p>	N/A	Noted	Note	N/A																

Mine-owned Land

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B34.	Particular matter emissions generated by the development must not exceed the criteria listed in Table 7 at any occupied residence on mine-owned land (including land owned by another mining company) unless: (a) the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under Part D of this consent; (b) the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving 14 days notice; (c) air quality monitoring is regularly undertaken to inform the tenant and landowner (if the residence is owned by another mining company) of the likely particulate matter emissions at the residence; and (d) data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property.	Discussion with Site management	Construction and operational activities have not commenced at the site, and therefore air monitoring has not commenced.	NT	N/A

Air Quality Operating Conditions

B35.	The Applicant must: (a) take all reasonable steps to: (i) minimise odour, fume and particulate matter (including PM ₁₀ and PM _{2.5}) emissions of the development, paying particular attention to minimising wheel-generated haul road emissions; (ii) improve energy efficiency and reduce Scope 1 and Scope 2 greenhouse gas emissions of the development; (iii) minimise any visible off-site air pollution generated by the development; and (iv) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time; (b) ensure that all 'non-road' mobile diesel equipment used in undertaking the development includes reasonable and feasible diesel emissions reduction technology; (c) operate a comprehensive air quality management system that uses a combination of meteorological forecasts, predictive air quality modelling and real-time monitoring to guide the day to day planning of mining operations	Air Quality and Greenhouse Gas Management Plan	(a) (i) The Air Quality and Greenhouse Gas Management Plan (AQGGMP) discusses odour and fume management and control measures in section 7.4, confirming that no offensive odours will be emitted from the site. This section notes that the application of any discharge from systems to effluent discharge areas on site will be in accordance with	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;</p> <p>(d) minimise air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 7 above);</p> <p>(e) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and</p> <p>(f) regularly assess meteorological and air quality monitoring data and modify operations on the site to ensure compliance with the relevant conditions of this consent.</p>		<p>applicable approval requirements to operate the on-site systems, and application of any manure / biosolids for the purpose of rehabilitation will be in consideration to adjacent operational areas and weather conditions.</p> <p>Additionally, Management of odour and fumes from blasting include measures to manage blasting with respect to meteorological conditions, applying appropriate blasting design practices and product selection, and ensuring appropriate exclusion distances for blasting. Other odour sources are unlikely to generate impacts outside of the site and are not considered further.</p> <p>(ii) Section 7.5 of the AQGGMP notes that greenhouse gas emissions will be minimised through the efficient use of diesel fuel by the mobile construction and initial mining fleet. This will be promoted by minimising the re-handling of material, maintaining the mobile fleet in good operating order (e.g. regular maintenance and scheduling, implementation</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>of high efficiency motors, reduction of engine idle times), and optimising the design of roads and execution of efficient mine planning to minimise the distance travelled between working areas.</p> <p>(iv) No air polluting activities have commenced on site yet.</p> <p>(iv) No dust generating activities have commenced on site yet.</p> <p>(b) Section 7.5 of the AQGGMP notes that WHC will ensure that all 'non-road' mobile diesel equipment include reasonable and feasible diesel emissions reduction technology.</p> <p>(c) Mining activities have not commenced on site and therefore this condition is not triggered.</p> <p>(d) No activities with impact to air quality have commenced on site and therefore this condition has not been triggered.</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>(e) Air quality monitoring has not begun as the stage of development does not trigger this condition.</p> <p>(f) Stage of operations at the site means that this condition is not triggered yet.</p>		

Air Quality and Greenhouse Gas Management Plan

B36.	<p>The Applicant must prepare an Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be prepared in consultation with the EPA;</p> <p>(c) be submitted to the Planning Secretary for approval prior to carrying out construction under this consent;</p> <p>(d) describe the measures to be implemented to ensure:</p> <p>(i) compliance with the air quality criteria and operating conditions of this consent;</p> <p>(ii) best practice management is being employed (including in respect of minimisation of greenhouse gas emissions from the site and energy efficiency) to:</p> <ul style="list-style-type: none"> • minimise the development's air quality impacts; • minimise the development's Scope 1 and 2 greenhouse gas emissions; and • improve the development's energy efficiency; and <p>(iii) the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;</p> <p>(e) describe the air quality management system in detail; and</p> <p>(f) include an air quality monitoring program, undertaken in accordance with the <i>Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales</i> (DEC, 2007), that:</p>	Air Quality and Greenhouse Gas Management Plan	<p>(a) Section 1.1 of the AQGGMP notes that is has been prepared by WHC with input from experienced and qualified air quality experts from Todoroski Air Sciences.</p> <p>(b) Section 1.2 of the AQGGMP notes that the AQGGMP has been prepared in consultation with the EPA.</p> <p>(c) Section 1.2 notes that the AQGGMP has been submitted to the Planning Secretary. Additionally, construction activities have not yet commenced at the Site.</p> <p>(d)</p> <p>(i) Sections 4, 7 and 8 describe the measures to be implemented to ensure</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(i) uses monitors to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of mining operations;</p> <p>(ii) adequately supports the air quality management system; and</p> <p>(iii) includes a protocol for identifying any air quality-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.</p>		<p>compliance with the air quality criteria and operating conditions of this consent.</p> <p>(ii)</p> <ul style="list-style-type: none"> Sections 7.1 and 7.4 discuss how best practice management is to be employed to minimise the development's air quality impacts. Section 7.5 discusses how best practice management is being employed to minimise the development's Scope 1 and 2 emissions. Section 7.5 discusses how best practice management is being employed to improve the development's energy efficiency. <p>(iii) Section 7.1, 7.2 and 7.3 discuss how the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events.</p> <p>(e) The air quality management system is</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>described in detail in section 7.</p> <p>(f) The air quality monitoring program is outlined in section 8.</p> <p>(i) Sections 3.2 and 8.3 outline how the air quality monitoring program uses monitors to evaluate the performance of the development against the air quality criteria in this consent and guide day-to-day planning of mining operations.</p> <p>(ii) Section 8 outlines how the air quality monitoring program adequately supports the air quality management system.</p> <p>(iii) Sections 5, 8.3, 9 and 11 outline the protocol for identifying any air quality-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.</p>		
B37.	The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by the Planning Secretary.	Air Quality and Greenhouse Gas	Section 2.1.1 of the AQGGMP notes that the AQGGMP will be	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
		Management Plan	implemented as approved by the Planning Secretary.		
METEOROLOGICAL MONITORING					
B38.	<p>Prior to commencing mining operations under this consent and for the remaining life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that:</p> <p>(a) complies with the requirements in the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007);</p> <p>(b) is capable of continuous real-time measurement of wind speed, wind direction sigma theta and temperature; and</p> <p>(c) is capable of measuring meteorological conditions in accordance with the <i>Noise Policy for Industry</i> (EPA, 2017),</p> <p>Unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.</p>	<p>Email from Colin Davies at CBased Environmental Pty Ltd, 'Vickery Coal Meteorological Station: Statement of Compliance', dated 8 June 2023</p> <p>Email from Colin Davies at CBased Environmental Pty Ltd, 'Vickery Meteorological Station Completed and Operational', dated 6 May 2023</p>	<p>An email from Colin Davies at CBased Environmental Pty Ltd, 'Vickery Coal Meteorological Station: Statement of Compliance', dated 8 June 2023, outlines that the location of the meteorological station and components used to measure meteorological parameters meets the requirements and is undertaken in accordance with the:</p> <p>(a) Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales (EPA, 2022), (Previously Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007).</p> <p>(b) An email from Colin Davies, dated 6 May 2023 outlines the measurements that the meteorological station will capture, including real-time measurement of wind speed, wind direction</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>sigma theta, and temperature.</p> <p>(c) An email from Colin Davies, dated 6 May 2023, outlines that the meteorological station is capable of measuring sigma-theta (the standard deviation of wind direction), wind speed and time of day. This confirms that the meteorological station is capable of measuring meteorological conditions in accordance with the <i>Noise Policy for Industry</i> (EPA, 2017).</p> <p>Samples of monitoring data were observed during the audit.</p>		

WATER

Water Supply

B39.	<p>The Applicant must:</p> <p>(a) ensure that it has sufficient water for all stages of the development;</p> <p>(b) implement efficiency and best practice measures to minimise and conserve the use of water; and</p> <p>(c) if necessary, adjust the scale of the operations to match its available water supply.</p>	Draft Water Management Plan, 2023 (not yet approved)	<p>Site management provided a draft water management plan (WMP) which has not been approved by the Department yet. The draft WMP provides evidence that,</p> <p>(a) there is sufficient water for all stages of development, as observed</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>by a simulation period, due to the external water supply, including Namoi River and groundwater supply from an existing bore location on WHC owned land;</p> <p>(b) The Site will implement efficiency and best practice measures to minimise and conserve the use of water, including minimising the use of clean and potable water, and maximising water recycling, reuse and sharing;</p> <p>(c) The Site aims to meet on-site water demands whilst minimising external water supply requirements. The Site has not yet been required to adjust the scale of operations based on water supply.</p>		
B40.	<p>The Applicant must report on water extracted from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence.</p> <p>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development, including during rehabilitation and post mine closure.</p>		No water extraction has occurred on site yet, and therefore this condition is not triggered.	NT	N/A

Compensatory Water Supply

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B41.	The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of mining operations, in consultation with DPIE Water, and to the satisfaction of the Planning Secretary.	Discussion with Site management	Site management stated that no compensatory water supply agreements are in place as VCM is not currently impacting any private water supplies.	NT	N/A
B42.	The compensatory water supply measures must provide an alternative long term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.	Discussion with Site management	As above.	NT	N/A
B43.	If the Applicant and the landowner cannot agree on whether the loss of water is attributed to the development or the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution, The burden of proof that any loss of water supply is not due to mining impacts rests with the Applicant.	Discussion with Site management	As above.	NT	N/A
B44.	If the Applicant is unable to provide an alternative long term supply of water, then the Applicant must provide compensation, to the satisfaction of the Planning Secretary.	Discussion with Site management	As above.	NT	N/A
B45.	However, conditions B41 to B44 do not apply if the Applicant has a compensatory water agreement with the owner/s of the land and the Applicant has advised the Department in writing of the terms of this agreement. Note: <ul style="list-style-type: none"> The Water Management Plan (see condition 28) is required to include trigger levels for investigating potentially adverse impacts on water supplies. 	Discussion with Site management	As above.	NT	N/A

Water Discharges

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B46.	The Applicant must ensure that all surface discharges from the site comply with: (a) discharge limits (both volume and quality) set for the development in any EPL; or (b) relevant provisions of the POEO Act.	Discussion with Site management	No water discharges have occurred on site yet. Therefore, this condition is not triggered.	NT	N/A

Mine Water Storages

B47.	The Applicant shall implement all reasonable and feasible measures to prevent migration of saline water from the mine water storages or provide suitable measures to offset the salinity impacts on the Namoi River, to the satisfaction of the EPA and the Planning Secretary.	Draft Water Management Plan, 2023 (not yet approved) Discussion with Site management	Methods for mine water storages are outlined in the draft WMP, which has been resubmitted for approval but not yet approved by the Department. Section 4 of the draft WMP notes that mine water will be captured in mining pits (sumps) and mine water dams (MWDs) which will be designed and constructed based on a 1% AEP storm event as per SSD consent condition B51. The water management system will be operated to ensure no discharge of mine water off-site. Additionally, Section 6 outlines that the water management system will be operated to prevent discharge of saline water by: - Segregating runoff from MWDs, including coal contact water dam (CCWDs), from	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>sediment dams (SDs) where practicable;</p> <ul style="list-style-type: none"> - Minimising catchment reporting to the open cut operations (including installation of a combination of permanent and temporary clean water diversions in a staged manner); - managing and mitigating potential for overflow and/or leakage from the MWDs (and CCWDs) with the use of low permeability materials to line the base of the dams; - ensuring that water management systems are managed and monitored generally in accordance with the approach described in Sections 5 and 6 of the WMP; and - regular water quality monitoring to respond as required (as outlined in Sections 7 and 8 of the WMP). <p>Site management also noted that management of saline runoff will be in accordance</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			with a Trigger Action Response Plan (TARP).		

Flooding

B48.	The Applicant shall ensure that the design and construction of the project, including the Project Rail Spur and Kamilaroi Highway overpass, is consistent with the objectives of the <i>Floodplain Management Plan for the Upper Namoi Valley Floodplain 2019</i> , to the satisfaction of the Planning Secretary.	Discussion with Site management Draft Water Management Plan, 2023 (not yet approved)	<p>Site management noted that early mining activities do not require the construction of the Project Rail Spur or Kamilaroi Highway Overpass.</p> <p>The Draft WMP includes commitment to detailed design of these projects in accordance with the objectives of the Floodplain Management Plan 2019 (FMP) and this condition.</p> <p>Site management noted that the DPE have granted approval on 21 December 2022 for the Flood Study required by Condition A25 of SSD-7480 to be developed in two stages. Stage 1 has not yet been approved by DPE. Stage 2 will require the detailed rail design to confirm consistency with impacts outlined in the EIS and Conditions 48 and 49 of SSD-7480.</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B49.	The Project Rail Spur, Project Rail Spur bridges and any upgrade to the haul road must be designed and constructed to minimise flooding and scouring impacts, in consultation with BCD and consistent with the recommendations of the Department's flood peer review. The design and construction of the Project Rail Spur must provide for its complete elevation above the 1% Average Exceedance Probability flood level west of the Namoi River, generally in accordance with the EIS. Prior to construction of the Project Rail Spur or any upgrades to the haul road, the Proponent shall undertake a flood assessment of the detailed design to confirm there would be minimal impacts as predicted in the documents listed in condition A2(c).	Discussion with Site management	Project Rail Spur construction has not commenced.	NT	N/A

Namoi River Pipeline

B50.	<p>Prior to the construction of the Namoi River pipeline and pump station, the Applicant shall:</p> <p>(a) consult with DPI – NSW Fisheries regarding the general operation and design of the pump station and screens to avoid and mitigate impacts on native fish;</p> <p>(b) consults with GSC regarding the design and construction of the pipeline in the Braymont Road Reserve; and</p> <p>(c) implement all reasonable and feasible recommendations from DPI – NSW Fisheries and GSC in regard to the design and construction of the pipeline and pump station,</p> <p>To the satisfaction of the Planning Secretary,</p>	Discussion with Site management	Site management noted that consultation with DPI Fisheries in regard to this condition has not yet commenced as it is subject to the completion of the pump station and screens designs.	NT	N/A
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Water Management Performance Measures

B51.	The Applicant must ensure that the development complies with the performance measures in Table 8.	Draft Water Management Plan	Table 22 in the Draft WMP outlines all requirements within this condition and	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations				
	Table 8. Water management performance measures								
	<table><tr><th>Feature</th><th>Performance Measure</th></tr><tr><td>Water management – General</td><td><ul style="list-style-type: none">- Maintain the clean water management system separate from the dirty (i.e., sediment laden) and mine water management systems- Minimise the use of clean and potable water- Maximise water recycling, reuse and sharing opportunities- Maximise the capture and reuse of mine water and dirty water to meet operational demands for water, including dust suppression activities</td></tr></table>	Feature	Performance Measure	Water management – General	<ul style="list-style-type: none">- Maintain the clean water management system separate from the dirty (i.e., sediment laden) and mine water management systems- Minimise the use of clean and potable water- Maximise water recycling, reuse and sharing opportunities- Maximise the capture and reuse of mine water and dirty water to meet operational demands for water, including dust suppression activities		identifies performance indicators for all performance measures.		
Feature	Performance Measure								
Water management – General	<ul style="list-style-type: none">- Maintain the clean water management system separate from the dirty (i.e., sediment laden) and mine water management systems- Minimise the use of clean and potable water- Maximise water recycling, reuse and sharing opportunities- Maximise the capture and reuse of mine water and dirty water to meet operational demands for water, including dust suppression activities								

No	Assessment Requirement		Reference/ Evidence	Comments	Compliance Status	Recommendations
		<ul style="list-style-type: none"> - Minimise the use of make-up water from licensed external sources - Design, install, operate and maintain water management infrastructure in a proper and efficient manner - Minimise risks to the receiving environment and downstream water users 				
	Alluvial aquifers	<ul style="list-style-type: none"> - Negligible impacts to alluvial aquifers caused by the development beyond those predicted in the document/s listed in condition A2(c), including: 				

No	Assessment Requirement		Reference/ Evidence	Comments	Compliance Status	Recommendations
		<ul style="list-style-type: none"> - Negligible impacts to water quality; - Negligible change in groundwater levels; and - Negligible impact to other groundwater uses; - Comply with the Minimal Impact Consideration for Aquifer Interference Activities for Alluvial Water Source (highly productive groundwater sources) under the <i>NSW Aquifer Interference Policy</i> (DPI, 2012) 				
	Erosion and sediment control works	<ul style="list-style-type: none"> - Design, install and maintain erosion and sediment controls in 				

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>accordance with the best management practice guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> (Landcom, 2004) and <i>2E Mines and Quarries</i> (DECC, 2008)</p> <p>- Design, install and maintain any new infrastructure within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPI, 2013) and <i>Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings</i> (NSW Fisheries,</p>				

No	Assessment Requirement		Reference/ Evidence	Comments	Compliance Status	Recommendations
		2003), or their latest version				
	Flood protection works	<ul style="list-style-type: none"> - Design, install and maintain flood levees to protect mining areas from a probable maximum flood event and to ensure no increased flooding impacts on roads or privately-owned land 				
	Construction and operation of linear infrastructure	<ul style="list-style-type: none"> - Design and construct the Project Rail Spur and Kamilaroi Highway overpass such that this infrastructure will not cause significant increased flooding, in particular increased affluxes and velocities at key locations, redistribution in and around the 				

No	Assessment Requirement		Reference/ Evidence	Comments	Compliance Status	Recommendations
		overpass, and flood levels at residences				
	Clean water diversions and storage infrastructure	<ul style="list-style-type: none"> - Design, install and maintain the clean water system to capture and convey the 100 year ARI flood event - Maximise, as far as reasonable, the diversion of clean water around disturbed areas on the site, except where clean water is captured for use on the site 				
	Sediment dams	<ul style="list-style-type: none"> - Design, install and maintain sediment dams in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> (Landcom, 				

No	Assessment Requirement		Reference/ Evidence	Comments	Compliance Status	Recommendations
		<p>2004) and 2E Mines and Quarries (DECC, 2008) and the requirements under the POEO Act</p> <ul style="list-style-type: none"> - Design, install and maintain sediment dams to include contingency measures to prevent the potential mobilisation of pollutants and ensure compliance with the requirements of the <i>Water Management Act 2000</i> and the EPL discharge criteria 				
	Mine water storages	<ul style="list-style-type: none"> - Design, install and maintain mine water storage infrastructure to ensure no discharge of mine water to the off-site environment 				

No	Assessment Requirement		Reference/ Evidence	Comments	Compliance Status	Recommendations
		<ul style="list-style-type: none"> - New storages designed to contain the 100 year ARI storm event and minimise permeability - Ensure adequate freeboard within all pit voids at all times to minimise the risk of discharge to surface waters and groundwater 				
	In-pit emplacement of acid forming and potentially acid forming materials	<ul style="list-style-type: none"> - Emplacement, encapsulation, treatment and/or capping to prevent the migration of pollutants beyond the pit shell - Adequate freeboard within the pit void to minimise the risk of discharge to surface waters 				

No	Assessment Requirement		Reference/ Evidence	Comments	Compliance Status	Recommendations
	Overburden emplacements	<ul style="list-style-type: none"> - Design, install and maintain emplacements to encapsulate and prevent migration of acid forming and potentially acid forming materials, and saline and sodic material - Design, install and maintain out-of-pit emplacements to prevent and/or manage long term saline seepage 				
	Chemical and hydrocarbon storage	<ul style="list-style-type: none"> - Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard 				
	Creek diversions	<ul style="list-style-type: none"> - Diverted creek lines are hydraulically and 				

No	Assessment Requirement		Reference/ Evidence	Comments	Compliance Status	Recommendations
		<p>geomorphologically stable</p> <ul style="list-style-type: none"> - Incorporate erosion control measures based on vegetation and engineering revetments - Incorporate water features such as persistent/permanent pools for aquatic habitat - Revegetate with suitable riparian vegetation 				
	Aquatic and riparian ecosystems	<ul style="list-style-type: none"> - Negligible environmental consequences beyond those predicted in the document/s listed in condition A2(c) 				

No	Assessment Requirement		Reference/ Evidence	Comments	Compliance Status	Recommendations
		<ul style="list-style-type: none">- Maintain or improve baseline channel stability- Develop site-specific in-stream water quality objectives in accordance with the <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i> (ANZECC & ARMCANZ, 2000) and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> (DEC, 2006)				
B52.	The performance measures in Table 8 do not apply to water management structures constructed under previous consents.		N/A	Noted.	Note	N/A
Water Management Plan						
B53.	The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary, This plan must:		Draft Water Management Plan, 2023 (not yet	(a) The Draft WMP has been prepared by a suitably qualified and experienced person/s whose appointment	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be prepared in consultation with DPIE Water and the EPA;</p> <p>(c) be submitted to the Planning Secretary for approval prior to carrying out construction under this consent;</p> <p>(d) describe the measures to be implemented to ensure that the Applicant:</p> <ul style="list-style-type: none"> (i) complies with the water management performance measures (see Table 8); and (ii) addresses the recommendations for surface and groundwater monitoring programs by the Commonwealth Independent Expert Scientific Committee on Coal Seam Gas and Large Mining Development (IESC) (<i>IESC 2018-099: Vickery Extension Project (EPBC 2016/7649 and SSD 7480) – Expansion</i>); <p>(e) incorporate recent meteorological and climate data and describe the periodic review of new and relevant input data, including sensitivity analysis of variations from climate projections and trends;</p> <p>(f) utilise existing data from nearby mines and build on existing monitoring programs, where practicable;</p> <p>(g) including a:</p> <ul style="list-style-type: none"> (i) Site Water Balance that includes details of: <ul style="list-style-type: none"> • Predicted annual inflows to and outflows from the site; • Sources and security of water supply for the life of the development (including authorised entitlements and licences); • Prioritisation strategy for water sources, including the strategy to maximise the reuse of mine water and dirty water for the development; • Water storage capacity; • Water use and management on the site, including any water transfers or sharing with neighbouring mines and 	<p>approved)Draft Groundwater Management Plan, 2023 (not yet approved)</p> <p>Receipt of WMP submission from DPE dated 26/06/2023</p>	<p>has been endorsed by the Planning Secretary, as confirmed in Section 1.</p> <p>(b) Enclosure 1 of the Draft WMP notes all of the consultations occurred during the preparation of the WMP, including DPIE, DPIE Water, EPA, BCD, DPI-NSW Fisheries, GSC, DCCEEW, and Minister administering the EPBC Act.</p> <p>(c) Draft WMP has been submitted to the Planning Secretary.</p> <p>(d)</p> <p>(i) See Condition 51 response.</p> <p>(ii) The Draft WMP notes on page 19-20, “this WMP has been prepared to consider and address the recommendations for surface and groundwater monitoring programs by the Commonwealth Independent Expert Scientific Committee on Coal Seam Gas and Large Mining Development (IESC) (<i>IESC 2018-099: Vickery Extension Project (EPBC 2016/7649 and SSD-7480) – Expansion</i>). Table 3 in the Draft WMP outlines</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>opportunities to improve the efficiency of site water use and minimise the use of clean water on the site;</p> <ul style="list-style-type: none"> • Licenced sources of external water supply for the development which could be utilised as a contingency measure in the event of extreme climatic conditions; • Licensed discharge points and limits; and • Reporting procedures, including the annual preparation of an updated site water balance; <p>(ii) Salt Balance that includes details of:</p> <ul style="list-style-type: none"> • Sources of saline material on the site; • Saline material and saline water management on the site; • Measures to minimise discharge of saline water from the site; and • Reporting procedures, including the annual preparation of an updated salt balance; <p>(iii) Erosion and Sediment Control Plan that:</p> <ul style="list-style-type: none"> • Is consistent with the best management practice requirements of Managing Urban Stormwater: Soils and Construction – Volume 1: Blue Book (Landcom, 2004) and Volume 2E: Mines and Quarries (DECC, 2008) • Identifies activities that could cause soil erosion, generate sediment or affect flooding; • Includes a program to review the adequacy of flood protection works, and ensure they comply with the relevant performance measures listed in Table 8; • Describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk; • Describes the location, function, and capacity of erosion and sediment control structures and flood management structures; and 		<p>how recommendations have been addressed, including sections of the WMP or if it is outlined in the Groundwater Management Plan (GWMP).</p> <p>(e) Section 3.1 of the Draft WMP discusses meteorological and climate data and states that the information captured at the on-site meteorological monitoring station can be used to augment existing datasets when reviewing and revising the WMP (including the Site Water Balance [Section 5.2] and groundwater model validation [Section 7.2.3]) and considered as part of sensitivity analysis of variations from climate projections and trends (in the near term) in accordance with this Condition. Section 5.3 of the draft WMP outlines climate data and runoff estimates and how evaporation, rainfall, and runoff estimates have been incorporated into the WMP.</p> <p>(f) Section 3 of the Draft WMP outlines how nearby weather station data is considered. Additionally, Section 3.3.2 outlines that</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> Describes what measures would be implemented to maintain (and if necessary decommission) the structures over time; <p>(iv) Surface Water Management Plan that includes:</p> <ul style="list-style-type: none"> Detailed baseline data on surface water flows and quality of watercourses and/or water bodies potentially impacted by the development, including: <ul style="list-style-type: none"> Stream and riparian vegetation health; Channel stability (geomorphology); and Water supply for other surface water users; A detailed description of the surface water management system, including the separation of water captured on the site and uses associated with the: <ul style="list-style-type: none"> Clean water capture and diversion system; Dirty water system (including sediment detention basins); and Mine water capture system; Detailed plan, design objectives and performance criteria for water management infrastructure, including: <ul style="list-style-type: none"> Any approved creek diversions or restoration works associated with the development; Water run-off diversions and catch drains; Clean water storages, mine water storages and sediment dams; Emplacement areas; Backfilled pits and any final voids for the development (see also Table 12); and Reinstated drainage networks on rehabilitated areas of the site; Detailed performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development, for: <ul style="list-style-type: none"> Downstream surface water flows and quality; Channel stability; Downstream flooding impacts; 		<p>local water quality data from nearby mine sites was available for review, and that upstream water quality monitoring was also conducted at nearby mine sites, including former Canyon Coal Mine, Tarrawonga Coal Mine, and Boggabri Coal Mine.</p> <p>(g)</p> <p>(i) Section 5 includes details of a Site Water Balance Management Plan.</p> <ul style="list-style-type: none"> Sections 5.2-5.5 of the WMP include details of predicted annual inflows and outflows from the Site. Section 2.5, 4.2.1, and 5 of the WMP include details of the sources and security of water supply for the life of the development (including authorised entitlements and licences). Sections 4 and 5 of the WMP outline the prioritisation strategy for water sources, including the strategy to maximise the reuse of mine water and dirty water for the development. 		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> Stream and riparian vegetation health; Water supply for other water users; and Post-mining water pollution from rehabilitated areas of the site; A program to monitor and evaluate: <ul style="list-style-type: none"> Compliance with the relevant performance measures listed in Table 8 and the performance criteria in this plan; Water quality in sediment dams prior to discharge into the environment; Controlled and uncontrolled discharges and seepage/leachate from the site; Impacts on water supply for other water users; Surface water inflows, outflows and storage volumes, to inform the Site Water Balance; The effectiveness of the surface water management system, including contingency measures to be implemented during a potential failure of the water management system infrastructure, and The effectiveness of the measures in the Erosion and Sediment Control Plan; Reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results; and A trigger action response plan to respond to any exceedances of the performance measures or performance criteria, and repair, mitigate and/or offset any adverse surface water impacts of the development; <p>(v) Groundwater Management Plan that includes:</p> <ul style="list-style-type: none"> Detailed baseline data of groundwater levels, yield and quality for groundwater resources potentially impacted by the development, including groundwater supply for other water users; A detailed description of the groundwater management system; 		<ul style="list-style-type: none"> Sections 4.2 and 5 of the WMP provide details on water storage capacity. Sections 4.2, 4.2.3, and 4.3 of the WMP include details on water use and management on the site, including any water transfers or sharing with neighbouring mines and opportunities to improve the efficiency of site water use and minimise the use of clean water on the site. Section 5 of the WMP discusses external water supply. Section 2.4 and 5.5 of the WMP discuss licensed discharge points and limits. Section 5 and 9 of the WMP include reporting procedures, including the annual preparation of an updated site water balance. <p>(ii) Salt Balance is discussed in Section 6 of the WMP.</p> <ul style="list-style-type: none"> Sources of saline material on the site is discussed in Section 6.2 of the WMP; 		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> Groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts associated with the development, on: <ul style="list-style-type: none"> Regional and local aquifers (alluvial and hardrock); and Groundwater supply for other water users such as licensed privately-owned groundwater bores; A program to monitor and evaluate: <ul style="list-style-type: none"> Compliance with the relevant performance measures listed in Table 8 and the performance criteria in this plan; Inputs and outputs from water storages (groundwater, surface water, and atmospheric water), including any final void; Geochemical characteristics of groundwater flows to the open cut, to inform the progressive development of the final landform and optimise the final void dimensions, to be described in the rehabilitations strategy required by condition B104. Groundwater inflows, outflows and storage volumes, to inform the Site Water Balance; The likelihood of any direct impacts from the development on nearby alluvial aquifers; The hydrogeological properties used in the groundwater modelling, including the basement volcanics; and The effectiveness of the groundwater management system; Reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results with modelled predictions; <p>(vi) a protocol to report on the measures, monitoring results and performance criteria identified above, in the Annual Review referred to in condition E9; and</p> <p>(h) include detailed performance and completion criteria for evaluating the performance of the Water Management Plan, and triggering remedial action (if necessary).</p>		<ul style="list-style-type: none"> Saline material and saline water management on the site is discussed in Sections 3.7 and 6.3 of the WMP; Measures to minimise discharge of saline water from the site is discussed in Section 6.3 of the WMP; and Reporting procedures, including the annual preparation of an updated salt balance is discussed in Section 9 of the WMP. <p>iii. The Erosion and Sediment control plan is discussed in Section 4.4.1 of the WMP.</p> <ul style="list-style-type: none"> Section 4.4 of the WMP confirms that erosion and sediment control matters are consistent with the best management practice requirements of Managing Urban Stormwater: Soils and Construction – Volume 1: Blue Book (Landcom, 2004) and Volume 2E: Mines and Quarries (DECC, 2008) 		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<ul style="list-style-type: none"> • Section 4.4.1 identifies activities that could cause soil erosion, generate sediment of affect flooding; • Section 8.3 of the WMP includes a program to review the adequacy of flood protection works, and ensure they comply with the relevant performance measures listed in Table 8, including inspections of sediment dams and other structures in place, and clean-outs where required; • Section 4.4 of the WMP describes the measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk; • Section 4.4.1 describes the location, function, and capacity of erosion and sediment control structures and flood management structures; and • Section 4.4.1 describes what measures would be implemented to maintain (and if necessary 		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>decommission) the structures over time.</p> <p>iv. Surface water</p> <ul style="list-style-type: none"> Section 3 of the WMP describes the following - detailed baseline data on surface water flows and quality of watercourses and/or water bodies potentially impacted by the development, including: <ul style="list-style-type: none"> Stream and riparian vegetation health; Channel stability (geomorphology); and Water supply for other surface water users; Section 4 of the WMP describes the following - a detailed description of the surface water management system, including the separation of water captured on the site and uses associated with the: <ul style="list-style-type: none"> Clean water capture and diversion system; 		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<ul style="list-style-type: none"> ○ Dirty water system (including sediment detention basins); and ○ Mine water capture system; • Sections 4 and 7 of the WMP describe the following - detailed plan, design objectives and performance criteria for water management infrastructure, including: <ul style="list-style-type: none"> ○ Any approved creek diversions or restoration works associated with the development; ○ Water run-off diversions and catch drains; ○ Clean water storages, mine water storages and sediment dams; ○ Emplacement areas; ○ Backfilled pits and any final voids for the development 		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>(see also Table 12); and</p> <ul style="list-style-type: none"> ○ Reinstated drainage networks on rehabilitated areas of the site; • Section 7.1 of the WMP describes the following - detailed performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development, for: <ul style="list-style-type: none"> ○ Downstream surface water flows and quality; ○ Channel stability; ○ Downstream flooding impacts; ○ Stream and riparian vegetation health; ○ Water supply for other water users; and ○ Post-mining water pollution from 		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>rehabilitated areas of the site;</p> <ul style="list-style-type: none"> • Section 8 of the WMP describes the following - a program to monitor and evaluate: <ul style="list-style-type: none"> ○ Compliance with the relevant performance measures listed in Table 8 and the performance criteria in this plan; ○ Water quality in sediment dams prior to discharge into the environment; ○ Section 8.1.2 describes the controlled and uncontrolled discharges and seepage/leachate from the site; ○ Section 8 of the WMP outlines the impacts on water supply for other water users; 		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<ul style="list-style-type: none"> ○ Sections 3, 4 and 5 of the WMP outlines the surface water inflows, outflows and storage volumes, to inform the Site Water Balance; ○ Section 7 outlines the effectiveness of the surface water management system, including contingency measures to be implemented during a potential failure of the water management system infrastructure, and ○ Section 9.4.2 outlines the effectiveness of the measures in the Erosion and Sediment Control Plan; • Section 9 outlines the reporting procedures for 		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>the results of the monitoring program, including notifying other water users of any elevated results; and</p> <ul style="list-style-type: none"> Section 7 of the WMP outlines a trigger action response plan to respond to any exceedances of the performance measures or performance criteria, and repair, mitigate and/or offset any adverse surface water impacts of the development. <p>(v) Groundwater Management Plan (GWMP)</p> <ul style="list-style-type: none"> Section 3.7 of the GWMP outlines the detailed baseline data of groundwater levels, yield and quality for groundwater resources potentially impacted by the development, including groundwater supply for other water users; Section 3 of the GWMP outlines a detailed description of the groundwater management system; 		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<ul style="list-style-type: none"> • The GWMP outlines groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts associated with the development, on: <ul style="list-style-type: none"> ○ Regional and local aquifers (alluvial and hardrock) in Section 8 and Appendix A; and ○ Groundwater supply for other water users such as licensed privately-owned groundwater bores in Section 8 and Appendix A; • The GWMP outlines a program to monitor and evaluate: <ul style="list-style-type: none"> ○ Compliance with the relevant performance measures listed in Table 8 and the performance criteria in this plan in Section 8; ○ Inputs and outputs from water storages (groundwater, surface water, and atmospheric water), 		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>including any final void in section 9, noting that the final void is to be updated in a future version of the GWMP;</p> <ul style="list-style-type: none"> ○ Geochemical characteristics of groundwater flows to the open cut, to inform the progressive development of the final landform and optimise the final void dimensions, to be described in the rehabilitations strategy in Section 5; ○ Groundwater inflows, outflows and storage volumes, to inform the Site Water Balance in Section 9; ○ The likelihood of any direct impacts from the development on nearby alluvial aquifers in Section 8; ○ The hydrogeological 		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>properties used in the groundwater modelling, including the basement volcanics in Section 8 and 9; and</p> <ul style="list-style-type: none"> ○ The effectiveness of the groundwater management system in Section 8 and 9; ● Reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results with modelled predictions is outlined in section 10 and appendix A of the GWMP; <p>(vi) a protocol to report on the measures, monitoring results and performance criteria identified above, in the Annual Review referred to in condition E9 is outlined in Section 10 of the Draft GWMP and Section 9 of the Draft WMP; and</p> <p>(h) detailed performance and completion criteria for evaluating the performance of the Water Management Plan, and triggering remedial action (if necessary) is outlined in Section 8 and</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			Appendix A of the Draft GWMP, and Sections 7 and 8.6 of the Draft WMP.		
B54.	The Applicant must implement the Water Management Plan as approved by the Planning Secretary.	Draft Water Management Plan, 2023 (not yet approved) Discussion with Site management.	Enclosure 1 of the Draft WMP outlines that the Department was consulted throughout the development of the WMP. WHC is in the process of receiving final approval for the WMP. The Draft WMP was provided for ERM review, which has recently be resubmitted for approval from the department, and is progressing towards compliance with this condition.	C	NT

BIODIVERSITY

Translocation of Threatened Species

B55.	The Applicant shall use its best endeavours to successfully translocate the Winged Peppercress located within the disturbance boundary.	Ecoplanning report on restoration and relocation of the Winged Peppercress (<i>Lepidium Monoplocoides</i>), 5 September 2021.	Ecoplanning were engaged by WHC to conduct the translocation of Winged Peppercress located within the disturbance boundary. From review of documentation, it is clear that WHC and Ecoplanning have used best endeavours to translocating the plants	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
		<i>Lepidium monoplocoides</i> – translocation works, June 2023.	within the Western emplacement area to the fenced protection area to the northwest of the emplacement area. Seeds were collected in October 2020, successfully germinated, and planted in September 2021 in the protection area. Only one Winged Peppergrass was observed in the Vickery Impact area, and was translocated in 15 December 2020 to the Canyon Protection Area.		

Biodiversity Offset Strategy – transferred obligations from Vickery Coal Project as modified by the Vickery Extension Project

B56.	<p>The Applicant shall implement the biodiversity offset strategy described in the EIS, summarised in Table 9 and shown conceptually in Appendix 4, to the satisfaction of the Planning Secretary.</p> <p>Table 9: Summary of the biodiversity offset strategy – Vickery Coal Project</p> <table><tr><th>Area</th><th>Offset Type</th><th>Minimum Size (hectares)</th></tr><tr><td>Willeroi East Offset Area</td><td>Existing vegetation to be enhanced, and additional vegetation to be established with the restoration of at least 156 ha of Box Gum</td><td>1,671</td></tr></table>			Area	Offset Type	Minimum Size (hectares)	Willeroi East Offset Area	Existing vegetation to be enhanced, and additional vegetation to be established with the restoration of at least 156 ha of Box Gum	1,671	<p>Email from Planning NSW to Tony Dwyer at WHC dated 24 October 2022</p> <p>WHC VCM Biodiversity Offset Strategy: Retirement of Credits Status Report #2, April 2023</p>	<p>An email from Planning NSW to Tony Dwyer at WHC dated 24 October 2022 identifies that WHC submitted a status report on biodiversity credit retirement for VCM.</p> <p>WHC provided Status Report #2 on biodiversity offsets for VCM, dated April 2023. It notes that WHC is establishing the Wean Amalgamated Biodiversity Stewardship Agreement which adjoins the northern part of the Vickery State Forest (VSF). The proposed</p>	C	N/A
Area	Offset Type	Minimum Size (hectares)											
Willeroi East Offset Area	Existing vegetation to be enhanced, and additional vegetation to be established with the restoration of at least 156 ha of Box Gum	1,671											

No	Assessment Requirement			Reference/ Evidence	Comments	Compliance Status	Recommendations
		Woodland EEC, as listed under the BC Act			Vickery Substituted Offsets (Costavale, Glenroc & Wean North) could recreate a vegetated link between the VSF to the Boonalla Aboriginal Area (NPWS) and WHCs other existing Offset Areas (secured by Biobanking & Conservation Agreements) to develop overtime as a Biodiversity Corridor. Additionally, this report notes that the proposed Vickery Substituted Offset properties of Costavale, Glenroc and Wean North will meet the minimum area requirements of previous Offset Areas 2-5 in Condition B56 Table 9 as well as meet the minimum area requirements for “enhancing and restoration” of Poplar Box Woodland as required by SSD-7480. Additionally, this report notes that the minimum area requirements for “enhancing and restoration” of White Box Woodland is achieved by Willeroi East Offset Area. Offset strategy #2 report also notes that WHC submitted applications to BCT on 31 March 2023 for Conservation Agreements over the		
	Areas 2, 3, 4 & 5	Existing vegetation to be enhanced with the restoration of at least 127 ha of Poplar Box Woodland and 45 ha of Box Gum Woodland EEC, as listed under the BC Act	404.5				
	Rehabilitation Area	Re-establishment of native vegetation communities for a biodiversity conservation land use objective.	1,360				
<p>Notes:</p> <ul style="list-style-type: none">For the purposes of this consent Box Gum Woodland refers to the EEC listed as White Box Yellow Box Blakeley’s Red Gum Woodland under the TSC Act, or similar EEC as may be updated from time to time.An area of the offset strategy in Table 9 may be substituted with an alternative offset area subject to demonstration of equivalent biodiversity outcomes and to the satisfaction of the Secretary							

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>proposed Vickery Substituted Offsets properties and WHC plan to work with the BCT through their assessment process aiming to secure these Offsets on title by 28 April 2024, and that WHC ecological consultants will prepare a Vickery Biodiversity Offset Strategy (BOS) Report early in H2 2023 to be submitted for DPE Secretary satisfaction (Condition B56). The Vickery BOS Report will outline how Willeroi East and proposed Vickery Substituted Offsets properties address the requirements of SSD-7480.</p> <p>According to the biodiversity offset status report, the credits retired to date include the following:</p> <p>DPE BCS (former Biobanking unit of OEH) retired the remaining 869 NA228 credits from WHCs owned Biobanking Agreement BA43 on 8 December 2022 as like for like with PCT 459 (previously NA311) resulting in a total of 370 Ecosystem Credits (reasonable equivalence converted) being retired</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>against the Vickery Coal Mine PCT 459 liability.</p> <p>The report notes progress towards retirement of credits, and satisfies the requirement of this condition.</p>		

Long Term Security of Offset

B57.	<p>The Applicant shall make suitable arrangements to provide appropriate long term security for the offset areas in Table 9:</p> <p>(a) within 2 years of the date of commencement of development under this consent unless otherwise agreed by the Planning Secretary, for the Willeroi East Offset Area and Offset Areas 2, 3, 4 and 5; and</p> <p>(b) within 6 months of cessation of mining operations, unless otherwise agreed by the Planning Secretary, for the woodland to be established in the Rehabilitation Area, as identified in Table 9,</p> <p>To the satisfaction of the Planning Secretary.</p> <p>Note: <i>The Department acknowledges that the Applicant is investigating the potential to transfer part or all of the Willeroi East Offset Area directly to the national park estate, and accepts that interim conservation measures may be implemented prior to this transfer.</i></p>	<p>WHC VCM Biodiversity Offset Strategy: Retirement of Credits Status Report #2, April 2023</p>	<p>(a) VCM is working towards compliance with this condition at a sufficient rate. It has not been 2 years since commencement of development under this consent, and therefore is not required to have completed these actions</p> <p>(b) Mining operations have not begun at the site, and therefore have not ceased. Therefore, the site is not required to satisfy this condition yet.</p>	C	N/A
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Additional Biodiversity Offsets Required – Vickery Extension Project

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations																
B58.	In addition to the biodiversity offset requirements in Table 9, within 2 years of the date of commencement of development under this consent, unless otherwise agreed by the Planning Secretary the Applicant must retire biodiversity credits of a number and class specified in Table 10 and Table 11 below to offset the biodiversity impacts of the development.	WHC VCM Biodiversity Offset Strategy: Retirement of Credits Status Report #2, April 2023	VCM is progressively working towards compliance with this condition. It has not been 2 years since commencement of development under this consent, and therefore is not required to have completed these actions.	NT	N/A																
B59.	<p>The retirement of these credits must be carried out in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i> and can be achieved by acquiring or retiring ‘biodiversity credits’ within the meaning of the BC Act.</p> <p>Table 10. Ecosystem credit requirements</p> <table><tr><th>Ecosystem credits</th><th>Code (BVT)</th><th>Code (PCT)</th><th>Credits Required</th></tr><tr><td>Poplar Box Woodland on Alluvial Clay Soils</td><td>NA185</td><td>101</td><td>3,540</td></tr><tr><td>Pilliga Box – Poplar Box Shrubby Woodland</td><td>NA324</td><td>397</td><td>6,955</td></tr><tr><td>White Box – Silver-leaved Ironbark</td><td>NA349</td><td>594</td><td>1,795</td></tr></table>	Ecosystem credits	Code (BVT)	Code (PCT)	Credits Required	Poplar Box Woodland on Alluvial Clay Soils	NA185	101	3,540	Pilliga Box – Poplar Box Shrubby Woodland	NA324	397	6,955	White Box – Silver-leaved Ironbark	NA349	594	1,795	WHC VCM Biodiversity Offset Strategy: Retirement of Credits Status Report #2, April 2023	As above.	NT	N/A
Ecosystem credits	Code (BVT)	Code (PCT)	Credits Required																		
Poplar Box Woodland on Alluvial Clay Soils	NA185	101	3,540																		
Pilliga Box – Poplar Box Shrubby Woodland	NA324	397	6,955																		
White Box – Silver-leaved Ironbark	NA349	594	1,795																		

No	Assessment Requirement				Reference/ Evidence	Comments	Compliance Status	Recommendations				
	Shrubby Open Forest											
	Narrow-leaved Ironbark – White Box Shrubby Forest	NA311	459	4,025								
	Mixed Marsh Sedgeland	NA201	53	46								
	River Red Gum Riparian Tall Woodland	NA193	78	40								
	Table 11: Species credit requirements											
	Species		Credits Required									
	Regent Honeyeater (<i>Anthochaera Phrygia</i>)		3,703									
	Squirrel Glider (<i>Petaurus norfolcensis</i>)		1,672									
	Koala (<i>Phascolarctos cinereus</i>)		1,308									
	Notes:											
	<ul style="list-style-type: none">The credits in Table 10 and Table 11 were calculated in accordance with Framework for Biodiversity Assessment of the NSW Biodiversity											

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p><i>Offset Policy for Major Projects (OEH, 2014) and would need to be converted to reasonably equivalent 'biodiversity credits', within the meaning of the BC Act, if the credits are to be retired in accordance with the Biodiversity Offsets Scheme of the BC Act. Under this conversion the species credits for the Regent Honeyeater would be converted to ecosystem credit,</i></p> <ul style="list-style-type: none"> <i>Following repeal of the Threatened Species Conservation Act 1995 on 25 August 2017, credits created under that Act are taken to be "biodiversity credits" under the Biodiversity Conservation Act 2016 by virtue of clause 22 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017</i> 				

Ecological Rehabilitation Ecosystem Credits

B60.	<p>Retirement of the ecosystem credits in Table 10 can include undertaking ecological rehabilitation at the site in accordance with Section 12.2 of the <i>Framework for Biodiversity Assessment of the NSW Biodiversity Offsets Policy for Major Projects</i> (OEH, 2014), as identified in the approved Rehabilitation Management Plan required under condition B106.</p> <p><i>Note: Under the FBA, the ecosystem credits are considered retired once the credits and information requirements under Section 12.2 of the FBA are documented in the Rehabilitation Management Plan.</i></p>	Noted	Noted	NT	N/A
B61.	<p>Within 12 months of triggering remedial action under the Rehabilitation Management Plan for alternative mechanism for retirement of ecological rehabilitation credits, unless otherwise agreed by the Planning Secretary, the Applicant must acquire or retire the relevant biodiversity credits within the meaning of the BC Act.</p>	Noted	Site management noted that this condition has not been triggered based on activities occurred on site.	NT	N/A

Retirement of Credits Status Reports

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B62.	From the date of commencement of development under this consent until the credit requirements have been retired, the Applicant must submit a six monthly report to the Department on progress towards retirement of credits required in Table 10 and Table 11.	Vickery Mine Retirement of Credits Status Report dated 1 October 2022 Vickery Mine Retirement of Credits Status Report dated 2 April 2023	As Observed by review of status reports dated 1 October 2022, and 2 April 2023, compliance with this condition has been satisfied.	C	N/A

Biodiversity Management Plan

B63.	<p>The Applicant must prepare a Biodiversity Management Plan to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced person/s;</p> <p>(b) be prepared in consultation with BCD and North West LLS;</p> <p>(c) be submitted to the Planning Secretary for approval prior to carrying out construction under this consent;</p> <p>(d) describe the short, medium, and long-term measures to be undertaken to manage vegetation and fauna habitat on the site and in the biodiversity offset strategy areas required under Condition B56 (see noted below the table);</p> <p>(e) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy required under Condition B56, and triggering remedial action (if necessary);</p> <p>(f) describe how biodiversity management would be integrated with similar measures within other management plans, including the Rehabilitation Management Plan referred to in condition B106;</p>	<p>Biodiversity Management Plan, December 2022</p> <p>Letter addressed to Tony Dwyer at WHC dated 23 December 2022 confirming the Department's approval of the BMP</p>	<p>The Biodiversity Management Plan (BMP):</p> <p>(a) is prepared by a suitably qualified and experienced person/s as confirmed in Section 1.1 outlining that the plan has been prepared by WHC with input from experienced and qualified biodiversity experts;</p> <p>(b) is prepared in consultation with BCD and North West LLS, as confirmed in Section 1.2, outlining that the BMP was consulted with the Biodiversity and Conservation Division (BCD) of DPIE and the North West Local Land Service (NWLLS)</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(g) describe the measures to be implemented within the approved disturbance areas to:</p> <ul style="list-style-type: none"> (i) minimise the amount of clearing; (ii) minimise impacts on fauna, including undertaking pre-clearance surveys; (iii) translocate and protect the population of Winged Peppercreep located on the site, including detailed description of a monitoring and maintenance program; and (iv) maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement; <p>(h) describe the measures to be implemented on the site to:</p> <ul style="list-style-type: none"> (i) minimise impacts on fauna habitat resources such as hunting and foraging areas, habitat trees, fallen timber and hollow-bearing trees; (ii) enhance the quality of vegetation, vegetation connectivity and wildlife corridors through the planting of scattered trees, corridor enhancement measures and/or targeted revegetation associated with the Project Rail Spur of appropriate canopy, sub-canopy, understorey and ground strata; (iii) introduce naturally scarce fauna habitat features such as salvaged tree hollows and logs and promote the use of these introduced habitat features by threatened fauna species; (iv) manage any potential conflicts with Aboriginal heritage values; (v) protect vegetation and fauna habitat outside of the approved disturbance areas; (vi) manage the collection and propagation of seed from the local area; 		<p>as outlined in Appendix B. Response from BCD was received and no response was received back from NWLLS;</p> <p>(c) was submitted to the Planning Secretary for approval prior to carrying out construction under this consent, confirmed by a letter addressed to Tony Dwyer at WHC dated 23 December 2022 confirming the Department's approval of the BMP;</p> <p>(d) describes the short, medium, and long-term measures to be undertaken to manage vegetation and fauna habitat on the site and in the biodiversity offset strategy areas required under Condition B56 (see noted below the table), outlined in Section 4;</p> <p>(e) includes detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy required under Condition B56, and triggering remedial action (if necessary), outlined in Section 1.1;</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(vii) control weeds, including measures to avoid and mitigate the spread of noxious weeds;</p> <p>(vii) control weeds, including measures to avoid and mitigate the spread of noxious weeds;</p> <p>(viii) control feral pests with consideration of actions identified in relevant threat abatement plans;</p> <p>(ix) control erosion;</p> <p>(x) manage any grazing and agriculture;</p> <p>(xi) control access to vegetated or revegetated areas; and</p> <p>(xii) manage bushfire hazards;</p> <p>(i) include a seasonally-based program to monitor and report on the effectiveness of the above measures, progress against the detailed performance indicators and completion criteria, and improvements that could be implemented to improve biodiversity outcomes; and</p> <p>(j) include details of who would be responsible for monitoring, reviewing, and implementing the plan.</p> <p>Note: Any Biodiversity Offset Strategy Areas required under Condition B56 secured through a Biodiversity Stewardship Agreement under the BC Act do not require to be included in the Biodiversity Management Plan</p>		<p>(f) describes how biodiversity management would be integrated with similar measures within other management plans, including the Rehabilitation Management Plan referred to in condition B106, outlined in Section 1.1;</p> <p>(g) describes the measures to be implemented within the approved disturbance areas to:</p> <p>(i) minimise the amount of clearing, in Section 4.2;</p> <p>(ii) minimise impacts on fauna, including undertaking pre-clearance surveys, in Section 4.2.2;</p> <p>(iii) translocate and protect the population of Winged Peppercreep located on the site, including detailed description of a monitoring and maintenance program in Section 4.4; and</p> <p>(iv) maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement in Section 4.2.6;</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>(h) describes the measures to be implemented on the site to:</p> <p>(i) minimise impacts on fauna habitat resources such as hunting and foraging areas, habitat trees, fallen timber and hollow-bearing trees Section 4.2.2;</p> <p>(ii) enhance the quality of vegetation, vegetation connectivity and wildlife corridors through the planting of scattered trees, corridor enhancement measures and/or targeted revegetation associated with the Project Rail Spur of appropriate canopy, sub-canopy, understorey and ground strata in Section 4.1;</p> <p>(iii) introduce naturally scarce fauna habitat features such as salvaged tree hollows and logs and promote the use of these introduced habitat features by threatened fauna species in Section 4.1;</p> <p>(iv) manage any potential conflicts with Aboriginal heritage values in Section 4.2.1;</p> <p>(v) protect vegetation and fauna habitat outside of the</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>approved disturbance areas in Section 4.1;</p> <p>(vi) manage the collection and propagation of seed from the local area in Section 4.2.4;</p> <p>(vii) control weeds, including measures to avoid and mitigate the spread of noxious weeds, outlined in Section 4.5;</p> <p>(viii) control feral pests with consideration of actions identified in relevant threat abatement plans outlined in Section 4.6;</p> <p>(ix) control erosion, outlined in Section 4.7;</p> <p>(x) manage any grazing and agriculture, outlined in Section 4.8;</p> <p>(xi) control access to vegetated or revegetated areas, outlined in Section 4.9; and</p> <p>(xii) manage bushfire hazards, outlined in Section 4.10;</p> <p>(i) includes a seasonally-based program to monitor and report on the</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			effectiveness of the above measures, progress against the detailed performance indicators and completion criteria, and improvements that could be implemented to improve biodiversity outcomes, outlined in Section 4.12; and (j) includes details of who would be responsible for monitoring, reviewing, and implementing the plan, outlined in Sections 4.12 and 6.		
B64.	The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.	BMP	As confirmed by Section 1.3 of the BMP, VCM commits to implement the Biodiversity Management Plan as approved by the Planning Secretary of DPIE.	C	N/A

Koala Management Plan

B65.	<p>The Applicant shall prepare and implement a Koala Plan of Management for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced person/s in consultation with BCD, NSC, and GSC;</p> <p>(b) be submitted to, and approved by, the Planning Secretary prior to the commencement of construction under this consent;</p>	Koala Management Plan (KMP), December 2021	<p>Koala Management Plan (KMP), December 2021:</p> <p>(a) is prepared by suitably qualified and experienced person/s in consultation with BCD, NSC, and GSC, as confirmed by Section 1.1 of outlining that the KPOM has</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(c) be prepared generally in accordance the <i>Gunnedah Comprehensive Koala Plan of Management</i> and the draft Koala Plan of Management in the EIS;</p> <p>(d) include detailed performance and completion criteria for evaluating the performance of the plan, and triggering remedial action (if necessary);</p> <p>(e) detail the implementation of the Applicant's commitments to indirect koala mitigation measures, which must include measures at least equivalent to those identified in the EIS;</p> <p>(f) identify potential risks to the successful implementation of the plan, and include a description of the contingency measures that would be implemented to mitigate against these risks;</p> <p>(g) include details of who would be responsible for monitoring, reviewing, and implementing the plan; and</p> <p>(h) be implemented prior to commencing construction and during operations under this consent.</p> <p>Note: <i>The Koala Plan of Management should be integrated with similar measures in the Biodiversity Management Plan.</i></p>	<p>letter from the Department dated 21 January 2022, confirming approval of the KMP</p>	<p>been prepared by WHC (with input from experienced and qualified ecologists [AMBS]), and Section 1.2 outlining consultation with BCD, NSC and GSC.;</p> <p>(b) was submitted to, and approved by, the Planning Secretary prior to the commencement of construction under this consent, as confirmed by a letter from the Department dated 21 January 2022, confirming approval of the KMP;</p> <p>(c) be prepared generally in accordance the <i>Gunnedah Comprehensive Koala Plan of Management</i> and the draft Koala Plan of Management in the EIS, as confirmed in Section 3 and 4;</p> <p>(d) include detailed performance and completion criteria for evaluating the performance of the plan, and triggering remedial action (if necessary), as confirmed in Section 8;</p> <p>(e) detail the implementation of the Applicant's commitments to indirect koala mitigation measures,</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>which must include measures at least equivalent to those identified in the EIS, as confirmed in Section 7;</p> <p>(f) identify potential risks to the successful implementation of the plan, and include a description of the contingency measures that would be implemented to mitigate against these risks, as confirmed in Section 9;</p> <p>(g) include details of who would be responsible for monitoring, reviewing, and implementing the plan, as confirmed in Section 10 and 11; and</p> <p>(h) be implemented prior to commencing construction and during operations under this consent, as confirmed in Section 7.</p>		

Conservation Bond

B66.	Within 6 months of approval of the Biodiversity Management Plan, the Applicant shall lodge a Conservation Bond with the Department to ensure that the biodiversity offset strategy required by condition B56 is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan.	Email from Naomi Hodge, at WHC, dated 9 November 2022	Site management noted that the conservation bond for the Site was lodged as part of a drawdown on existing bonds to reflect works completed to date across various offsets.	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>The sum of the bond shall be determined by:</p> <p>(a) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and</p> <p>(b) employing a suitably qualified quantity surveyor to verify the calculated costs,</p> <p>To the satisfaction of the Planning Secretary.</p>	Discussion with Site management	DPE requested the revised bonds be swapped and lodged by 14 November 2022. Swaps were undertaken 8 November 2022 in the ANZ Parramatta business centre. A representative from DPE confirmed 3 bank guarantees were swapped on 8 November 2022. These statements were supported by emails provided from Brittany Golding at the DPE on 9 November 2022 confirming that the bank guarantees from ANZ were swapped the previous day (8 November 2022), and an internal email from Naomi Hodge to Andrew Wright at WHC dated 9 November 2022 confirming internally that the swaps for conservation bonds were made.		
B67.	<p>The calculation of the Conservation Bond must be submitted to the Department for approval at least 1 month prior to lodgement of the bond.</p> <p>If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Planning Secretary, the Planning Secretary will release the bond.</p> <p>If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Planning</p>	Letter from the Department dated 21 September 2022, confirming approval of the calculations of	<p>Suitably qualified quantity surveyor employed to verify the calculated costs.</p> <p>A letter from the Department dated 21 September 2022, addressed to WHC, confirmed the approval of the</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>Secretary will call in all, or part of, the conservation bond, and arrange for the satisfactory completion of the relevant works.</p> <p>Notes:</p> <ul style="list-style-type: none"> • <i>Alternative funding arrangements for long term management of the biodiversity offset strategy required under Condition B56, such as provision of capital and management funding as part of a Stewardship Agreement or transfer to conservation reserve estate can be used to reduce the liability of the conservation and biodiversity bond.</i> • <i>The sum of the bond may be reviewed in conjunction with any revision to the biodiversity offset strategy,</i> • <i>Offset areas secured via Stewardship Agreement do not require lodgement of a conservation bond.</i> 	conservation bonds.	calculations of conservation bonds.		

HERITAGE

Protection of Aboriginal Heritage

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B68.	<p>The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage items located outside the approved disturbance area, beyond those predicted in the document/s listed in condition A2(c).</p> <p>Note: Identified heritage items are shown in the figure in Appendix 5.</p>	<p>ACHMP</p> <p>Email from Dr Matthew Whincop at Whincop Archaeology, dated 16 June 2023</p>	<p>WHC has stated that the development does not cause any direct or indirect impact on any identified heritage items located outside the approved disturbance area, beyond those predicted in the document/s listed in condition, through development of an Aboriginal Cultural Heritage Management Plan (ACHMP), as well as engaging Whincop Archaeology for salvaging of heritage items.</p>	C	N/A
B69.	<p>The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.</p>	<p>Email from Dr Matthew Whincop at Whincop Archaeology, dated 16 June 2023</p>	<p>Whincop Archaeology was engaged to survey the site, salvage heritage items, and to update the AHIMS register where required.</p>	C	N/A

Aboriginal Cultural Heritage Management Plan

B70.	<p>The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must:</p> <ul style="list-style-type: none"> (a) be prepared by suitably qualified and experienced persons; (b) be prepared in consultation with BCD and Registered Aboriginal Parties; (c) be submitted to the Planning Secretary for approval prior to carrying out construction under this consent; (d) describe the measures to be implemented on the site to: <ul style="list-style-type: none"> (i) comply with the heritage-related operating conditions of this consent; (ii) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions; (iii) protect, monitor and/or manage identified Aboriginal objects and Aboriginal places (including proposed archaeological investigations and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition A2(c); (iv) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development; (v) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development; (vi) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); (vii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and (e) include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term. 	<p>Aboriginal Cultural Heritage Management Plan (ACHMP), October 2021</p> <p>Letter from the Department, dated 11 October 2021, confirming approval of the ACHMP</p>	<p>The Aboriginal Cultural Heritage Management Plan (ACHMP), dated October 2021:</p> <ul style="list-style-type: none"> (a) was prepared by suitably qualified and experienced persons, as confirmed in Section 1.1 of the plan noting that it has been prepared by WHC (with input from an experienced and qualified Aboriginal archaeologist [Dr Matthew Whincop of Extent Heritage]); (b) was prepared in consultation with BCD and Registered Aboriginal Parties, as confirmed in Section 1.2; (c) be submitted to the Planning Secretary for approval prior to carrying out construction under this consent, as confirmed by a letter from the Department, dated 11 October 2021, confirming approval of the ACHMP; (d) describes the measures to be implemented on the site to: <ul style="list-style-type: none"> (i) comply with the heritage-related operating conditions of this consent, outlined in Section 1.2; (ii) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to 		
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions, outlined in Section 5;</p> <p>(iii) protect, monitor and/or manage identified Aboriginal objects and Aboriginal places (including proposed archaeological investigations and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition A2(c), outlined in Section 4.8, 4.11, and 4.14;</p> <p>(iv) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development, outlined in Section 4.11.3;</p> <p>(v) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development, outlined in Sections 4.12 and 4.13;</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>(vi) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area), outlined in Section 4.18; and</p> <p>(vii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site, outlined in Section 4.1; and</p> <p>(e) include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term, outlined in Section 4.14.</p>		
B71.	The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.	ACHMP	Section 2.1 of the ACHMP states that VCM is committed to implementing the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.	C	N/A

Historic Heritage

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B72.	Prior to commencing blasting operations at the site, the Applicant must commission a suitably qualified structural engineer to inspect the condition of the main residence at the Kurumbede Homestead Complex and outbuildings to confirm measures to minimise damage due to blasting, advise appropriate blasting criteria and recommend works to protect the structural integrity of the homestead.	N/A	No blasting activities have occurred on-site yet, and therefore this condition has not been triggered.	NT	N/A

B73.	<p>The Applicant must prepare a Historic Heritage Management Plan for the development, in respect of all non-Aboriginal cultural heritage items, to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced person/s;</p> <p>(b) be prepared in consultation with the Heritage NSW, GSC and the Dorothea Mackellar Memorial Society and in accordance with the relevant Heritage Branch guidelines;</p> <p>(c) describe how historic heritage values of the site would be recorded and preserved;</p> <p>(d) identify all heritage items in the vicinity of the site and include a statement of significance for each item;</p> <p>(e) for the Kurrumbede Homestead Complex and outbuildings, describe the measures to:</p> <p>(i) manage appropriate future uses, including appropriate physical intervention in the heritage structures to facilitate those uses and potential wear and tear as a result of the use;</p> <p>(ii) maintain and enhance historic landscaping around the Kurrumbede residence (especially screen planting) and manage any new landscaping;</p> <p>(iii) verify the condition of the Kurrumbede residence and outbuildings prior to commencing construction;</p> <p>(iv) monitor the physical condition of the Kurrumbede residence and outbuildings in response to dust and vibration impacts due to the development;</p> <p>(v) Ensure that the Kurrumbede residence and the outbuildings are made safe and weatherproof to prevent deterioration beyond normal wear and tear;</p> <p>(vi) ensure that an appropriate use of the Kurrumbede Homestead Complex (including the residence) is maintained throughout the life of the development, including consideration of its use for cultural events and facilitating controlled public access;</p> <p>(vii) minimise disturbance to the naturally occurring vegetation on the flood plain to the north of the Kurrumbede Homestead Complex, including the existing mature eucalyptus trees and historic screen plantings; and</p>	Historic Heritage Management Plan (HHMP), August 2021	<p>The Historic Heritage Management Plan (HHMP), August 2021:</p> <p>(a) was prepared by a suitably qualified and experienced person/s, confirmed in Section 1.1 noting that the HHMP has been prepared by WHC with input from an experienced and qualified heritage specialist (Extent Heritage Advisors);</p> <p>(b) was prepared in consultation with the Heritage NSW, GSC and the Dorothea Mackellar Memorial Society and in accordance with the relevant Heritage Branch guidelines, confirmed in Section 1.2;</p> <p>(c) describes how historic heritage values of the site would be recorded and preserved, confirmed in Section 3;</p> <p>(d) identifies all heritage items in the vicinity of the site and include a statement of significance for each item, outlined in Section 3.1;</p> <p>(e) Section 5.3 outlines the following - for the Kurrumbede Homestead Complex and outbuildings, describes the measures to:</p> <p>(i) manage appropriate future uses, including appropriate</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(viii) ensure the end-of-mine remediation measures include a consideration for the Kurrumbede Homestead Complex to return to an open rural setting, including revegetation of waste rock emplacements and dam bunds; and</p> <p>(f) describe measures to be implemented on the site or within any offset areas to:</p> <p>(i) ensure all workers on the site receive suitable heritage inductions prior to carrying out any activities which may cause impacts to historic heritage, and that suitable records are kept of these inductions;</p> <p>(ii) protect heritage items located outside the approved disturbance area from impacts of the development, beyond those predicted in the document/s listed in condition A2(c);</p> <p>(iii) undertake photographic/archival recording of the Weatherboard Home (Site 22), prior to disturbance; and</p> <p>(iv) manage any new heritage items discovered during the life of the development;</p>		<p>physical intervention in the heritage structures to facilitate those uses and potential wear and tear as a result of the use;</p> <p>(ii) maintain and enhance historic landscaping around the Kurrumbede residence (especially screen planting) and manage any new landscaping;</p> <p>(iii) verify the condition of the Kurrumbede residence and outbuildings prior to commencing construction;</p> <p>(iv) monitor the physical condition of the Kurrumbede residence and outbuildings in response to dust and vibration impacts due to the development;</p> <p>(v) Ensure that the Kurrumbede residence and the outbuildings are made safe and weatherproof to prevent deterioration beyond normal wear and tear;</p> <p>(vi) ensure that an appropriate use of the Kurrumbede Homestead Complex (including the residence) is maintained throughout the life of the development, including</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>consideration of its use for cultural events and facilitating controlled public access;</p> <p>(vii) minimise disturbance to the naturally occurring vegetation on the flood plain to the north of the Kurrumbede Homestead Complex, including the existing mature eucalyptus trees and historic screen plantings; and</p> <p>(viii) ensure the end-of-mine remediation measures include a consideration for the Kurrumbede Homestead Complex to return to an open rural setting, including revegetation of waste rock emplacements and dam bunds.</p> <p>(f) describes measures to be implemented on the site or within any offset areas to:</p> <p>(i) ensure all workers on the site receive suitable heritage inductions prior to carrying out any activities which may cause impacts to historic heritage, and that suitable records are kept of these inductions, outlined in Sections 5 and 6;</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>(ii) protect heritage items located outside the approved disturbance area from impacts of the development, beyond those predicted in the document/s listed in condition A2(c), outlined in Sections 3.1 and 4;</p> <p>(iii) undertake photographic/archival recording of the Weatherboard Home (Site 22), prior to disturbance, outlined in Section 5.1; and</p> <p>(iv) manage any new heritage items discovered during the life of the development, outlined in Section 5.4;</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B74.	The Applicant must not commence construction until the Historic Heritage Management Plan is approved by the Planning Secretary.	Letter from the Department, dated 24 September 2021 confirming The Historic Heritage Management Plan has been approved by the Planning Secretary	The Historic Heritage Management Plan has been approved by the Planning Secretary, as confirmed by a letter from the Department, dated 24 September 2021.	C	N/A
B75.	The Applicant must implement the Historic Heritage Management Plan as approved by the Planning Secretary.	Letter from the Department, dated 24 September 2021 confirming The Historic Heritage Management Plan has been approved by the Planning Secretary	The HHMP notes this requirement and WHC will adhere to the HHMP as approved by the Planning Secretary on 24 September 2021.	C	N/A

TRANSPORT

Monitoring of Coal Transport

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B76.	<p>The Applicant must:</p> <p>(a) keep accurate records of the:</p> <p style="padding-left: 40px;">(i) amount of coal transported from the site (on a daily basis);</p> <p style="padding-left: 40px;">(ii) date and time of each train movement generated by the development; and</p> <p>(b) publish these records in the Annual Review.</p>	N/A	No coal has been transported from Site yet, and therefore this condition has not been triggered.	NT	N/A

Road Maintenance

B77.	<p>The Applicant shall maintain the existing road maintenance agreement with the GSC for the maintenance of public roads affected by the development, to the satisfaction of GSC. The Applicant and GSC shall review and/or renew the agreement once cumulative road haulage exceeds 3.5 Mtpa or ceases following commissioning of the Project rail spur. If there is any dispute in relation to these agreements, then either party may refer the matter to the Planning Secretary for resolution.</p>	N/A	Site management stated that this condition has not been triggered yet.	NT	N/A
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Restriction on Transport Routes

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B78.	<p>The Applicant must ensure that:</p> <p>(a) all over-dimensional vehicle access to and from the site is via Blue Vale Road and Hoad Lane; and</p> <p>(b) all heavy vehicle access to and from the site is via Blue Vale Road and Hoad Lane,</p> <p>unless the applicable roads authority agrees otherwise.</p> <p>Note:</p> <p>- The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimension vehicles on the road network.</p>	N/A	Site management stated that this condition has not been triggered yet.	NT	N/A

Braymont Road

B79.	<p>No development-related traffic shall use Braymont Road to get to or from the site, except in an emergency to avoid the loss of lives, property and/or environmental harm.</p> <p>This condition does not apply to any employees that may reside on Braymont Road, or to the infrequent use of the road for consultation, environmental monitoring, and inspection and maintenance of nearby infrastructure.</p>	N/A	Site management stated that this condition has not been triggered yet.	NT	N/A
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Road Upgrades

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B80.	<p>The Applicant shall:</p> <p>(a) construct the Blue Vale Road and Hoad Lane re-alignments as described and shown conceptually in the EIS;</p> <p>(b) construct all roads and intersections in accordance with Austroad guidelines; and</p> <p>(c) install appropriate lighting and advance warning signs at entry points to the private haul road and mine access road,</p> <p>To the satisfaction of the relevant roads authority.</p> <p>Note: <i>Under the Roads Act 1993, the Applicant may require separate approvals from TfNSW, and/or the relevant Councils as the appropriate roads authorities prior to construction of, closure of or conducting mining operations within public roads.</i></p>	Whitehaven Coal Vickery Extension Project Part 5 – Civil Public Roads, 31 January 2020	Site management noted that road realignment is not required for early mining activities and its associated construction activities. However, designs are in progress as sighted by preliminary design plans for Blue Vale Road dated 31 January 2020.	NT	N/A
B81.	If there is any dispute between the Applicant and the relevant roads authority in implementing these requirements, then any of the parties may refer the matter to the Planning Secretary for resolution.	N/A	As above.	NT	N/A
B82.	The Applicant shall design, construct and maintain the Kamilaroi Highway Project Rail Spur overpass to the satisfaction of TfNSW and GSC, and shall bear all costs associated with the construction, maintenance and decommissioning of the overpass.	N/A	Kamilaroi Highway Project Rail Spur overpass construction has not commenced and this condition is not yet triggered.	NT	N/A
B83.	The Applicant shall, design, construct and maintain the Kamilaroi Highway haul road overpass to the satisfaction of TfNSW and GSC, and shall bear all costs associated with the construction, maintenance and decommissioning of the overpass.	N/A	As above.	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B84.	<p>If the Kamilaroi Highway overpass or Project Rail Spur have not been commissioned within 5 years of the date of commencement of development under this consent, and every 5 years thereafter, the Applicant shall commission an Independent Traffic Audit of haulage operations on the Kamilaroi Highway and its intersection with Blue Vale Road and the CHPP access road, unless the Planning Secretary agrees otherwise. This audit must:</p> <p>(a) be prepared by a suitably qualified person whose appointment has been approved by the Planning Secretary;</p> <p>(b) review haulage records;</p> <p>(c) recommend measures to reduce or mitigate any adverse (or potentially adverse) impacts in the event that the road network is not performing satisfactorily; and</p> <p>(d) be submitted to the Planning Secretary within 2 months of being commissioned.</p> <p>Note: <i>The Planning Secretary may agree to alternative timing for the audits if the development has not commenced prior to December 2025.</i></p>	N/A	As above.	NT	N/A
B85.	<p>If the Independent Traffic Audit demonstrates that the intersections and section of haul route on the Kamilaroi Highway are not performing satisfactorily, the Applicant shall:</p> <p>(a) implement any reasonable and feasible recommendations from the audit to reduce or mitigate adverse impacts until the overpass is commissioned; or</p> <p>(b) construct and commission the Kamilaroi Highway overpass within 3 year of the date of the audit,</p> <p>Unless the Planning Secretary agrees otherwise.</p>	N/A	As above.	NT	N/A

Traffic Management Plan

B86.	<p>The Applicant must prepare a Traffic Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; (b) be prepared in consultation with TfNSW, GSC and NSC; (c) include details of all transport routes and traffic types to be used for development-related traffic; (d) include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users during construction or decommissioning works, including: <ul style="list-style-type: none"> (i) temporary traffic controls, including detours and signage; (ii) notifying the local community about development-related traffic impacts; (iii) minimising potential for conflict with school buses and stock movements; (iv) responding to any emergency repair requirements or maintenance during construction and/or decommissioning; and (v) a traffic management system for managing over-dimensional vehicles; (e) include arrangements to comply with cumulative coal haulage limits from the development and the Tarrawonga Coal Project; (f) a protocol to facilitate graziers access to the Travelling Stock Route from Blue Vale Road, subject to site safety and operational requirements; (g) include a monitoring program to audit vehicle movements, including the origin and destination of employees and contractors, against predictions in the EIS; and (h) include a Driver's Code of Conduct that includes procedures to ensure that drivers: <ul style="list-style-type: none"> (i) adhere to posted speed limits or other required travelling speeds; (ii) adhere to the designated transport routes; and 	Traffic Management Plan, October 2022	<p>The Traffic Management Plan (TMP):</p> <ul style="list-style-type: none"> (a) has been prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary, as confirmed in Section 2.1 of the TMP, which outlines that it has been developed in consultation with Transport for NSW, GSC, and NSC, and has had input from experienced and qualified Traffic experts [Penny Dalton of The Transport Planning Partnership (TPPP)], endorsed by the Secretary of the Department of Planning, Infrastructure and Environment [DPIE] on 21 October 2020; (b) Section 2.1 of the TMP outlines that it has been developed in consultation with Transport for NSW, GSC, and NSC; (c) Sections 1, 3.1.3, and 3.2.10 of the TMP include details of all transport routes and traffic types to be used for development-related traffic; (d) The TMP includes details of the measures to be implemented to minimise traffic safety issues and disruption to local road users 	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	(iii) implement safe driving practices.		<p>during construction or decommissioning works, including:</p> <p>(i) temporary traffic controls, including detours and signage in Section 3.1.5 and 3.1.6;</p> <p>(ii) notifying the local community about development-related traffic impacts in Section 3.2.7;</p> <p>(iii) minimising potential for conflict with school buses and stock movements in Section 3.2.3;</p> <p>(iv) responding to any emergency repair requirements or maintenance during construction and/or decommissioning in Section 3.1.6; and</p> <p>(v) a traffic management system for managing over-dimensional vehicles in Section 3.2.12;</p> <p>(e) includes arrangements to comply with cumulative coal haulage limits from the development and the Tarrawonga Coal Project in Section 3.2.8;</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>(f) a protocol to facilitate graziers access to the Travelling Stock Route from Blue Vale Road, subject to site safety and operational requirements in Section 3.2.7;</p> <p>(g) include a monitoring program to audit vehicle movements, including the origin and destination of employees and contractors, against predictions in the EIS in Section 5.1; and</p> <p>(h) Sections 3.2.1, 3.2.9, 3.2.8 and Appendix B include a Driver's Code of Conduct that includes procedures to ensure that drivers:</p> <p>(i) adhere to posted speed limits or other required travelling speeds;</p> <p>(ii) adhere to the designated transport routes; and</p> <p>(iii) implement safe driving practices.</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B87.	If the construction and/or decommissioning of the development is to be staged, the obligations in this condition apply to each stage of construction and/or decommissioning.	N/A	Noted	Note	N/A
B88.	The Applicant must not commence construction until the Traffic Management Plan is approved by the Planning Secretary.	A letter from the Department dated 25 January 2023, confirming approval of the TMP	The TMP has been approved by the Planning Secretary, as confirmed by a letter from the Department dated 25 January 2023.	C	N/A
B89.	The Applicant must implement the Traffic Management Plan as approved by the Planning Secretary.	A letter from the Department dated 25 January 2023, confirming approval of the TMP	WHC is committed to adhering to the TMP, as approved by the Planning Secretary on 25 January 2023.	C	N/A

VISUAL

Visual Amenity and Lighting

B90.	<p>The Applicant must:</p> <p>(a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development and shield public views of the development;</p> <p>(b) minimise the lighting impacts of the development on the Siding Springs Observatory;</p> <p>(c) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;</p> <p>(d) ensure no in-pit mobile lighting rigs shine directly above the pit wall and other mobile lighting rigs do not shine directly above the horizontal (except where required for emergency safety purposes);</p> <p>(e) ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of <i>Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting</i>;</p> <p>(f) implement a landscaping strategy to shield public views of the development that includes a road-side tree planting and maintenance schedule;</p> <p>(g) provide for the establishment of trees and shrubs and/or the construction of vegetated mounding or bunding:</p> <ul style="list-style-type: none"> - along the re-aligned Blue Vale Road - along the access road to the mine site; - at other areas identified as necessary for the maintenance of satisfactory visual amenity; and <p>(h) ensure that the visual appearance of all new buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape.</p>	<p>Email from Tony Steenkamp to Phillip Wade at WHC on 20 June 2023</p> <p>EIS Appendix L</p>	<p>Although operations at the Site are minimal, and in pre-construction phase, the site has considered visual amenity and lighting in the design process, noting the following from an email from Tony Steenkamp to Phillip Wade at WHC on 20 June 2023:</p> <p>MIA and CHPP designs have considered lighting designs to include the following:</p> <p>1) Lighting in buildings and plant are essential for personnel safety and maintenance. The project will standardise on Versa lux, Gerrard or Dialight LED light fittings. These are well-known and reputable brands extensively utilised in mining today with many light fittings designed to meet specific mining requirements.</p> <p>2) Considering the distance of the CHPP and MIA from public roads, general lighting is not a major factor unless concentrated in a specific area. Flood lighting is at elevation and is designed to illuminate a specific area without a major impact on surrounds.</p> <p>3) The CHPP and MIA are positioned well away from public roads. Indication</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>of distances - Namoi River to CPP =1.2km; CPP to Bluevale road (prior to diversion) =1.8km; CPP to Bluevale roads once diverted =3.6km, MIA to Bluevale road entrance to VEP =1.9km.</p> <p>4) The CPP is the largest structure with the most lighting. The design reviews have included for sheeting on one side of the building to block out lighting and minimise light impact on the public</p> <p>5) LED Flood lighting is directed downward and is adjustable. The light fitting can be further adjusted during the commissioning phase to ensure the light beam is distributed to the area intended. Flood lighting will be provided on top of ROM, MIA outdoor laydown areas such as Go-lines and MIA car parks</p> <p>6) LED Lighting along conveyor walkways are essential for personnel safety and maintenance. The LED light fitting is designed to beam light to mainly illuminate the walkway.</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>Greater distances between light fittings are achieved, reducing the number of light fittings required.</p> <p>7) Lighting in other process plant - These are smaller structures than CPP and employ general LED lighting not flood lighting</p> <p>8) External Lighting is controlled by photocell and lighting levels are dictated by the requirements of the Electrical Design Criteria to ensure illumination levels meet specified requirements – see table below. To limit costs, designs meet only the minimum illumination requirements.</p> <p>9) In pit lighting is generally supplied by mobile trailers. Lighting on the trailers are adjustable to suit the application. Site procedures will provide the necessary regulations on how to manage the installation of mobile lighting trailers.</p> <p>Additionally, Appendix L of the EIS outlines Visual Assessment and considerations of the project</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			to be implemented as the project progresses. Therefore, at this stage of development, the site is compliant with this condition.		

Additional Visual Impact Mitigation

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B91.	<p>Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct views of the mining operations and on-site infrastructure during the development, the Applicant shall implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) to reduce the visibility of the mining operations and infrastructure from the residences on the privately-owned land.</p> <p>These mitigation measures must be reasonable and feasible, and must be implemented within a reasonable timeframe.</p> <p>If the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> - <i>The additional visual impact mitigation measures must be aimed at reducing the visibility of the mining operations on site from affected residences, and do not require measures to reduce the visibility of the mining operations from other locations of the affected properties.</i> - <i>The additional visual impact mitigation measures do not necessarily have to include the implementation of measures on the affected property itself (ie. The additional measures could involve the implementation of measures outside the affected property boundary that provide an effective reduction in visual impacts).</i> - <i>Except in exceptional circumstances, the Secretary will not require additional visual impact mitigation to be undertaken for residences that are more than 7.5 kilometres from the mining operations.</i> 	Discussion with Site management	Site management stated that no written requests have been received in relation to this condition.	NT	N/A

WASTE

B92.	<p>The Applicant must:</p> <p>(a) take all reasonable steps to minimise the waste (including coal rejects) generated by the development;</p> <p>(b) classify all waste in accordance with the <i>Waste Classification Guidelines</i> (EPA, 2014);</p> <p>(c) dispose of all waste at appropriately licensed waste facilities;</p> <p>(d) manage on-site sewage treatment and disposal in accordance with the requirements of GSC and NSC; and</p> <p>(e) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition E9.</p>	Waste Management Plan (WMP), August 2021	<p>The Waste Management Plan (WMP), August 2021, outlines:</p> <p>(a) how the project will take all reasonable steps to minimise the waste (including coal rejects) generated by the development in Section 6.1, including specific waste minimisation strategies;</p> <p>(b) how the project will classify all waste in accordance with the <i>Waste Classification Guidelines</i> (EPA, 2014), in Section 3;</p> <p>(c) that the project will dispose of all waste at appropriately licensed waste facilities in Section 6.2;</p> <p>(d) how the project will manage on-site sewage treatment and disposal in accordance with the requirements of GSC and NSC, in Section 6.1; and</p> <p>(e) that the project will monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition E9, in Sections 6.4 and 8.1.</p>	C	N/A
B93.	Except for the receipt and disposal of coal reject from the Whitehaven CHPP and except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the <i>Protection of the Environment</i>	WMP	This is confirmed in Section 6.1 of the WMP.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<i>Operations (Waste) Regulation 2014</i> , the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.				
B94.	The Applicant must ensure that biosolids used on the site are managed in accordance with the <i>Environmental Guidelines: Use and Disposal of Biosolids Products</i> (EPA, 1997) (or its latest version).	Discussion with Site management, WMP	No biosolids have been used on site yet, and this is therefore not triggered.	NT	N/A

Waste Management Plan

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B95.	<p>The Applicant must prepare a Waste Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared in consultation with EPA, GSC and NSC;</p> <p>(b) identify all waste types generated by the development; and</p> <p>(c) describe the measures to ensure the management of waste generated by, and received at, the development complies with the requirements of conditions B92 to B94.</p>	WMP	<p>The WMP:</p> <p>(a) was prepared in consultation with EPA, GSC and NSC, as confirmed in Section 1.2;</p> <p>(b) identifies all waste types generated by the development, as outlined in Section 3; and</p> <p>(c) describes the measures to ensure the management of waste generated by, and received at, the development complies with the requirements of conditions B92 to B94, outlined in Sections 6.4 and 8.</p>	C	N/A
B96.	The Applicant must implement the Waste Management Plan as approved by the Planning Secretary.	Letter from Department, dated 9 September 2021, confirming approval of WMP	The WMP was approved by the Department on 9 September 2021. WHC is committed to adhering to the WMP as approved by the Planning Secretary.	C	N/A
DANGEROUS GOODS					

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B97.	<p>The Applicant must ensure that the storage, handling and transport of:</p> <p>(a) dangerous goods is done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code; and</p> <p>(b) explosives are managed in accordance with the requirements of the Resources Regulator.</p>	<p>Site observations</p> <p>Discussion with Site management</p>	<p>a) Dangerous goods stored / used at site were observed to be in accordance with AS1940 & AS1596. Site management noted that diesel was transported during the audit period, which is not classified as a dangerous good for transport purposes under the Australian Dangerous Goods Code 7th Edition,. No other chemicals transported to site are classified as dangerous goods based on quantity thresholds.</p> <p>b) No explosive stored or used on project site during audit period as project has not yet commenced mining.</p>	C	N/A

BUSHFIRE MANAGEMENT

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B98.	<p>The Applicant must:</p> <p>(a) ensure that the development:</p> <p>(i) provides for asset protection in accordance with the relevant requirements in the <i>Planning for Bush Fire Protection</i> (RFS, 2019) guideline;</p> <p>(ii) ensure that there is suitable equipment to respond to any fires on the site; and</p> <p>(b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.</p>	Bushfire Management Plan, October 2021	<p>The Bushfire Management Plan, October 2021, outlines that the project:</p> <p>(a) ensures that the development:</p> <p>(i) provides for asset protection in accordance with the relevant requirements in the <i>Planning for Bush Fire Protection</i> (RFS, 2019) guideline, as confirmed in Section 4.1.1;</p> <p>(ii) ensures that there is suitable equipment to respond to any fires on the site, confirmed in Section 4.1; and</p> <p>(b) assists the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site, confirmed by Section 4.1.</p>	C	N/A

B99.	<p>Prior to commencing mining operations under this consent, the Applicant must prepare a Bushfire Management Plan for the development in consultation with RFS. This plan must include a:</p> <p>(a) contact person and 24 hour contact phone number;</p> <p>(b) schedule and description of proposed bushfire mitigation work, including:</p> <ul style="list-style-type: none"> (i) location of managed and unmanaged vegetation within the site; (ii) location of water supply; and (iii) internal access roads; <p>(c) Plan identifying the location and storage of bulk flammable liquids and materials;</p> <p>(d) 'hot works' management plan, including:</p> <ul style="list-style-type: none"> (i) circumstances when 'hot works' are limited or prohibited; (ii) safety measures to be implemented when 'hot works' are being conducted; and <p>(e) emergency/evacuation plan in accordance with the <i>Development Planning: A Guide to Developing a Bushfire Emergency Management and Evacuation Plan</i> (RFS, 2014) and <i>Australian Standard AS3745 Planning for Emergencies in Facilities</i>.</p>	Bushfire Management Plan, October 2021	<p>The Bushfire Management Plan, October 2021, includes:</p> <p>(a) contact person and 24 hour contact phone number, in Section 5.2;</p> <p>(b) schedule and description of proposed bushfire mitigation work in Section 4, including:</p> <ul style="list-style-type: none"> (i) location of managed and unmanaged vegetation within the site, in Section 4.1.1; (ii) location of water supply, in Section 4.1.1; and (iii) internal access roads, in Section 4.1.1; <p>(c) Plan identifying the location and storage of bulk flammable liquids and materials, in Section 5.2;</p> <p>(d) 'hot works' management plan in Section 4.1.3, including:</p> <ul style="list-style-type: none"> (i) circumstances when 'hot works' are limited or prohibited, in Section 4.1.3; and (j) safety measures to be implemented when 'hot works' are being conducted, in Section 4.1.3; <p>(e) emergency/evacuation plan in accordance with the <i>Development Planning: A</i></p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<i>Guide to Developing a Bushfire Emergency Management and Evacuation Plan</i> (RFS, 2014) and <i>Australian Standard AS3745 Planning for Emergencies in Facilities</i> , in Section 5.		
B100	The Applicant must implement the Bushfire Management Plan in consultation with RFS.	BFMP	Section 1.2 of the BFMP confirms that it has been developed in consultation with the Rural Fire Service (RFS). WHC is committed to adhering to the plan as approved with consultation advice from the RFS included in the plan.	C	N/A

REHABILITATION

Rehabilitation Objectives

B101	<p>The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the <i>Mining Act 1992</i>. The rehabilitation must be generally consistent with the proposed rehabilitation objectives described in the documents listed in condition A2(c) (and shown conceptually in the figure in Appendix 6), and must comply with the objectives in Table 12.</p> <p>Table 12: Rehabilitation objectives</p> <table><tr><th>Feature</th><th>Objective</th></tr><tr><td>All areas of the site affected by the development</td><td><ul style="list-style-type: none">○ safe, stable and non-polluting○ fit for the intended post-mining land use/s○ establish the final landform and post-mining land use/s as soon as practicable after cessation of mining operations○ minimise post-mining environmental impacts</td></tr><tr><td>Areas proposed for native ecosystem re-establishment</td><td><ul style="list-style-type: none">○ Establish/restore self-sustaining native open woodland ecosystems○ Establish local plan community types○ Establish:<ul style="list-style-type: none">▪ Riparian vegetation, within any diverted and/or re-established creek lines and retained water features;▪ Habitat, feed and foraging resources for threatened fauna species; and▪ Vegetation connectivity and wildlife corridors, as far as is reasonable and feasible</td></tr><tr><td>Areas proposed for agricultural land</td><td><ul style="list-style-type: none">○ Establish/restore grassland areas to support sustainable agricultural activities○ Use species found in the local area that are suitable for pasture production</td></tr></table>	Feature	Objective	All areas of the site affected by the development	<ul style="list-style-type: none">○ safe, stable and non-polluting○ fit for the intended post-mining land use/s○ establish the final landform and post-mining land use/s as soon as practicable after cessation of mining operations○ minimise post-mining environmental impacts	Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none">○ Establish/restore self-sustaining native open woodland ecosystems○ Establish local plan community types○ Establish:<ul style="list-style-type: none">▪ Riparian vegetation, within any diverted and/or re-established creek lines and retained water features;▪ Habitat, feed and foraging resources for threatened fauna species; and▪ Vegetation connectivity and wildlife corridors, as far as is reasonable and feasible	Areas proposed for agricultural land	<ul style="list-style-type: none">○ Establish/restore grassland areas to support sustainable agricultural activities○ Use species found in the local area that are suitable for pasture production	Discussion with Site management	Rehabilitation requirements of the site have not been triggered yet, as stated by Site management.	NT	N/A
Feature	Objective												
All areas of the site affected by the development	<ul style="list-style-type: none">○ safe, stable and non-polluting○ fit for the intended post-mining land use/s○ establish the final landform and post-mining land use/s as soon as practicable after cessation of mining operations○ minimise post-mining environmental impacts												
Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none">○ Establish/restore self-sustaining native open woodland ecosystems○ Establish local plan community types○ Establish:<ul style="list-style-type: none">▪ Riparian vegetation, within any diverted and/or re-established creek lines and retained water features;▪ Habitat, feed and foraging resources for threatened fauna species; and▪ Vegetation connectivity and wildlife corridors, as far as is reasonable and feasible												
Areas proposed for agricultural land	<ul style="list-style-type: none">○ Establish/restore grassland areas to support sustainable agricultural activities○ Use species found in the local area that are suitable for pasture production												

No	Assessment Requirement		Reference/ Evidence	Comments	Compliance Status	Recommendations
		<ul style="list-style-type: none"> ○ Achieve land and soil capabilities that are equivalent or better than pre-mining ○ Locate adjacent to surrounding agricultural land, where practicable 				
	Final landform	<ul style="list-style-type: none"> ○ Stable and sustainable for the intended post-mining land use/s ○ Integrated with surrounding natural landforms and other mine rehabilitated landforms, to the greatest extent practicable ○ Incorporate macro-relief and micro-relief and drainage features that mimic natural topography and mitigate erosion, to the greatest extent practicable ○ Maximise surface water drainage to the natural environment, excluding final void catchment (i.e. free draining) ○ Reduce highwall slopes to a maximum of 18 degrees (excluding slopes below the post-mining standing water level in any final void) ○ Minimise visual impacts, where practicable 				
	Final void	<ul style="list-style-type: none"> ○ Designed as long term groundwater sink to prevent the release of polluting water into the surrounding environment, unless further mine planning and final landform design processes identify a more suitable outcome for the final void (see condition B104) 				

No	Assessment Requirement		Reference/ Evidence	Comments	Compliance Status	Recommendations
		<ul style="list-style-type: none"> Optimise the size and depth of any final voids and ensure the final landform is stable and non-polluting Minimise to the greatest extent practicable: <ul style="list-style-type: none"> The drainage catchment of final voids; Any high wall instability risk; and The risk of flood interaction Maximise potential for beneficial reuse, where practicable 				
	Surface infrastructure of the development	<ul style="list-style-type: none"> To be decommissioned and removed, unless the Resources Regulator agrees otherwise Structures over the Kamilaroi Highway to be demolished and removed, unless the TfNSW agrees otherwise 				
	Rehabilitation materials	<ul style="list-style-type: none"> Materials from areas disturbed under this consent (including topsoils, substrates and seeds) are to be recovered, managed and reused as rehabilitation resources to the greatest extent practicable Maximise use of biosolids (or similar organic recycled material) to enhance soil quality for revegetation 				
	Water quality	<ul style="list-style-type: none"> Water retained on the site is fit for the intended post-mining land use/s 				

No	Assessment Requirement		Reference/ Evidence	Comments	Compliance Status	Recommendations
		<ul style="list-style-type: none"> Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation 				
	Community	<ul style="list-style-type: none"> Ensure public safety Minimise adverse socio-economic effects associated with mine closure 				
B102	<p>The rehabilitation objectives in Table 12 apply to the entire site, including all landforms constructed under either this consent or previous consents. However, the Applicant is not required to undertake any additional earthmoving works on landforms that have been approved and constructed under previous consents.</p>		N/A	Noted	Note	N/A

Progressive Rehabilitation

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B103	<p>The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.</p> <p>Note: <i>This condition does not prevent further disturbance at some later stage of the development of areas that have been rehabilitated.</i></p>	Annual Review 2022	Exploration activities on the site have undergone progressive rehabilitation, as stated by Site management. Annual Review (AR) 2022 confirms that rehabilitation activities were undertaken over disturbed areas from exploration drilling in CL 316 and geotechnical activities in the Vickery Extension Project footprint. From this AR, it notes that 1.7 ha of land is being prepared for rehabilitation, and 2 ha of land is under active rehabilitation.	C	N/A

Rehabilitation Strategy

B104	<p>The Applicant must prepare a Rehabilitation Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:</p> <p>(a) be prepared by a suitably and experienced person/s whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be prepared in consultation with the Resources Regulator, DPIE Water, NSC, BCD and GSC;</p> <p>(c) be submitted to the Planning Secretary for approval within six months of the date of commencement of development under this consent;</p> <p>(d) build on the Rehabilitation Objectives in Table 12, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform (including any final voids), post-mining land use/s and water management;</p> <p>(e) align with strategic rehabilitation and mine closure objectives and address the principles of the <i>Strategic Framework for Mine Closure</i> (ANZMEC and MCA, 2000);</p> <p>(f) describe how the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan referred to in condition B63;</p> <p>(g) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature mine closure;</p> <p>(h) include details of target vegetation communities and species to be established within the proposed revegetation areas;</p> <p>(i) investigate opportunities to refine and improve the final landform outcomes and minimise/eliminate any final voids over time;</p> <p>(j) include a risks and opportunities assessment and risk register;</p> <p>(k) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site (including any final voids), that:</p> <ul style="list-style-type: none"> (i) align with regional and local strategic land use planning objectives and outcomes; (ii) support a sustainable future for the local community; (iii) Utilise existing mining infrastructure, where practicable; (iv) Avoid disturbing self-sustaining native ecosystems, where practicable; and 	Rehabilitation Strategy, January 2023	<p>The Rehabilitation Strategy, January 2023:</p> <p>(a) was prepared by a suitably and experienced person/s whose appointment has been endorsed by the Planning Secretary, confirmed in Section 1.1;</p> <p>(b) was prepared in consultation with the Resources Regulator, DPIE Water, NSC, BCD and GSC, as confirmed in Section 1.2;</p> <p>(c) was submitted to the Planning Secretary for approval within six months of the date of commencement of development under this consent, as confirmed in Section 1.2;</p> <p>(d) builds on the Rehabilitation Objectives in Table 12, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform (including any final voids), post-mining land use/s and water management, as confirmed in Section 3.1 and 3.2;</p> <p>(e) aligns with strategic rehabilitation and mine closure objectives and address the principles of the <i>Strategic Framework for</i></p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(l) include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes;</p> <p>(m) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure;</p> <p>(n) include a program to review and refine the final landform and final void outcomes every five years, in consultation with the Resources Regulator and GSC, NSC, to meet the relevant Rehabilitation Objectives in Table 12; and</p> <p>(o) include details of the monitoring and management measures to ensure proper storage and protection of top soil.</p>		<p><i>Mine Closure</i> (ANZMEC and MCA, 2000), as confirmed in Section 3.2;</p> <p>(f) describes how the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan referred to in condition B63, as confirmed in Section 1.3 and 3.1;</p> <p>(g) describes how rehabilitation will be integrated with the mine planning process, including a plan to address premature mine closure, as confirmed in Section 3.3 and 3.4;</p> <p>(h) includes details of target vegetation communities and species to be established within the proposed revegetation areas, as confirmed in Section 3.3;</p> <p>(i) investigates opportunities to refine and improve the final landform outcomes and minimise/eliminate any final voids over time, as confirmed in Section 3.3;</p> <p>(j) includes a risks and opportunities assessment</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>and risk register, as confirmed in Section 4;</p> <p>(k) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site (including any final voids), as confirmed in Section 5, that:</p> <p>(i) aligns with regional and local strategic land use planning objectives and outcomes, outlined in Section 5;</p> <p>(ii) supports a sustainable future for the local community, outlined in Section 5;</p> <p>(iii) Utilises existing mining infrastructure, where practicable, as outlined in Section 5;</p> <p>(iv) Avoids disturbing self-sustaining native ecosystems, where practicable, as outlined in Section 5; and</p> <p>(l) includes a stakeholder engagement plan to guide rehabilitation and mine closure planning processes</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>and outcomes, outlined in Section 6;</p> <p>(m) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure, outlined in Section 6;</p> <p>(n) include a program to review and refine the final landform and final void outcomes every five years, in consultation with the Resources Regulator and GSC, NSC, to meet the relevant Rehabilitation Objectives in Table 12, outlined in Section 3.3.1; and</p> <p>(o) include details of the monitoring and management measures to ensure proper storage and protection of top soil, outlined in Section 3.2.5.</p>		
B105	The Applicant must implement the Rehabilitation Strategy approved by the Planning Secretary.	<p>Rehabilitation Strategy</p> <p>Discussion with Site management</p>	WHC is committed to implementing the Rehabilitation Strategy as approved by the Planning Secretary.	C	N/A

Rehabilitation Management Plan

B106	<p>The Applicant must prepare and implement a Rehabilitation Management Plan in accordance with the conditions imposed on the mining lease(s) associated with the project under the <i>Mining Act 1992</i>. The plan must:</p> <p>(a) be prepared in accordance with the relevant requirements specified under the <i>Mining Act 1992</i>;</p> <p>(b) be prepared in consultation with the Department, MEG, DPIE Water, BCD, GSC and NSC;</p> <p>(c) include a detailed plan for the reinstatement and review of the proposed:</p> <ul style="list-style-type: none"> (i) ecological rehabilitation and native woodland areas, including a protocol for progressive reviews to demonstrate that the target vegetation communities are being achieved; and (ii) agricultural land rehabilitation; <p>(d) Include a life of mine rehabilitation and mining schedule which outlines key progressive rehabilitation milestones from the commencement of operations through to decommissioning and mine closure;</p> <p>(e) include Rehabilitation Objectives, Rehabilitation Completion Criteria and a Final Landform and Rehabilitation Plan;</p> <p>(f) for ecological rehabilitation used for retiring ecosystem credits in Table 10, include all information as required under section 12.2 of the Framework for Biodiversity Assessment of the NSW Biodiversity Offsets Policy for Major Projects (OEH, 2014), including triggers for determining whether ecological rehabilitation credits should alternatively be retired as per Condition B60;</p> <p>(g) include an overview of the identified risks to achieving successful rehabilitation and the type of rehabilitation strategies to be implemented to address the identified risks;</p> <p>(h) describe the measures to be implemented on the site to achieve the Rehabilitation Objectives in Table 12, the requirements of the Rehabilitation Strategy referred to in condition B104;</p> <p>(i) include procedures for the reasonable use of interim stabilisation and temporary vegetation strategies to minimise the area exposed for dust generation (see condition B103)</p>	<p>Rehabilitation Management Plan, 27 July 2022</p> <p>Rehabilitation Management Plan, 31 May 2023</p>	<p>Rehabilitation Management Plan, submission date 31 May 2023:</p> <p>(a) was prepared in accordance with the relevant requirements specified under the <i>Mining Act 1992</i>, as confirmed by Section 1.1.1;</p> <p>(b) was prepared in consultation with the Department, MEG, DPIE Water, BCD, GSC and NSC, as noted in Section 4.2;</p> <p>(c) includes a detailed plan for the reinstatement and review of the proposed:</p> <ul style="list-style-type: none"> (i) ecological rehabilitation and native woodland areas, including a protocol for progressive reviews to demonstrate that the target vegetation communities are being achieved, outlined in Section 6.2.4 and 6.2.5; and (ii) agricultural land rehabilitation outlined in Section 4, 6.2.3 – 6.2.5 and 8.2.2; <p>(d) Includes a life of mine rehabilitation and mining schedule which outlines key progressive rehabilitation milestones from the commencement of operations through to decommissioning and mine</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(j) include a program to monitor, audit and report on the progress against the Rehabilitation Objectives and Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan;</p> <p>(k) describe further studies, work, research or consultation that will be undertaken to expand the site-specific rehabilitation knowledge base, reduce uncertainty and improve rehabilitation outcomes; and</p> <p>(l) outline intervention and adaptive management techniques to ensure rehabilitation remains on a trajectory of achieving the Rehabilitation Objectives, Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan as soon as reasonably practical.</p> <p>Note:</p> <p>- <i>The Rehabilitation Management Plan may be combined with a Mining Operations Plan, or similar plan, required under the mining lease granted for the development.</i></p>		<p>closure, outlined in Section 6.1;</p> <p>(e) includes Rehabilitation Objectives, Rehabilitation Completion Criteria and a Final Landform and Rehabilitation Plan, outlined in Section 4;</p> <p>(f) Site management noted that as no ecological rehabilitation was proposed nor undertaken during the audit period this sub-condition is not applicable.</p> <p>(g) includes an overview of the identified risks to achieving successful rehabilitation and the type of rehabilitation strategies to be implemented to address the identified risks, outlined in Section 3;</p> <p>(h) describes the measures to be implemented on the site to achieve the Rehabilitation Objectives in Table 12, the requirements of the Rehabilitation Strategy referred to in condition B104, outlined in Section 6 – Rehabilitation Implementation;</p> <p>(i) includes procedures for the reasonable use of interim</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>stabilisation and temporary vegetation strategies to minimise the area exposed for dust generation (see condition B103), outlined in Section 6.1;</p> <p>(j) includes a program to monitor, audit and report on the progress against the Rehabilitation Objectives and Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan, outlined in Section 8;</p> <p>(k) describes further studies, work, research or consultation that will be undertaken to expand the site-specific rehabilitation knowledge base, reduce uncertainty and improve rehabilitation outcomes, outlined in Section 9; and</p> <p>(l) outlines intervention and adaptive management techniques to ensure rehabilitation remains on a trajectory of achieving the Rehabilitation Objectives, Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan as soon as reasonably</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			practical, outlined in Section 10.		

SOCIAL

Social Impact Management Plan

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
B107	<p>The Applicant must prepare a Social Impact Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced person/s;</p> <p>(b) be prepared in consultation with GSC, NSC, the CCC and the local affected community and other interested stakeholders (to the greatest extent practicable);</p> <p>(c) be submitted to the Planning Secretary for approval within six months of the date of commencement of development under this consent;</p> <p>(d) identify both positive and negative social impacts resulting from the development and following mine closure, both locally and regionally;</p> <p>(e) specify adaptive management and mitigation measures to avoid, minimise, and/or mitigate negative social impacts;</p> <p>(f) identify opportunities to secure and enhance positive social impacts from the development, including opportunities to assist in maintaining community services and facilities;</p> <p>(g) include a stakeholder engagement plan to guide the evaluation and implementation of social impact management and mitigation measures; and</p> <p>(h) include a program to monitor, review and report on the effectiveness of these measures, including updating the plan 3 years prior to mine closure.</p>	Discussion with Site management	Site management advised that a draft Social Impact Management Plan drafted has been submitted for approval and not yet finalised. The Site is progressing towards compliance with this condition sufficiently.	C	N/A
B108	The Applicant must implement the Social Impact Management Plan as approved by the Planning Secretary.	As above.	As above.	C	N/A

PART C – CONSTRUCTION SPECIFIC ENVIRONMENTAL CONDITIONS

CONSTRUCTION

Construction Hours

C1.	Approved construction works for the Project Rail Spur, Kamilaroi Highway Overpass and road realignments must be undertaken between the hours of 7 am to 6 pm, Monday to Sunday and at no time on Public Holidays, unless the Planning Secretary agrees otherwise.	Discussion with Site management	Construction activities for the Project Rail Spur, Kamilaroi Highway Overpass and road realignments have not commenced on Site. Therefore, this condition is not triggered.	NT	N/A
C2.	<p>The following activities may be carried out outside the hours in Condition C1:</p> <p>(a) construction work that causes $L_{Aeq(15\text{ min})}$ noise levels in Table 2 of the <i>Interim Construction Noise Guideline</i> (Department of Environment and Climate Change, 2009);</p> <p>(b) delivery of plant, equipment and materials which is required to be delivered outside standard construction hours by Police and/or other authorities for safety reasons;</p> <p>(c) emergency work to avoid loss of life, damage to property and/or environmental harm; or</p> <p>(d) works approved under an Out of Hours Work Protocol in accordance with condition B6.</p>	N/A	Noted	Note	N/A

Construction Noise

C3.	The Applicant must ensure that construction noise does not exceed the operational noise criteria in Table 1, except where an alternative temporary limit has been approved by the Planning Secretary for specific works or where the Applicant has an agreement with the owner/s of the relevant residence/land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.	N/A	Construction activities have not commenced on site, therefore this condition has not been triggered.	NT	N/A
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Kamilaroi Highway Overpass and Project Rail Spur Overpass

C4.	The proposed Kamilaroi Highway Overpass and Project Rail Spur Overpass must both be designed and constructed in accordance with the relevant Austroads guidelines, Australian Standards and TfNSW specifications, in consultation with and to the satisfaction of TfNSW. Note: <i>Additional approval may be required under the Roads Act 1993.</i>	N/A	Construction activities for Kamilaroi Highway Overpass and Project Rail Spur Overpass have not commenced on site, therefore this condition has not been triggered.	NT	N/A
C5.	The Applicant must enter into a Works Authorisation Deed (WAD) prior to undertaking the road works. Note: <i>TfNSW can exercise its powers and functions of the roads authority, to undertake road works in accordance with sections 64 and 71 of the Roads Act 1993, as applicable, for all works under the WAD.</i>	N/A	As above.	NT	N/A
C6.	All road works must be undertaken at full cost to the Applicant and at no cost to the relevant roads authority.	N/A	As above.	NT	N/A

Construction Traffic Management Plan

C7.	<p>The Applicant must prepare a Construction Traffic Management Plan for construction of the Kamilaroi Highway Overpass to the satisfaction of TfNSW. This plan must:</p> <p>(a) describe the measures to be implemented to minimise traffic and road safety issues and disruption to other road users;</p> <p>(b) include a risk assessment to identify hazards to traffic control, the level of risk posed and control measures to be implemented;</p> <p>(c) include a vehicle movement plan for:</p> <ul style="list-style-type: none"> (i) managing light, heavy and over-dimensional vehicles during construction works; (ii) transporting construction waste materials; and (iii) restricting construction or transportation hours to avoid road user conflicts; and <p>(d) include a traffic control plan prepared in accordance with <i>Traffic Control at Work Sites</i> (RMS, 2018).</p>	N/A	Construction of the Kamilaroi Highway Overpass, has not commenced and therefore this condition is not yet triggered.	NT	N/A
C8.	The Applicant must not commence construction works associated with the Kamilaroi Highway Overpass until the Construction Traffic Management Plan is approved by TfNSW.	N/A	As above.	NT	N/A

PART D – ADDITIONAL PROCEDURES

ACQUISITION UPON REQUEST

D1.	<p>Upon receiving a written request for acquisition from the owner of the privately-owned land^a listed in Table 13, the Applicant must acquire the land in accordance with the procedures in conditions D11 to D18, inclusive.</p> <p>Table 13: Land subject to acquisition upon request</p> <table><tr><th>Acquisition Basis</th><th>Property ID</th></tr><tr><td>Noise</td><td>127</td></tr></table> <p>^a The locations of the land referred to in Table 13 is shown in Appendix 1.</p>	Acquisition Basis	Property ID	Noise	127	N/A	Site management stated that no written requests for land have occurred, therefore this condition is not triggered.	NT	N/A
Acquisition Basis	Property ID								
Noise	127								
ADDITIONAL MITIGATION UPON REQUEST									
D2.	<p>Upon receiving a written request from:</p> <p>(a) the owner of any residence on privately-owned land^a listed in Table 13 (unless the landowner has requested acquisition); or</p> <p>(b) a landowner of the land listed in Table 2; or</p> <p>(c) the owner of any residence where subsequent noise monitoring shows the noise generated by the development is equal to or greater than the relevant voluntary mitigation criteria (except where a negotiated noise agreement is in place);</p> <p>The Applicant must implement additional mitigation measures at or in the vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the <i>Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Developments</i> (NSW Government, 2018). They must also be reasonable and feasible, proportionate to the level of predicted impact and directed towards reducing the relevant noise impacts of the development. The Applicant must also be responsible for the reasonable costs of ongoing</p>	N/A	As above.	NT	N/A				

	maintenance of these additional mitigation measures until the cessation of mining operations.				
D3.	If within three months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.	N/A	As above.	NT	N/A

NOTIFICATION OF LANDOWNERS/TENANTS

D4.	<p>Within one month of the date of this consent, the Applicant must:</p> <p>(a) notify in writing the owner of:</p> <ul style="list-style-type: none"> (i) the land listed in Table 13 that they have the right to require the Applicant to acquire their land at any stage during the development; (ii) the residences on the land listed in Table 13 that they are entitled to ask the Applicant to install additional mitigation measures at the residence; and (iii) Any privately-owned land within 3 kilometres of the approved open cut mining pit/s that they are entitled to ask the Applicant for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated; <p>(b) notify the tenants of any mine-owned land of their rights under this consent; and</p> <p>(c) send a copy of the NSW Health fact sheet entitled “<i>Mine Dust and You</i>” (NSW Health, 2017) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the document/s listed in condition A2 identify that dust emissions generated by the development are likely to be greater than the relevant air quality criterion in PART B of this consent at any time during the life of the development.</p>	<p>Discussion with Site management</p> <p>Receipts from Australia Post dated 1 September 2020</p> <p>WHC letters to owners of privately owned residences and tenants of WHC owned residences and land</p> <p>Mine dust and you factsheet</p> <p>Screenshot of an internal platform</p>	<p>(a)</p> <p>(i)/(ii)/(iii) The owner of Property ID 127 in Table 13 of the SSD7480 was provided a letter dated 31 August 2020 noting requirement for condition D4(a)(i), (ii), and (iii).</p> <p>(iii)(cont'd) Letters dated 28 August 2020 to the owners of land with Property ID 133a and 108a noting requirement for D4(a)(iii).</p> <p>(b)(c) Letters dated 31 August 2020 were sent to tenants on Whitehaven owned land, noting requirement for D4(b) and where applicable D4(c).</p> <p>Letter dated 8 September 2020 sent to tenant on Whitehaven owned land, noting requirement for D4(b).</p> <p>Site management provided screenshots of an internal platform assigning the actions from condition 4(b) and (c), noting completion within the one month period of commencement of this consent. Letters provided also note that these conditions were met, as letters are dated 28 and 31 August 2020, which were sent with Australia Post on 1 September 2020 noted from Australia Post receipts, which is within one month of the date of this consent (12 August 2020).</p> <p>Where applicable, the mine dust and you factsheet was also provided to tenants and landholders of residences.</p>	C	N/A
D5.	<p>Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, the Applicant must:</p>	<p>Receipts from Australia Post dated 1 September 2020</p>	<p>As per condition D4 comments, letters to all tenants were sent and included mention of both D5 (a) and (b) condition.</p>	C	N/A

	<p>(a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled “<i>Mine Dust and You</i>” (NSW Health, 2017); and</p> <p>(b) advise the prospective tenants of the rights they would have under this consent, To the satisfaction of the Planning Secretary.</p>	<p>WHC letters</p> <p>Mine dust and you factsheet</p> <p>Screenshot of an internal platform</p>	<p>(a) Lodgement receipts from Australia Post dated 1 September 2020, copies of the WHC letters sent to applicable tenants, and the attached mine dust and you factsheet were provided, confirming that Site management met the requirements of this condition.</p> <p>(b) Site management provided a screenshot of an internal platform assigning the actions from this condition, noting that Huw Morgan completed this notification on 26 February 2021.</p> <p>Site management provided copies of the tenancy agreements in place that were established between 2017-2020, all prior to the approval of SSD7480. Therefore, compliance is achieved with this condition to notify tenants of both part (a) and (b) of this condition, within one month of the commencement of SSD7480.</p>		
NOTIFICATION OF EXCEEDANCES					
D6.	As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise, blasting or air quality criterion in PART B of this consent, the Applicant must provide the details of the exceedance to any affected landowners tenants and the CCC.	Discussion with site management	No exceedances have occurred on site; therefore this condition is not triggered.	NT	N/A
D7.	For any exceedance of any air quality criterion in PART B, the Applicant must also provide to any affected landowners and/or tenants a copy of the NSW Health fact sheet entitled “ <i>Mine Dust and You</i> ” (NSW Health, 2017).	Discussion with site management	As above.	NT	N/A
INDEPENDENT REVIEW					
D8.	If a landowner considers the development to be exceeding any relevant air quality, noise or blasting criterion in PART B of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.	Discussion with site management	Site management noted that this has not been triggered.	NT	N/A

D9.	If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.	Discussion with site management	As above	NT	N/A
D10.	If the Planning Secretary is satisfied that an independent review is warranted, within three months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to: (i) consult with the landowner to determine their concerns; (ii) conduct monitoring to determine whether the development is complying with the relevant criterion in PART B of this consent; and (iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion; (b) give the Planning Secretary and landowner a copy of the independent review; and (c) comply with any written requests made by the Planning Secretary to implement any findings of the review.	Discussion with site management	As above	NT	N/A
LAND ACQUISITION					
D11.	Within three months of receiving a written request for acquisition from a landowner with acquisition rights, the Applicant must make a binding written offer to the landowner based on: (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the: (i) existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and (ii) presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the	Discussion with Site management	Site management noted that this has not been triggered.	NT	N/A

	<p>implementation of the additional noise and/or air quality mitigation measures in condition D2;</p> <p>(b) the reasonable costs associated with:</p> <p>(i) relocating with the Gunnedah, Narrabri or Tamworth local government areas, or to any other local government area determined by the Planning Secretary; and</p> <p>(ii) obtaining independent legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and</p> <p>(c) Reasonable compensation for any disturbance caused by the land acquisition process.</p>				
D12.	<p>If, within two months of the binding written offer being made under condition D11, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Planning Secretary for resolution.</p>	Discussion with site management	Site management noted that this has not been triggered.	NT	N/A
D13.	<p>Upon receiving a request under condition D12, the Planning Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p> <p>(a) consider submissions from both parties;</p> <p>(b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in condition D11;</p> <p>(c) prepare a detailed report setting out the reasons for any determination; and</p> <p>(d) provide a copy of the report to both parties.</p>	Discussion with site management	Site management noted that this has not been triggered.	NT	N/A
D14.	<p>Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.</p>	Discussion with site management	Site management noted that this has not been triggered.	NT	N/A
D15.	<p>However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, either party may refer the matter to the Planning Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent</p>	Discussion with site management	Site management noted that this has not been triggered.	NT	N/A

	valuer and both parties, the Planning Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in condition D11, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.				
D16.	Within 14 days of this determination, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the Planning Secretary's determination.	Discussion with site management	Site management noted that this has not been triggered.	NT	N/A
D17.	If the landowner refuses to accept the Applicant's binding written offer under this condition within six months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Planning Secretary determines otherwise.	Discussion with site management	Site management noted that this has not been triggered.	NT	N/A
D18.	The Applicant must pay all reasonable costs associated with the land acquisition process described in conditions D11 to D17 inclusive, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.	Discussion with site management	Site management noted that this has not been triggered.	NT	N/A

PART E – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

E1.	<p>The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:</p> <ul style="list-style-type: none"> (a) be submitted to the Planning Secretary for approval prior to commencing construction under this consent; (b) provide the strategic framework for environmental management of the development; (c) identify the statutory approvals that apply to the development; (d) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; (e) set out the procedures to be implemented to: <ul style="list-style-type: none"> (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development; (ii) receive, record, handle and respond to complaints; (iii) resolve any disputes that may arise during the course of the development; (iv) respond to any non-compliance and any incident; and (v) respond to emergencies; and (f) include: <ul style="list-style-type: none"> (i) references to any strategies, plans and programs approved under the conditions of this consent; and (ii) a clear plan depicting all the sites where monitoring is to be carried out under the conditions of this consent. 	<p>Environmental Management Strategy, dated June 2021</p> <p>Environmental Management Strategy Approval Letter, dated 8 June 2021, from Stephen O'Donoghue at the Department, addressed to Tony Dwyer at WHC</p>	<p>The Environmental Management Strategy (EMS), dated June 2021:</p> <ul style="list-style-type: none"> a) was submitted to the Planning Secretary for approval prior to commencing construction under this consent, as confirmed by the approval letter from the Department dated 9 June 2021; (b) provides the strategic framework for environmental management of the development, outlined in Section 3; (c) identifies the statutory approvals that apply to the development, outlined in Section 2; (d) sets out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development, outlined in Section 4.2; (e) sets out the procedures to be implemented to: <ul style="list-style-type: none"> (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development, Outlined in section 4.4; (ii) receive, record, handle and respond to complaints, outlined in Section 4.4.1.2; (iii) resolve any disputes that may arise during the course of the development, outlined in Section 4.4.2; (iv) respond to any non-compliance and any incident, outlined in Section 5.3; and (v) respond to emergencies, outlined in Section 5.4; and 	C	N/A
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			<p>(f) includes:</p> <p>(i) references to any strategies, plans and programs approved under the conditions of this consent, outlined in Section 3.3; and</p> <p>(ii) a clear plan depicting all the sites where monitoring is to be carried out under the conditions of this consent, outlined in Section 5.1.</p>		
E2.	The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.	Environmental Management Strategy, dated June 2021	The EMS notes - The VCM will implement the approved EMS as required under Condition E2.	C	N/A

Adaptive Management

E3.	<p>The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.</p> <p>Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <p>(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;</p> <p>(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and</p> <p>(c) implement reasonable remediation measures as directed by the Planning Secretary.</p>	N/A	Site management noted that no exceedances have occurred for the project, and therefore this condition is not triggered.	NT	N/A
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Management Plan Requirements

E4.	<p>Management plans required under this consent must be prepared in accordance with relevant guidelines, and include where relevant:</p> <ul style="list-style-type: none"> (a) summary of relevant background or baseline data; (b) details of: <ul style="list-style-type: none"> (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions); (ii) any relevant limits or performance measures and criteria; and (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; (c) Any relevant commitments or recommendations identified in the document/s listed in condition A2(c); (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria; (e) a program to monitor and report on the: <ul style="list-style-type: none"> (i) impacts and environmental performance of the development; and (ii) effectiveness of the management measures set out pursuant to paragraph (d); (c) A contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible; (d) A program to investigate and implement ways to improve the environmental performance of the development over time; (e) A protocol for managing and reporting any: <ul style="list-style-type: none"> (i) incident, non-compliance or exceedance of any impact assessment criterion or performance measure; (ii) complaint; or (iii) failure to comply with other statutory requirements; (f) Public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and 	<p>All MP's and approval letters from the Department as outlined in this document.</p>	<p>All MPs have been approved and comply with all requirements of this condition.</p>	C	N/A
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	(g) A protocol for periodic review of the plan. Note: <i>The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</i>				
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REVISION OF STRATEGIES, PLANS AND PROGRAMS

E5.	Within three months of: (a) the submissions of an incident report under condition E7; (b) the submission of an Annual Review under condition E9; (c) the submission of an Independent Environmental Audit under condition E10; or (d) the modification or the conditions of this consent (unless the conditions require otherwise), The suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.	Management Plan Register Discussion with Site management	Site management noted that condition part a, c, and d are not triggered. (b) The Management Plan Register confirms that Management Plans were reviewed in May 2023, following submission of the Annual Review on 28 February 2023.	C	N/A
E6.	If necessary, to either improve the environmental performance of the development or cater for a modification, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review. Note: <i>This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.</i>	N/A	Noted	Note	N/A

REPORTING AND AUDITING

Incident Notification

E7.	The Applicant must immediately notify the Department and any other relevant agencies after it becomes aware of an incident. The notification must identify the development (including the development application number and name) and set out the location and nature of the incident.	Discussion with Site management	Site management stated that there have been no reportable incidents or non-compliances associated with this consent during the audit period.	NT	N/A
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Non-Compliance Notification

E8.	<p>Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must set out the condition of this consent that the development is non-compliance with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.</p> <p>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</p>	N/A	Site management stated that there have been no reportable incidents or non-compliances associated with this consent.	NT	N/A
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Annual Review

E9.	<p>By the end of March each year, after the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:</p> <ul style="list-style-type: none"> (a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year; (b) report on the progress of biodiversity credits retirements and the associated actual versus proposed surface disturbance for each stage; (c) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the: <ul style="list-style-type: none"> (i) relevant statutory requirements, limits or performance measures/criteria; (ii) requirements of any plan or program required under this consent; (iii) monitoring results of previous years; and (iv) relevant predictions in the document/s listed in condition A2(c); (d) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions 	Annual Review 2022	<p>The Annual Reviews submitted for 2022 is available on the WHC website and:</p> <ul style="list-style-type: none"> a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year in Section 3/4 'Operations Summary'; (b) report on the progress of biodiversity credits retirements and the associated actual versus proposed surface disturbance for each stage in Section 5.2.2/6.2.2; (c) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the: <ul style="list-style-type: none"> (i) relevant statutory requirements, limits or performance measures/criteria; (ii) requirements of any plan or program required under this consent; 	C	N/A
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	<p>were (or are being) taken to rectify the non-compliance and avoid reoccurrence;</p> <p>(e) evaluate and report on:</p> <ul style="list-style-type: none"> (i) the effectiveness of the noise and air quality management systems; and (ii) compliance with the performance measures, criteria and operating conditions of this consent; <p>(f) identify any trends in the monitoring data over the life of the development;</p> <p>(g) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(h) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.</p>		<ul style="list-style-type: none"> (iii) monitoring results of previous years; and (iv) relevant predictions in the document/s listed in condition A2(c); all throughout the AR in relevant monitoring results and complaints sections; <p>(d) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence, in Section 10/11;</p> <p>(e) evaluate and report on:</p> <ul style="list-style-type: none"> (i) the effectiveness of the noise and air quality management systems; and (ii) compliance with the performance measures, criteria and operating conditions of this consent; in respective air quality/noise sections of the reviews <p>(f) identify any trends in the monitoring data over the life of the development, in the Environmental Performance Summary section;</p> <p>(g) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies, outlined in respective performance during reporting period sections of the AR; and</p> <p>(h) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development, outlined in Section 12 'Activities to be completed in the next reporting period'.</p>	
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Independent Environmental Audit

E10.	<p>Within one year of the date of commencement of development under this consent, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:</p> <p>(a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;</p> <p>(c) be carried out in consultation with the relevant agencies and the CCC;</p> <p>(d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);</p> <p>(e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;</p> <p>(f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and</p> <p>(g) be conducted and reported to the satisfaction of the Planning Secretary.</p>	<p>Letter from Mark Stevens at WHC to Stephen O'Donoghue at DPIE, dated 31 March 2022</p>	<p>A letter from Mark Stevens at WHC to Stephen O'Donoghue at DPIE, dated 31 March 2022, providing notification to the Department at least two weeks prior to commencing development under SSD7480. Commencement of development was on 28 April 2022. ERM were engaged to complete this IEA, with site visit occurring on 14 June 2023, confirming that the first IEA to be required under this consent fell within one year of the date of commencement of development.</p> <p>(a) Endorsement of ERM auditors by the Planning Secretary is confirmed by a letter from Heidi Watters as nominee of the Planning Secretary at DPE, addressed to Scott Mitchell at WHC, dated 21 April 2023, confirming endorsement of ERM auditors Mr Andrew Lewis, Ms Sophie Barkla, Ms Heather McKay, and Mr Oliver Moore.</p> <p>(b) The letter from Heidi Watters as nominee of the Planning Secretary at DPE, addressed to Scott Mitchell at WHC, dated 21 April 2023, identifies that the Department has reviewed the nominations and information provided and is satisfied that these persons are suitably qualified, experienced, and independent.</p> <p>(c) This 2023 IEA has been carried out in consultation with the relevant agencies and the CCC, as confirmed by email receipts from Andrew Lewis at ERM to DPE, NSWRR, NSW, EPA, CCC, and GSC, dated 15 May 2023;</p>	C	N/A
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			<p>(d) The process to complete audit tables for this IEA has confirmed that auditors have assessed the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);</p> <p>(e) The team of auditors have reviewed the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent, as confirmed by the contents of audit tables as part of this IEA;</p> <p>(f) Auditors have recommended appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent, where appropriate; and</p> <p>(g) This IEA has been conducted and will be reported upon completion to the satisfaction of the Planning Secretary.</p>		
E11.	<p>Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.</p>	N/A	<p>Not triggered, as there are no previous IEA's for the project. This IEA report will be submitted to the Planning Secretary within the required timeframe.</p>	NT	N/A

Monitoring and Environmental Audits

E12.	<p>Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly by way of a plan, strategy or program, is taken to be a</p>	Noted	Noted	Note	N/A
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	<p>condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.</p> <p>For the purposes of this condition, as set out in the EP&A Act, “monitoring” means monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” means a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</p>				
E13.	Noise, blast and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Part B, providing that these representative monitoring locations are set out in the respective management plan/s.	N/A	Noted	Note	N/A
ACCESS TO INFORMATION					
E14.	<p>Within three months of the date of commencement of development under this consent, until the completion of all rehabilitation required under this consent, the Applicant must:</p> <p>(a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:</p> <ul style="list-style-type: none"> (i) the document/s listed in condition A2(c); (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (iv) minutes of CCC meetings; (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent; (vi) a comprehensive summary of the monitoring results of the development, reported in accordance 	WHC website, accessed 13/07/2023	<p>(a) The following are all available on the WHC website</p> <ul style="list-style-type: none"> (i) the document/s listed in condition A2(c); (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (iv) minutes of CCC meetings; (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent, in Annual Reviews; (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the 	C	N/A

	<p>with the specifications in any conditions of this consent, or any approved plans and programs;</p> <p>(vii) a summary of the current progress of the development;</p> <p>(viii) contact details to enquire about the development or to make a complaint;</p> <p>(ix) a complaints register, updated monthly;</p> <p>(x) the Annual Reviews of the development;</p> <p>(xi) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report; and</p> <p>(xii) any other matter required by the Planning Secretary; and</p> <p>(b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>		<p>specifications in any conditions of this consent, or any approved plans and programs, in Annual Reviews;</p> <p>(vii) a summary of the current progress of the development, in Annual Reviews;</p> <p>(viii) contact details to enquire about the development or to make a complaint;</p> <p>(ix) a complaints register, updated monthly;</p> <p>(x) the Annual Reviews of the development;</p> <p>(xi) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report (not triggered yet); and</p> <p>(xii) any other matter required by the Planning Secretary; and</p> <p>(b) All of the above information is kept up to date, to the satisfaction of the Planning Secretary.</p>		
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Document details	
Document title	Table A2 - EPL
Document subtitle	Compliance with Environment Protection Licence (EPL) 21283
Project No.	0616390
Date	27 April 2023
Version	1.0
Author	Sophie Barkla
Client Name	Whitehaven Coal

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations						
A1 What the licence authorises and regulates											
A1.1	<p>This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2:</p> <p>Establishment of: material stockpile areas and associated minor roads, including minor earthworks, erosion and sediment controls; temporary offices and amenities compounds. Minor adjustments to an existing power line. Survey works. Geotech investigations.</p>	Interview with Group Principal Approvals and Environmental Officer	Geotechnical investigations have begun, other works yet to commence.	C	N/A						
A1.2	<p>This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.</p> <p>Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <table><tr><th>Scheduled Activity</th><th>Fee Based Activity</th><th>Scale</th></tr><tr><td>Mining for coal</td><td>Mining for coal</td><td>0 - 500000 T annual production capacity</td></tr></table>	Scheduled Activity	Fee Based Activity	Scale	Mining for coal	Mining for coal	0 - 500000 T annual production capacity	Interview with Group Principal Approvals and Environmental Officer	Mining not yet commenced	C	N/A
Scheduled Activity	Fee Based Activity	Scale									
Mining for coal	Mining for coal	0 - 500000 T annual production capacity									
A1.3	<p>The scheduled activity of "mining for coal" can only commence when:</p> <p>1) Scheduled development work listed in condition A1.1 has been completed, AND</p> <p>2) This licence has been varied to remove reference to scheduled development work.</p>	Interview with Group Principal Approvals and Environmental Officer	Mining not yet commenced	C	N/A						
A2 Premises or plant to which this licence applies											
A2.1	<p>The licence applies to the following premises:</p> <p>Premises Details</p> <p>VICKERY COAL PROJECT</p> <p>BLUE VALE RD</p> <p>BOGGABRI</p> <p>NSW 2382</p> <p>LOT 1 DP 219923, LOT 2 DP 219923, LOT 33 DP 553903, LOT 1 DP 570414, LOT 2 DP 570414, LOT 678 DP 705086, LOT 21 DP 754929, LOT 23 DP 754929, LOT 25 DP 754929, LOT 36 DP 754929, LOT 37 DP 754929, LOT 39 DP 754929, LOT 111 DP 755503, LOT 1 DP 1015797, LOT 2 DP 1015797, LOT 1 DP 1018347, LOT 2 DP 1018347, LOT 3 DP 1018347, LOT 5 DP 1018347, LOT 7 DP 1018347, LOT 1 DP 1034511, LOT 2 DP 1034511, LOT 1 DP 1038308, LOT 2 DP 1038308, LOT 3 DP 1038308, LOT 7010 DP 1074926, LOT 1 DP 1102940, LOT 2 DP 1102940, LOT 7052 DP 1119794, LOT 4 DP 1145592</p>	Noted	Note	Noted	N/A						
A3 Information supplied to the EPA											

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
A3.1	<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <p>a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and</p> <p>b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</p>	Noted	Note	Noted	N/A

2. Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

P1.1	<p>The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.</p> <p style="text-align: center;">Noise/Weather</p> <table><tr><th>EPA identification no.</th><th>Type of Monitoring Point</th><th>Type of Discharge Point</th><th>Location Description</th></tr><tr><td>1</td><td>Meteorological Station</td><td></td><td>Meteorological station to be located in vicinity of premises. Station to be compliant with "Approved Methods for Sampling of Air Pollutants in NSW" and capable of continuous real-time measurement of temperature lapse rate according to the "NSW Industrial Noise Policy." To be installed before any scheduled activities commence at the site.</td></tr></table>	EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	1	Meteorological Station		Meteorological station to be located in vicinity of premises. Station to be compliant with "Approved Methods for Sampling of Air Pollutants in NSW" and capable of continuous real-time measurement of temperature lapse rate according to the "NSW Industrial Noise Policy." To be installed before any scheduled activities commence at the site.	CBased Environmental Pty Ltd letter - Vickery Coal Meteorological Station: Statement of Compliance. Dated 8 June 2023	<p>Statement of Compliance letter states the meteorological station was installed on 5 May 2023. The location of the station and components used to measure meteorological parameters meets the requirements and is undertaken in accordance with the:</p> <p>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales (EPA, 2022) and Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA, 2022).</p> <p>Mining not yet commenced, therefore meteorological station was installed before any scheduled activities commenced.</p>	C	N/A
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description										
1	Meteorological Station		Meteorological station to be located in vicinity of premises. Station to be compliant with "Approved Methods for Sampling of Air Pollutants in NSW" and capable of continuous real-time measurement of temperature lapse rate according to the "NSW Industrial Noise Policy." To be installed before any scheduled activities commence at the site.										

3 LIMIT CONDITIONS

L1 Pollution of Waters

L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Interview with Group Principal Approvals and Environmental Officer.	No incidents constituting pollution of waters during the audit period	C	N/A
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L2 Hours of Operation

L2.1	<p>Unless otherwise specified by another condition of this licence, construction activities must only be carried out:</p> <p>(a) between the hours of 7am and 6pm Monday to Friday;</p>	Interview with Group Principal Approvals and Environmental Officer.	No construction activities yet undertaken at site during the audit period.	NT	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	(b) between the hours of 8am and 1pm Saturday; and (c) at no time on Sundays or Public Holidays.	Site Inspection			
4 OPERATING CONDITIONS					
O1 Activities must be carried out in a competent manner					
O1.1	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Annual Returns (2021 & 2022) Interview with Group Principal Approvals and Environmental Officer. Site Inspection	Annual return for 2023 not yet submitted (due 15 July 2023). Only activities during audit period were exploration / geotechnical investigations.	NT	N/A
O2 Maintenance of plant and equipment					
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.	Maintenance records for drillers geotechnical fleet during audit period.	Exploration / geotechnical related activities only during audit period. Maintenance records for driller and geotechnical fleet observed during audit.	C	N/A
O3 Dust					
O3.1	Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.	Interview with Group Principal Approvals and Environmental Officer. Site Inspection	Dust generating activities during the audit period were limited to geotechnical drilling and light vehicle usage. Speed limits are maintained for light vehicles and water for dust suppression during drilling activities.	C	N/A
5 MONITORING AND RECORDING CONDITIONS					
M1 Monitoring Records					
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Noted	Note	Noted	N/A
M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Interview with Group Principal Approvals and Environmental Officer.	Records management is undertaken centrally by data retention officer. All records are retained on WHC server.	C	N/A

TABLE A2 - EPL
Compliance with Environment Protection Licence (EPL) 21283

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	Interview with Group Principal Approvals and Environmental Officer.	Automated weather data was collected during the audit period. No other monitoring as per this licence was required during the audit period. Additional background monitoring, not required by this licence was undertaken, including: <ul style="list-style-type: none"> - Groundwater and surface water monitoring results collected by consultant - ALS, records are entered into Environ software. - Air quality / dust deposition results recorded in spreadsheet. - All records are retained on WHC server. - Weather station data on Sentonex software. As licence requirement not yet triggered, no locational monitoring points yet defined under current EPL.	C	N/A

M2 Recording of pollution complaints

M2.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	Interview with Group Principal Approvals and Environmental Officer. Complaints registers 2019-2023	No complaints registered during period. Website complaints hotline and contacts (phone / email) viewed. Complaints are managed by the external relations team. WHC uses a spreadsheet at present to record and track complaints. WHC stated, software is being developed for future use, called Borealis.	C	N/A
M2.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	WHC_PLN_VCM Environmental Management Strategy - section 4.4.1.2 Community Complaints Complaints registers 2019-2023	WHC uses a spreadsheet at present to record and track complaints. WHC stated, software is being developed for future use, called Borealis. No complaints have been received during the audit period.	NT	N/A
M2.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Interview with Group Principal Approvals and Environmental Officer. Complaints registers 2019-2023	Complaints are managed by the external relations team. WHC uses a spreadsheet at present to record and track complaints. WHC stated, software is being developed for future use, called Borealis.	NT	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
M2.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Interview with Group Principal Approvals and Environmental Officer.	WHC stated no requests from authorised officer to produce records during audit period.	NT	N/A
M3 Telephone complaints line					
M3.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	Website complaints hotline and contacts (phone / email).	Website complaints hotline and contacts (phone / email) viewed.	C	N/A
M3.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	Website complaints hotline and contacts (phone / email).	Website complaints hotline and contacts (phone / email) viewed.	C	N/A
M3.3	The preceding two conditions do not apply until one month after the date of the issue of this licence.	Noted	Note	Noted	N/A
6 Reporting Conditions					
R1 Annual return documents					
R.1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ol style="list-style-type: none"> 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. <p>At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.</p>	Annual Returns for 2021 and 2022 provided as evidence.	Annual Returns for 2021 and 2022 provided for review.	C	N/A
R1.2	<p>An Annual Return must be prepared in respect of each reporting period, except as provided below.</p> <p>Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.</p>	<p>Interview with Group Principal Approvals and Environmental Officer.</p> <p>Annual Returns for 2021 and 2022 provided as evidence.</p>	Annual Returns for 2021 and 2022 prepared in respect of each reporting period.	C	N/A
R1.3	<p>Where this licence is transferred from the licensee to a new licensee:</p> <ol style="list-style-type: none"> a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period. 	NT	Licence has not been transferred.	NT	N/A

TABLE A2 - EPL
Compliance with Environment Protection Licence (EPL) 21283

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	Note: An application to transfer a licence must be made in the approved form for this purpose.				
R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.	NT	Licence has not been surrendered or revoked.	NT	N/A
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect <i>EPA</i> or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	eConnect EPA Annual Return submission receipt 2022.	WHC stated the Annual Return for 2023 has not yet been submitted. WHC provided an EPA reminder (for submission of the Annual return) stating the due date is 15 July 2023.	C	N/A
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Noted	Note	Noted	N/A
R1.7	Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	Annual Returns (2021/2022) statement of compliance certified and signed	Annual returns signed and certified by Director (Mark Stevens) and Chief Financial Officer (Kevin Ball)	C	N/A

R2 Notification of environmental harm

R2.1	Notifications must be made by telephoning the Environment Line service on 131 555. Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	Interview with Group Principal Approvals and Environmental Officer. Annual Returns for 2021 and 2022 provided as evidence.	WHC stated no incidents requiring notification.	NT	N/A
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	Interview with Group Principal Approvals and Environmental Officer. Annual Returns for 2021 and 2022 provided as evidence.	WHC stated no incidents requiring notification.	NT	N/A

R3 Written report

R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	Interview with Group Principal Approvals and Environmental Officer. Annual Returns for 2021 and 2022 provided as evidence.	WHC stated no requests for written reports in relation to suspected events or occurrences.	NT	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Interview with Group Principal Approvals and Environmental Officer. Annual Returns for 2021 and 2022 provided as evidence.	WHC stated no requests for written reports in relation to suspected events or occurrences.	NT	N/A
R3.3	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.	Interview with Group Principal Approvals and Environmental Officer. Annual Returns for 2021 and 2022 provided as evidence.	WHC stated no requests for written reports in relation to suspected events or occurrences.	NT	N/A
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	Interview with Group Principal Approvals and Environmental Officer. Annual Returns for 2021 and 2022 provided as evidence.	WHC stated no requests for written reports in relation to suspected events or occurrences.	NT	N/A

7 GENERAL CONDITIONS

G1 Copy of licence kept at the premises or plant

G1.1	A copy of this licence must be kept at the premises to which the licence applies.	EPL observed at site	EPL kept at premises	C	N/A
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Interview with Group Principal Approvals and Environmental Officer.	WHC stated no requests for authorised officers to see licence.	NT	N/A
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Interview with Group Principal Approvals and Site Supervisor.	Site supervisor understands requirement and EPL is publicly available on website.	C	N/A

Document details	
Document title	Table A3 – Mining Lease 1464, 1471, 1718, 1838 and CL316
Document subtitle	Compliance with Mining Lease 1464, 1471, 1718, 1838 and CL316
Project No.	0616390
Date	12 May 2023
Version	1.0
Author	Sophie Barkla
Client Name	Whitehaven Coal

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
Mining Act 1992 SCHEDULE 8A – Standard Conditions					
Division 1 - Protection of the environment and rehabilitation					
4	<p>Must prevent or minimise harm to environment</p> <p>(1) The holder of a mining lease must take all reasonable measures to prevent, or if that is not reasonably practicable, to minimise, harm to the environment caused by activities under the mining lease.</p> <p>(2) In this clause—</p> <p>harm to the environment has the same meaning as in the Protection of the Environment Operations Act 1997.</p>	This audit	Refer to the findings of this audit.	C	N/A
5	<p>Rehabilitation to occur as soon as reasonably practicable after disturbance</p> <p>The holder of a mining lease must rehabilitate land and water in the mining area that is disturbed by activities under the mining lease as soon as reasonably practicable after the disturbance occurs.</p>	<p>Rehabilitation Management Plan, 28-04-2022</p> <p>Rehabilitation Management Plan 30-05-2023</p> <p>Annual Reviews</p> <p>Annual Rehabilitation Report & Forward Program 28-07-2022</p>	<p>Only disturbances in audit period were related to limited exploration activities.</p> <p>Exploration disturbances are being rehabilitated once sites are no longer needed.</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
6	<p>Rehabilitation must achieve final land use</p> <p>(1) The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area.</p> <p>(2) The holder of the mining lease must ensure any planning approval has been obtained that is necessary to enable the holder to comply with subclause (1).</p> <p>(3) The holder of the mining lease must identify and record any reasonably foreseeable hazard that presents a risk to the holder's ability to comply with subclause (1).</p> <p>Note—</p> <p>Clause 7 requires a rehabilitation risk assessment to be conducted whenever a hazard is identified under this subclause.</p> <p>(4) In this clause—</p> <p>final land use for the mining area means the final landform and land uses to be achieved for the mining area—</p> <p>(a) as set out in the rehabilitation objectives statement and rehabilitation completion criteria statement, and</p> <p>(b) for a large mine—as spatially depicted in the final landform and rehabilitation plan, and</p> <p>(c) if the final land use for the mining area is required by a condition of development consent for activities under the mining lease—as stated in the condition.</p> <p>planning approval means—</p> <p>(a) a development consent within the meaning of</p>	<p>Rehabilitation Management Plan, 28-04-2022</p> <p>WHC-PLN-VCM-Rehabilitation Management Plan, 30-05-2023– Risk Assessment.</p> <p>SSD 7480</p> <p>Forward Program 30-05-2023</p> <p>Interview with Group Principal Approvals and Environmental Officer</p> <p>Rehabilitation Objectives Statement 1-08-2022</p>	<p>(1) Project only just commenced, no mining activity disturbances yet to rehabilitate. Final land uses defined in Rehabilitation Management Plan.</p> <p>(2) SSD 7480</p> <p>(3) Rehabilitation Management Plan contains the risk assessment as required.</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	the Environmental Planning and Assessment Act 1979 , or (b) an approval under that Act, Division 5.1.				
Division 2 - Risk assessment					
7	Rehabilitation risk assessment (1) The holder of a mining lease must conduct a risk assessment (a rehabilitation risk assessment) that— (a) identifies, assesses and evaluates the risks that need to be addressed to achieve the following in relation to the mining lease— (i) the rehabilitation objectives, (ii) the rehabilitation completion criteria, (iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan, and (b) identifies the measures that need to be implemented to eliminate, minimise or mitigate the risks. (2) The holder of the mining lease must implement the measures identified. (3) The holder of a mining lease must conduct a rehabilitation risk assessment— (a) for a large mine—before preparing a rehabilitation management plan, and	Rehabilitation Management Plan, 28-04-2022 Rehabilitation Management Plan, 30-05-2023 – including Risk Assessment	(1) The substituted version of the proposed Rehabilitation Management Plan includes the requirements for (1 a and b). Note, (1a-ii) rehabilitation completion criteria to be prepared and submitted once rehabilitation objectives are approved. (2) NT as mining has not yet commenced (3) The Rehabilitation Management Plan includes the required risk assessment.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(b) for a small mine—before preparing the rehabilitation outcome documents for the mine, and</p> <p>(c) whenever a hazard is identified under clause 6(3)—as soon as reasonably practicable after it is identified, and</p> <p>(d) whenever given a written direction to do so by the Secretary.</p>				

Division 3 - Rehabilitation documents

8	<p>Application of Division</p> <p>This Division does not apply to a mining lease unless—</p> <p>(a) the security deposit required under the mining lease is greater than the minimum deposit prescribed under the Act, section 261BF in relation to that type of mining lease, or</p> <p>(b) the Secretary gives a written direction to the holder of the mining lease that this Division, or a provision of this Division, applies to the mining lease.</p>	<p>Security deposit invoices</p> <p>Rehabilitation Management Plan, 28-04-2022</p> <p>Rehabilitation Management Plan 30-05-2023</p>	<p>Security deposits required under the mining leases are greater than minimum deposits prescribed under the Act, section 261BF. Therefore, the Division (for Rehabilitation documents) applies.</p>	C	N/A
9	<p>General requirements for documents</p> <p>A document required to be prepared under this Division must—</p> <p>(a) be in a form approved by the Secretary, and</p> <p>Note—</p>	<p>Rehabilitation Management Plan, 28-04-2022</p> <p>Rehabilitation Management Plan 30-05-2023</p> <p>Forward Program 30-05-2023</p>	<p>Documents observed to be in required format and submitted as required.</p>	C	N/A

	<p>The approved forms are available on the Department's website.</p> <p>(b) include any matter required to be included by the form, and</p> <p>(c) if required to be given to the Secretary—be given in a way approved by the Secretary.</p>	Rehabilitation Outcome Documents submitted via online portal			
10	<p>Rehabilitation management plans for large mines</p> <p>(1) The holder of a mining lease relating to a large mine must prepare a plan (a rehabilitation management plan) for the mining lease that includes the following—</p> <p>(a) a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area,</p> <p>(b) a description of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation,</p> <p>(c) a summary of rehabilitation risk assessments conducted by the holder,</p> <p>(d) the risk control measures identified in the rehabilitation risk assessments,</p> <p>(e) the rehabilitation outcome documents for the mining lease,</p> <p>(f) a statement of the performance outcomes for the matters addressed by the rehabilitation outcome documents and the ways in which those outcomes are to be measured and monitored.</p> <p>(2) If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must include a proposed version of the document.</p> <p>(3) A rehabilitation management plan is not required to</p>	<p>Rehabilitation Management Plan, 28-04-2022</p> <p>Rehabilitation Management Plan, 30-05-2023</p> <p>Forward Program, 30-05-2023</p> <p>Rehabilitation Outcome Documents</p>	<p>(1) Rehabilitation Management Plan covers the current listed requirements.</p> <p>(2) WHC prepared a proposed version of the Rehabilitation Management Plan prior to submitting rehabilitation outcome documents for approval by the Secretary.</p> <p>Proposed version of Rehabilitation Management Plan was then amended following Resubmission of Rehabilitation Objectives Statement (following rejection of original submitted Rehabilitation Objectives Statement).</p> <p>(3) Noted</p> <p>(4) NT yet as mining has not commenced.</p>	C	N/A

	<p>be given to the Secretary for approval.</p> <p>(4) The holder of the mining lease—</p> <p>(a) must implement the matters set out in the rehabilitation management plan, and</p> <p>(b) if the forward program specifies timeframes for the implementation of the matters—must implement the matters within those timeframes.</p>				
11	<p>Amendment of rehabilitation management plans</p> <p>The holder of a mining lease must amend the rehabilitation management plan for the mining lease as follows—</p> <p>(a) to substitute the proposed version of a rehabilitation outcome document with the version approved by the Secretary—within 30 days after the document is approved,</p> <p>(b) as a consequence of an amendment made under clause 14 to a rehabilitation outcome document—within 30 days after the amendment is made,</p> <p>(c) to reflect any changes to the risk control measures in the prepared plan that are identified in a rehabilitation risk assessment—as soon as practicable after the rehabilitation risk assessment is conducted,</p> <p>(d) whenever given a written direction to do so by the Secretary—in accordance with the direction.</p>	<p>Rehabilitation Management Plan (28-70-2022)</p> <p>Rehabilitation Management Plan (31-05-2023)</p>	<p>Rehabilitation Management Plan has been updated 30 days post the submission of the amended rehabilitation outcome documents.</p> <p>Amended rehabilitation documents were submitted on 1-05-2023 and the proposed Rehabilitation Management Plan was substituted for updated version on 31-05-2023</p>	C	N/A
12	<p>Rehabilitation outcome documents</p> <p>(1) The holder of a mining lease must prepare the following documents (the rehabilitation outcome documents) for the mining lease and give them to the</p>	<p>Rehabilitation Management Plan - 28-07-222</p> <p>Rehabilitation Management Plan - 31-05-2023</p>	<p>(1) Rehabilitation Objectives Statement submitted. Rejected by NSWRR on 14-02-2023. The new Rehabilitation Objectives Statement were required to</p>	C	N/A

	<p>Secretary for approval—</p> <p>(a) the rehabilitation objectives statement, which sets out the rehabilitation objectives required to achieve the final land use for the mining area,</p> <p>(b) the rehabilitation completion criteria statement, which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives,</p> <p>(c) for a large mine, the final landform and rehabilitation plan, showing a spatial depiction of the final land use.</p> <p>(2) If the final land use for the mining area is required by a condition of development consent for activities under the mining lease, the holder of the mining lease must ensure the rehabilitation outcome documents are consistent with that condition.</p>	<p>Email from NSW Resources Regulator – Notice of Refusal (ROBJ0001094) dated 14-02-2023.</p> <p>WHC Vickey Rehabilitation Objectives Statement - spreadsheet (ROBJ0001237). ROBJ submitted via online portal.</p> <p>Email from NSW Resources Regulator confirming submission of amended Rehabilitation Objectives Statement (ROBJ0001237) dated 1-05-2023.</p>	<p>be submitted by 1 May 2023.</p> <p>The amended Rehabilitation Objectives Statement was then resubmitted for approval on 1 May 2023 as required by the notice of refusal.</p> <p>WHC stated the assessment of the submitted amended Rehabilitation Objectives Statement was ongoing at the time of the audit.</p> <p>Following approval of the Rehabilitation Objectives Statement WHC stated they will prepare and submit the Rehabilitation Completion Criteria Statement as required.</p> <p>(2) Final land use is consistent with conditions of development consent with spatial data submitted.</p>		
13	<p>Forward program and annual rehabilitation report</p> <p>(1) The holder of a mining lease must prepare a program (a forward program) for the mining lease that includes the following—</p> <p>(a) a schedule of mining activities for the mining area for the next 3 years,</p> <p>(b) a summary of the spatial progression of rehabilitation through its various phases for the next 3 years,</p>	<p>Annual Rehabilitation Report & Forward Program 28-07-22</p> <p>Forward Program – 31-05-2023</p>	<p>(1) Forward Program includes 3-year schedule for mining activities (a), a summary of spatial progression for phases in the 3-year period (b) and the requirement for rehabilitation to occur as soon as reasonably practicable (c).</p> <p>(2) Initial annual rehabilitation report prepared 28 July 2022 stated no current applicable</p>	C	N/A

<p>(c) a requirement that the rehabilitation of land and water disturbed by mining activities under the mining lease must occur as soon as reasonably practicable after the disturbance occurs.</p> <p>(2) The holder of a mining lease must prepare a report (an annual rehabilitation report) for the mining lease that includes—</p> <p>(a) a description of the rehabilitation undertaken over the annual reporting period,</p> <p>(b) a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period,</p> <p>(c) a report demonstrating progress made towards the achievement of the following—</p> <p>(i) the objectives set out in the rehabilitation objectives statement,</p> <p>(ii) the criteria set out in the rehabilitation completion criteria statement,</p> <p>(iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan.</p> <p>(3) If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must rely on a proposed version of the document.</p> <p>(4) The holder of the mining lease must give the forward program and annual rehabilitation report to the Secretary.</p> <p>(5) In this clause—</p> <p>annual reporting period means each period of 12 months commencing on—</p>		<p>'reporting period' exists as was first year of Forward Program. Annual rehabilitation report for first period of Forward Program stated to be prepared 1 year following – approximately end of July 2023.</p> <p>(3) Rehabilitation Outcome Document not yet approved by the Secretary so WHC relying upon most recent substituted proposed version.</p> <p>(4) Forward Program report submitted to Secretary. WHC stated Annual Rehabilitation Report shall be submitted as required when prepared for first year period.</p> <p>(5) Noted.</p>		
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	<p>(a) the date on which the mining lease is granted, or</p> <p>(b) if the Secretary approves another date in relation to the mining lease—the other date.</p>				
14	<p>Amendment of rehabilitation outcome documents and forward program</p> <p>(1) This clause applies to—</p> <p>(a) a rehabilitation outcome document if it has been approved by the Secretary, and</p> <p>(b) a forward program if it has been given to the Secretary.</p> <p>(2) The holder of a mining lease must not amend a document to which this clause applies that relates to the mining lease unless—</p> <p>(a) the Secretary gives the holder a written direction to do so, or</p> <p>(b) the Secretary, on written application by the holder, gives a written approval of the amendment.</p> <p>(3) The holder of the mining lease must amend the document in accordance with the Secretary's direction or approval.</p> <p>(4) Nothing in this clause prevents the holder of a mining lease preparing a draft amendment for submission to the Secretary for approval.</p>	Noted	Rehabilitation outcome document not yet approved	Noted	N/A
15	<p>Times at which documents must be prepared and given</p> <p>(1) The holder of a mining lease must do the following before the end of the initial period—</p>	<p>WHC Rehabilitation Management Plan, 28-07-2022</p> <p>WHC Rehabilitation Management Plan, 30-05-2023</p>	<p>(1) a) An initial period Rehabilitation Management Plan has been prepared and amended as required.</p> <p>b) Rehabilitation outcome documents prepared and</p>	C	N/A

<p>(a) prepare a rehabilitation management plan, and</p> <p>(b) prepare rehabilitation outcome documents and give them, other than the rehabilitation completion criteria statement, to the Secretary for approval, and</p> <p>(c) prepare a forward program and give it to the Secretary.</p> <p>(2) The holder of the mining lease must prepare a forward program and annual rehabilitation report and give them to the Secretary before—</p> <p>(a) 60 days after the last day of each annual reporting period, commencing with the annual reporting period in which the forward program was given to Secretary under subclause (1)(c), or</p> <p>(b) a later date approved by the Secretary.</p> <p>(3) A rehabilitation completion criteria statement relating to completion of rehabilitation during a period covered by a forward program must be given to the Secretary for approval when the forward program is required to be given to the Secretary.</p> <p>(4) The holder of the mining lease must prepare updated rehabilitation outcome documents for the mining lease and give them to the Secretary for approval before—</p> <p>(a) 60 days after a development consent is modified following an application referred to in clause 20(1)(b), or</p> <p>(b) a later date approved by the Secretary.</p> <p>(5) A rehabilitation completion criteria statement is not required to be given to the Secretary under subclause (4) unless a rehabilitation completion criteria statement has already been given to the Secretary under</p>	<p>WHC Rehabilitation Objectives Statement - spreadsheet (ROBJ0001237) – submitted via online portal.</p> <p>Email from NSW Resources Regulator confirming submission of amended Rehabilitation Objectives Statement (ROBJ0001237) dated 1 May 2023.</p> <p>Forward Program (31-05-2023)</p> <p>Annual Rehabilitation Report & Forward Program 28-07-2-22</p>	<p>submitted to Secretary for approval (and resubmitted following rejection of initial ROBJ).</p> <p>c) Prepared Forward Program and submitted to Secretary.</p> <p>(2) Forward Program and Annual Rehabilitation Report prepared and submitted within stated period.</p> <p>(3) Not yet triggered. Rehabilitation completion criteria to be submitted once Rehabilitation Objectives Statement is approved.</p> <p>(4-8) Noted</p>		
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	<p>subclause (3).</p> <p>(6) The Secretary may, by written notice, direct the holder of a mining lease to prepare, or give to the Secretary, a document required to be prepared under this Division at a time other than that specified in this clause.</p> <p>(7) The holder of the mining lease must comply with the direction.</p> <p>(8) In this clause—</p> <p>initial period means the period commencing when the mining lease is granted and ending—</p> <p>(a) 30 days, or other period approved by the Secretary, after this Division first applies to the mining lease, or</p> <p>(b) if this Division applies to the mining lease because of an increase in the required security deposit—</p> <p>(i) when the surface of the mining area is disturbed by activities under the mining lease, or</p> <p>(ii) at a later date approved by the Secretary.</p>				
16	<p>Certain documents to be publicly available</p> <p>(1) This clause applies to the following documents—</p> <p>(a) a rehabilitation management plan,</p> <p>(b) a forward program,</p> <p>(c) an annual rehabilitation report.</p> <p>(2) The holder of a mining lease must make a document to which this clause applies publicly available by—</p> <p>(a) publishing it on its website in a prominent position, or</p>	<p>Viewed on WHC website.</p> <p>https://whitehavencoal.com.au/our-business/our-assets/vickery-extension-project</p>	<p>Rehabilitation Management Plan 28-07-2020 on website.</p> <p>Rehabilitation Management Plan 30-05-2023 on website.</p> <p>Forward program 30-05-2023 on website</p> <p>Annual Rehabilitation Report & Forward Program 28-07-2-22 on website</p>	C	N/A

<p>(b) if the holder does not have a website— providing a copy of it to a person—</p> <p>(i) on the written request of a person, and</p> <p>(ii) without charge, and</p> <p>(iii) within 14 days after the request is received.</p> <p>(3) If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published—</p> <p>(a) for a rehabilitation management plan—within 14 days after it is prepared or amended, or</p> <p>(b) for a forward program or an annual rehabilitation report—within 14 days after it is given to the Secretary or amended,</p> <p>(4) Personal information within the meaning of the Privacy and Personal Information Protection Act 1998 is not required to be included in a document made available to a person under this clause.</p>		WHC stated documents published on website as per condition requirements.		
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Division 4 - Records, reporting and notification

17	<p>Records demonstrating compliance</p> <p>The holder of a mining lease must create and maintain records of all actions taken that demonstrate compliance with each of the conditions set out in this Part.</p> <p>Note—</p> <p>The Act, sections 163D and 163E provide for the form in which records must be kept and the period for which they must be retained.</p>	<p>Annual Reviews</p> <p>CMO Compliance Management Software</p> <p>Interview with Group Principal Approvals and Environmental Officer</p>	<p>Compliance reported through Annual reviews.</p> <p>Internal CMO compliance management software used for creating and maintaining records of actions to demonstrate compliance.</p>	C	N/A
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18	<p>Report on non-compliance</p> <p>(1)The holder of a mining lease must provide the Minister with a written report detailing any non-compliance with—</p> <p>(a)a condition of the mining lease, or</p> <p>Note—</p> <p>The Act, section 364A contains provisions relating to the use and disclosure of information provided under this condition.</p> <p>(b)a requirement of the Act or this Regulation relating to activities under the mining lease.</p> <p>(2)The holder of the mining lease must provide the report within 7 days after becoming aware of the non-compliance.</p> <p>(3)The holder of the mining lease must ensure the report—</p> <p>(a)identifies the condition of the mining lease, or the requirement of the Act or this Regulation, to which the non-compliance relates, and</p> <p>(b)describes the non-compliance and specifies the date or dates on which, or the period during which, the non-compliance occurred, and</p> <p>(c)describes the causes or likely causes of the non-compliance, and</p> <p>(d) describes the action that has been taken, or will be</p>	Interview with Group Principal Approvals and Environmental Officer.	Site personnel stated no non-compliances during the audit period.	NT	N/A
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	taken, to mitigate the effects, and to prevent any recurrence, of the non-compliance.				
19	<p>Nominated contact person</p> <p>(1) The holder of a mining lease must nominate a natural person to be the contact person with whom the Secretary can communicate in relation to the mining lease for the purposes of the Act.</p> <p>Note—</p> <p>The Act, section 383 sets out the ways in which notices or other documents may be issued or given to, or served on, a person for the purposes of the Act.</p> <p>(2) The holder of the mining lease must give written notice to the Secretary of—</p> <p>(a) the full name and contact details of the nominated person—within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation, and</p> <p>(b) any change in nomination or in the nominated person's contact details—within 28 days after the change occurs.</p> <p>(3) The holder of the mining lease must ensure that the contact details for the nominated person include the person's phone number and postal and email addresses.</p>	Confirmation of Nominated Contact Person email from NSW Resources Regulator 15-03-2023	Contact person - Tony Dwyer, nomination reference NCP0001192	C	N/A

Division 5 - Applications relating to development consent

20	<p>Additional requirements—application for or to modify development consent</p> <p>(1) The holder of a mining lease must give written notice to the Secretary within 10 days after—</p> <p>(a) making an application for development consent that relates to the mining area, or</p> <p>(b) making an application for modification of a development consent—</p> <p>(i) under the Environmental Planning and Assessment Act 1979, section 4.55(2), and</p> <p>(ii) that proposes to modify a condition of the consent that relates to rehabilitation of the mining area in a way that may affect an obligation under the mining lease relating to rehabilitation of the mining area.</p> <p>(2) This clause does not apply if the development is State significant development.</p>	SSD 7480 (12-08-2020)	Project is a State significant development, therefore this clause does not apply as per (2).	NT	N/A
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ML 1464

General Conditions

1	<p>1. Notice to Landholders</p> <p>(a) Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:</p> <p>(i) that this mining lease has been granted or renewed; and</p> <p>(ii) whether the lease includes the surface.</p> <p>The notice must include a plan identifying the lease area</p>	Interview with Group Principal Approvals and Environmental Officer.	ML 1464 was not granted or renewed during the audit period. Therefore, this condition is not triggered in relation to these mining leases.	C	N/A
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	<p>and each landholder and individual land parcel within the lease area.</p> <p>(b) If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.</p>				
2	<p>Group Security</p> <p>The security deposit to be provided and maintained for this mining lease is part of a group security deposit.</p> <p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security deposit has been assessed at \$605,000.</p> <p>The leases covered by the group security include this ML 1464 (1992) and: ML 1471 (Act year 1992).</p>	ML1464 Titles Report (Dept. of Regional NSW) 12 July 2022	Reviewed Titles report and confirmed security payment details.	C	N/A
3	<p>Cooperation Agreement</p> <p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the <i>Mining Act 1992</i> and petroleum titles issued under the <i>Petroleum (Onshore) Act 1991</i>. The cooperation agreement should address but not be limited to:</p>	<p>Interview with Group Principal Approvals and Environmental Officer</p> <p>A draft Project cooperation agreement and minutes between Vickery and Santos.</p>	WHC stated no current agreements in place between Vickery and Santos, but that they will cooperate if any future overlap from Santos activities raised.	C	N/A

	<ul style="list-style-type: none"> • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. 				
4	<p>Assessable Prospecting Operations</p> <p>(a) The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:</p> <p>(i) it is carried out in accordance with any necessary development consent; or</p> <p>(ii) if development consent is not required, the prior written approval of the Minister has been obtained.</p> <p>(b) The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval.</p> <p>(c) An approval granted by the Minister under this condition may be granted subject to terms.</p> <p>(d) The lease holder must comply with the approval granted to the holder under this condition.</p>	SSD 7480-2020	WHC stated assessable prospecting operations carried in accordance with SSD 7480-2020	C	N/A

Special Conditions

5	<p>Aboriginal Place or Relic</p> <p>The lease holder shall not knowingly destroy, deface or damage any Aboriginal place or relic within the subject area except in accordance with an authority issued under the <i>National Parks and Wildlife Act, 1974</i>, and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.</p>	<p>Aboriginal Cultural Heritage Management Plan (Issue 1.2 – 07-10-2023), Consultation records on ACHMP.</p> <p>Interview with Group Principal Approvals and Environmental Officer</p>	<p>WHC stated they follow ACHMP and do not impact Aboriginal places or relics.</p>	C	N/A
ML 1471					
General Conditions					
1	<p>1. Notice to Landholders</p> <p>(a) Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:</p> <ul style="list-style-type: none"> (i) that this mining lease has been granted or renewed; and (ii) whether the lease includes the surface. <p>The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area.</p> <p>(b) If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.</p>	<p>Interview with Group Principal Approvals and Environmental Officer.</p>	<p>ML 1471 was not granted or renewed during the audit period. Therefore, this condition is not triggered in relation to these mining leases.</p>	C	N/A

2	<p>Group Security</p> <p>The security deposit to be provided and maintained for this mining lease is part of a group security deposit.</p> <p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security deposit has been assessed at \$605,000.</p> <p>The leases covered by the group security include this ML 1471 (1992) and: ML 1464 (Act year 1992).</p>	ML1471 Titles Report (Dept. of Regional NSW) 12 July 2022	Reviewed Titles report and confirmed security payment details.	C	N/A
3	<p>Cooperation Agreement</p> <p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the <i>Mining Act 1992</i> and petroleum titles issued under the <i>Petroleum (Onshore) Act 1991</i>. The cooperation agreement should address but not be limited to:</p> <ul style="list-style-type: none"> • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location 	<p>Interview with Group Principal Approvals and Environmental Officer</p> <p>Previous Project cooperation agreements and minutes between Vickery and Santos.</p>	WHC stated no current agreements in place between Vickery and Santos, but that they will cooperate if any future overlap from Santos activities raised.	C	N/A

	<ul style="list-style-type: none"> • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. 				
4	<p>Assessable Prospecting Operations</p> <p>(a) The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:</p> <p>(i) it is carried out in accordance with any necessary development consent; or</p> <p>(ii) if development consent is not required, the prior written approval of the Minister has been obtained.</p> <p>(b) The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval.</p> <p>(c) An approval granted by the Minister under this condition may be granted subject to terms.</p> <p>(d) The lease holder must comply with the approval granted to the holder under this condition.</p>	SSD 7480-2020	WHC stated assessable prospecting operations carried in accordance with SSD 7480-2020	C	N/A
Special Conditions					
5	<p>Aboriginal Place or Relic</p> <p>The lease holder shall not knowingly destroy, deface or damage any Aboriginal place or relic within the subject area except in accordance with an authority issued under the <i>National Parks and Wildlife Act, 1974</i>, and shall take every precaution in drilling, excavating or disturbing the land against any such destruction,</p>	<p>Aboriginal Cultural Heritage Management Plan (Issue 1.2 – 07-10-2023), Consultation records on ACHMP.</p> <p>Interview with Group Principal Approvals and Environmental Officer</p>	WHC stated they follow ACHMP and do not impact Aboriginal places or relics.	C	N/A

	defacement or damage.				
ML 1718					
General Conditions					
1	<p>1. Notice to Landholders</p> <p>(a) Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:</p> <ul style="list-style-type: none"> (i) that this mining lease has been granted or renewed; and (ii) whether the lease includes the surface. <p>The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area.</p> <p>(b) If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.</p>	Interview with Group Principal Approvals and Environmental Officer.	ML 1718 was not granted or renewed during the audit period. Therefore, this condition is not triggered in relation to these mining leases.	C	N/A
2	<p>Group Security</p> <p>The security deposit to be provided and maintained for this mining lease is part of a group security deposit.</p> <p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future.</p>	ML1718 Titles Report (Dept. of Regional NSW) 12 July 2022	Reviewed Titles report and confirmed security payment details.	C	N/A

	<p>The amount of the security deposit to be provided as a group security deposit has been assessed at \$1,405,000.</p> <p>The leases covered by the group security include this ML 1464 (1992) and: 1471 (Act year 1992).</p>				
3	<p>Cooperation Agreement</p> <p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the <i>Mining Act 1992</i> and petroleum titles issued under the <i>Petroleum (Onshore) Act 1991</i>. The cooperation agreement should address but not be limited to:</p> <ul style="list-style-type: none"> • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. 	<p>Interview with Group Principal Approvals and Environmental Officer</p> <p>Previous Project cooperation agreements and minutes between Vickery and Santos.</p>	<p>WHC stated no current agreements in place between Vickery and Santos, but that they will cooperate if any future overlap from Santos activities raised.</p>	C	N/A

Special Conditions

Nil

ML 1838

General Conditions

1	<p>1. Notice to Landholders</p> <p>(a) Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:</p> <ul style="list-style-type: none"> (i) that this mining lease has been granted or renewed; and (ii) whether the lease includes the surface. <p>The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area.</p> <p>(b) If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.</p>	<p>Interview with Group Principal Approvals and Environmental Officer.</p> <p>Letter from WHC to Crown Lands Tamworth, dated 1 November 2022.</p> <p>Email from WHC to Crown Lands, dated 15 November.</p>	<p>ML 1838 was granted on 13 September 2022. Written notification was provided to Crown Lands as required by Conditions 1(a)(i) and (ii) on 15 November 2022. All other land covered by ML 1838 is owned by WHC. Therefore, compliance is achieved with this condition to notify landholders of both part (i) and (ii) of this condition, within 90 days of the mining lease being granted.</p>	C	N/A
2	<p>Security</p> <p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided has been assessed by the Secretary at \$10,000,</p>	<p>ML1838 Titles Report (Dept. of Regional NSW) 15 September 2022</p>	<p>Reviewed Titles report and confirmed security payment details.</p>	C	N/A

3	<p>Cooperation Agreement</p> <p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the <i>Mining Act 1992</i> and petroleum titles issued under the <i>Petroleum (Onshore) Act 1991</i>. The cooperation agreement should address but not be limited to:</p> <ul style="list-style-type: none"> • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. 	<p>Interview with Group Principal Approvals and Environmental Officer</p> <p>Previous Project cooperation agreements and minutes between Vickery and Santos.</p>	<p>WHC stated no current agreements in place between Vickery and Santos, but that they will cooperate if any future overlap from Santos activities raised.</p>	C	N/A
4	<p>Assessable Prospecting Operations</p> <p>(a) The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:</p> <ul style="list-style-type: none"> (i) it is carried out in accordance with any necessary development consent; or (ii) if development consent is not required, the prior written approval of the Minister has been obtained. <p>(b) The Minister may require the lease holder to provide such information as required to assist the Minister to</p>	<p>SSD 7480-2020</p>	<p>WHC stated assessable prospecting operations carried in accordance with SSD 7480-2020</p>	C	N/A

	<p>consider an application for approval.</p> <p>(c) An approval granted by the Minister under this condition may be granted subject to terms.</p> <p>(d) The lease holder must comply with the approval granted to the holder under this condition.</p>				
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Special Conditions

Nil

CL 318

General Conditions

1	<p>1. Notice to Landholders</p> <p>(a) Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:</p> <ul style="list-style-type: none"> (i) that this mining lease has been granted or renewed; and (ii) whether the lease includes the surface. <p>The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area.</p> <p>(b) If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.</p>	<p>Interview with Group Principal Approvals and Environmental Officer.</p>	<p>CL 318 was not granted or renewed during the audit period. Therefore, this condition is not triggered in relation to these mining leases.</p>	C	N/A
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2	<p>Group Security</p> <p>The security deposit to be provided and maintained for this mining lease is part of a group security deposit.</p> <p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future.</p> <p>CL 316 - The amount of the security deposit to be provided as a group security deposit has been assessed at \$1,405,000.</p> <p>The leases covered by the group security include this CL 316 (1992) and: ML 1718 (Act year 1992).</p>	CL316 Titles Report (Dept. of Regional NSW) 11 July 2022	Reviewed Titles report and confirmed security payment details.	C	N/A
3	<p>Cooperation Agreement</p> <p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the <i>Mining Act 1992</i> and petroleum titles issued under the <i>Petroleum (Onshore) Act 1991</i>. The cooperation agreement should address but not be limited to:</p> <ul style="list-style-type: none"> • access arrangements; • operational interaction procedures; • dispute resolution; • information exchange; • well location; 	<p>Interview with Group Principal Approvals and Environmental Officer</p> <p>Previous Project cooperation agreements and minutes between Vickery and Santos.</p>	WHC stated no current agreements in place between Vickery and Santos, but that they will cooperate if any future overlap from Santos activities raised.	C	N/A

	<ul style="list-style-type: none"> • timing of drilling; • potential resource extraction conflicts; and • rehabilitation issues. 				
4	<p>Assessable Prospecting Operations</p> <p>(a) The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:</p> <p>(i) it is carried out in accordance with any necessary development consent; or</p> <p>(ii) if development consent is not required, the prior written approval of the Minister has been obtained.</p> <p>(b) The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval.</p> <p>(c) An approval granted by the Minister under this condition may be granted subject to terms.</p> <p>(d) The lease holder must comply with the approval granted to the holder under this condition.</p>	SSD 7480-2020	WHC stated assessable prospecting operations carried in accordance with SSD 7480-2020	C	N/A

Special Conditions

Nil

Document details	
Document title	Table A4 – Water Access Licence 12651 & 12653
Document subtitle	Compliance with WAL 12651 & 12653
Project No.	0616390
Date	12 May 2023
Version	1.0
Author	Andrew Lewis
Client Name	Whitehaven Coal

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
Water Access Licence 12651					
MW7035-00002	The maximum water allocation that may be carried over in the water allocation account from one water year to the next water year is 2 ML/unit share of the access licence share component.	WATER ACCOUNT STATEMENT - WAL No. 12651 - 15-Feb-2023	2 ML/unit share was carried over according to Water Account Statement. Reporting period 01-Jul-2021 to 30-Jun-2022	C	N/A
MW7032-00002	The maximum water account debit in a water year must not exceed the following: A. 2 ML/unit share of the access licence share component or, if applicable, a lower amount determined by the Minister, plus B. the net amount of water allocations assigned to or from the water allocation account under a water allocation assignment in the that water year, plus C. any water allocations re-credited by the Minister to the water allocation account in that water year.	WATER ACCOUNT STATEMENT - WAL No. 12651 - 15-Feb-2023	Water Account Statement records maximum water debit not exceed volume as determined by A, B and C. Reporting period 01-Jul-2021 to 30-Jun-2022	C	N/A
MW6612-00001	A logbook used to record water take information must be retained for five (5) years from the last date recorded in the logbook.	WHC WAL extraction database with records since 2017	Records retained for at least 5 years.	C	N/A
MW6983-00003	A. Once the water access licence holder becomes aware of a breach of any condition on this water access licence, the water access licence holder must notify the Minister as	WATER ACCOUNT STATEMENT -	No Breaches noted	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>soon as practicable.</p> <p>B. If the initial notification was not in writing, written notice must be provided within seven days of becoming aware of the breach by emailing:</p> <p>nrar.enquiries@nrar.nsw.gov.au</p>	WAL No. 12651 - 15-Feb-2023			
Water Access Licence 12653					
MW7035-00002	The maximum water allocation that may be carried over in the water allocation account from one water year to the next water year is 2 ML/unit share of the access licence share component.	WATER ACCOUNT STATEMENT - WAL No. 12653	<p>2 ML/unit share was carried over according to Water Account Statement.</p> <p>Reporting period 01-Jul-2021 to 30-Jun-2022</p>	C	N/A
MW7032-00002	<p>The maximum water account debit in a water year must not exceed the following:</p> <p>A. 2 ML/unit share of the access licence share component or, if applicable, a lower amount determined by the Minister, plus</p> <p>B. the net amount of water allocations assigned to or from the water allocation account under a water allocation assignment in the that water year, plus</p> <p>C. any water allocations re-credited by the Minister to the water allocation account in that water year.</p>	WATER ACCOUNT STATEMENT - WAL No. 12653	<p>Water Account Statement records maximum water debit not exceed volume as determined by A, B and C.</p> <p>Reporting period 01-Jul-2021 to 30-Jun-2022</p>	C	N/A
MW6612-00001	A logbook used to record water take information must be retained for five (5) years from the last date recorded in the logbook.	WHC WAL extraction database with records since 2017	Records retained for at least 5 years.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
MW6983-00003	<p>A. Once the water access licence holder becomes aware of a breach of any condition on this water access licence, the water access licence holder must notify the Minister as soon as practicable.</p> <p>B. If the initial notification was not in writing, written notice must be provided within seven days of becoming aware of the breach by emailing: nrar.enquiries@nrar.nsw.gov.au</p>	WATER ACCOUNT STATEMENT - WAL No. 12651 - 15-Feb-2023	No breaches noted	C	N/A

APPENDIX B PLANNING SECRETARY AUDIT TEAM AGREEMENT

Department of Planning and Environment

Scott Mitchell
Group Superintendent Environment
Vickery Coal Mine
Whitehaven Coal Limited

By email only: smitchell@whitehavencoal.com.au

21/04/2023

Dear Mr Mitchell

Vickery Mine Extension (SSD-7480)
2023 Independent Environmental Audit – auditor endorsement request

Reference is made to your post approval matter, SSD-7480-PA-50, request for the Planning Secretary's endorsement of suitably qualified, experienced, and independent persons to prepare the 2023 Independent Environmental Audit for the Vickery Mine Extension project, submitted as required by Schedule 2, Part E, Condition E10 of SSD-7480 (the consent) to the Department of Planning and Environment (the department) on 12 April 2023.

The department has reviewed the nominations and information provided and is satisfied that these persons are suitably qualified, experienced, and independent. Consequently, in accordance with Schedule 2, Part E, Condition E10 of the consent, I can advise that the Planning Secretary approves the following audit team:

- Mr Andrew Lewis (Lead Auditor)
- Ms Sophia Barkla (Support Auditor)
- Ms Heather McKay (Project Manager)
- Oliver Moore (Technical Oversight)

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken, and finalised in accordance with the department's *Independent Audit Post Approval Requirements* (2020) and the conditions of consent. Failure to meet these requirements will require revision and resubmission.

Should you wish to discuss the matter further, please contact Joel Curran, Senior Compliance Officer on 02 4904 2702 or compliance@planning.nsw.gov.au

Yours sincerely



Heidi Watters
Team Leader Northern
Compliance

As nominee of the Planning Secretary

APPENDIX C CONSULTATION

AREQ0040612

Mr Andrew Lewis
ERM
Level 9
260 Queen Street
Brisbane QLD 4000

By email: Andrew.Lewis@erm.com

Dear Mr Lewis,

Subject: Vickery Extension Project – Independent Environmental Audit

Thank you for your email dated 15 May 2023 requesting consultation on the independent environmental audit to be undertaken of the Vickery Extension Project which is covered by the following mining leases.

- CL316 (1973)
- ML1471 (1992)
- ML1464 (1992)
- ML1718 (1992)

The independent environmental audit is required to assess compliance against the relevant environmental management conditions of the mining leases up to 1 July 2022, including implementation of the mining operations plan for the site.

From 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016. It is noted that the 4 mining leases that comprise the Vickery Extension Project have been approved by the Regulator to be treated as a single lease for the purposes of Part 2 of Schedule 8A.

The audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice. It would be appreciated if a copy of the final audit report could be sent to the Regulator at nswresourcesregulator@service-now.com upon completion of the audit.

Yours sincerely

Jenny Ehmsen
Principal Compliance Auditor
24 May 2023

From: [Hudson - Wade](#)
To: [Andrew Lewis](#)
Cc: SMitchell@whitehavencoal.com.au; [Heather McKay](#); [Oliver Moore](#); [Sophie Barkla](#)
Subject: RE: Whitehaven Vickery Extension - Independent Environmental Audit
Date: Tuesday, 16 May 2023 12:13:17 PM
Attachments: [image002.jpg](#)
[image003.jpg](#)
[image004.png](#)

EXTERNAL MESSAGE

Hi Mitchell,

Council has reviewed the ERM Audit Terms of Reference and the development consent currently in place. Council has no objection or requested inclusions with regards to the audit terms of reference.

If you require anything further please don't hesitate to reach out and contact me on 6740 2148

Kind Regards

Wade Hudson Manager Development Assessment

Gunnedah Shire Council

T +61 2 6740 2100 **F** 02 6740 2129 **E** wadehudson@infogunnedah.com.au

PO Box 63 (63 Elgin Street), GUNNEDAH NSW 2380
www.gunnedah.nsw.gov.au or www.facebook.com/gunnedahshire

I acknowledge the Kamilaroi Aboriginal Nation as the traditional custodians of the land on which I live, work and play. I pay my respect to Elders past and present.

From: Andrew Lewis [<mailto:andrew.lewis@erm.com>]
Sent: Monday, 15 May 2023 2:04 PM
To: Hudson - Wade
Cc: SMitchell@whitehavencoal.com.au; [Heather McKay](#); [Oliver Moore](#); [Sophie Barkla](#)
Subject: Whitehaven Vickery Extension - Independent Environmental Audit

Hi Wade,

I am currently completing the Independent Environmental Audit (IEA) on the Conditions of Approval issued to Vickery Extension Project, Development Consent SSD 7480.

One of the requirements of the audit is that it is to be undertaken in consultation with relevant agencies. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved

team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be completed on 14 June 2023, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 7 June 2023.

I can be contacted at the details outlined below to discuss further.

Kind regards,

Andrew Lewis
Managing Consultant

ERM

Level 9, 260 Queen St | Brisbane | QLD 4000
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E Andrew.Lewis@erm.com | W www.erm.com



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From: [Donna Ausling](#)
To: [Andrew Lewis](#)
Cc: [Scott Mitchell](#); [Heather McKay](#); [Oliver Moore](#); [Sophie Barkla](#); [Michelle Henry](#); [Landon Brady](#)
Subject: RE: Whitehaven Vickery Extension Project - Independent Environmental Audit > response 17/05/2023
Date: Wednesday, 17 May 2023 3:16:40 PM
Attachments: [image012.png](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

EXTERNAL MESSAGE

Hi Andrew,

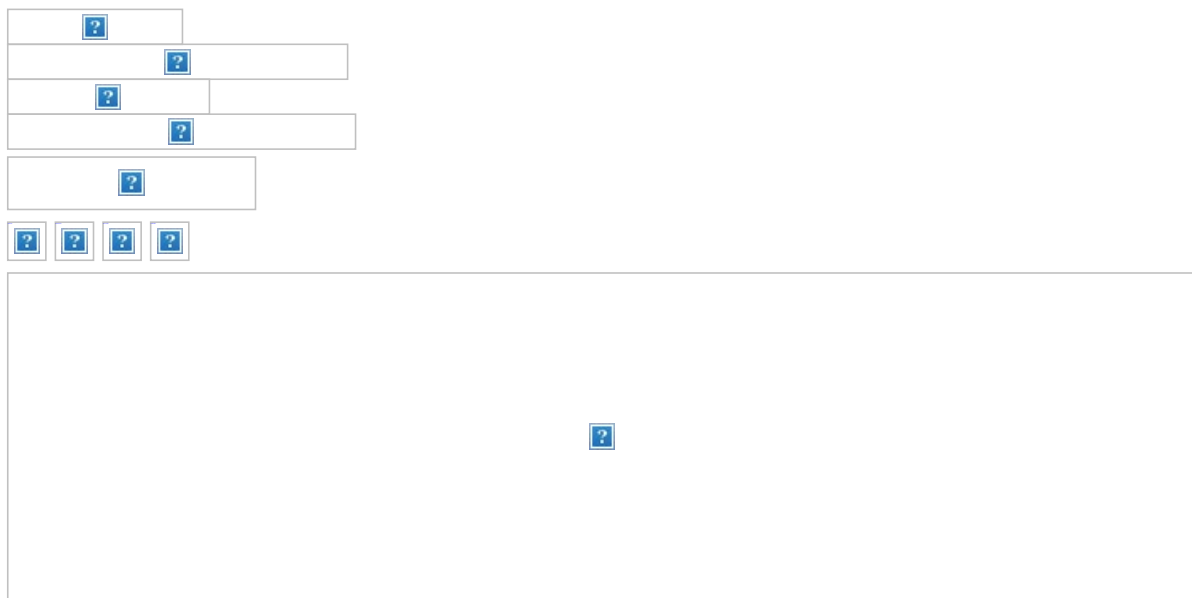
Thanks for reaching out. I have circulated your advice relating to the upcoming audit amongst my Team who have provided the following general feedback on key focus areas:

- Water management, generally
- Pest management
- Biosecurity (weeds) management
- Waste management processes and controls (noting the quantum of current litter on mine access roads)

The above is based on community feedback and as part of ongoing participation at CCC meetings.

Thank you. Happy to provide any additional information or clarification as required.

Kind regards



From: Andrew Lewis <andrew.lewis@erm.com>
Sent: Monday, 15 May 2023 2:08 PM
To: Donna Ausling <donnaa@narrabri.nsw.gov.au>
Cc: Scott Mitchell <SMitchell@whitehavencoal.com.au>; Heather McKay <Heather.McKay@erm.com>; Oliver Moore <Oliver.Moore@erm.com>; Sophie Barkla <Sophie.Barkla@erm.com>
Subject: Whitehaven Vickery Extension Project - Independent Environmental Audit

Hi Donna,

I am currently completing the Independent Environmental Audit (IEA) on the Conditions of Approval issued to Vickery Extension Project, Development Consent SSD 7480.

One of the requirements of the audit is that it is to be undertaken in consultation with relevant agencies. To that end, this

email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be completed on 14 June 2023, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 7 June 2023.

I can be contacted at the details outlined below to discuss further.

Kind regards,

Andrew Lewis
Managing Consultant

ERM

Level 9, 260 Queen St | Brisbane | QLD 4000

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E Andrew.Lewis@erm.com | **W** www.erm.com



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From: [Lindsay Fulloon](#)
To: [Andrew Lewis](#)
Subject: RE: Whitehaven Vickery Extension Project - Independent Environmental Audit
Date: Wednesday, 7 June 2023 4:42:53 PM
Attachments: [image002.png](#)
[image003.png](#)

EXTERNAL MESSAGE

Hi Andrew

We have no additional items to raise thanks. We understand little has happened at the site to date.

Kind regards

Lindsay Fulloon

Manager Regulatory Operations
Regulatory Operations Regional West
NSW Environment Protection Authority
D: 02 6773 7016 M: 0419 418 577

NSW EPA logo



www.epa.nsw.gov.au @NSW_EPA

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Report pollution and environmental incidents 131 555 or +61 2 9995 5555

From: andrew.lewis@erm.com <andrew.lewis@erm.com>
Sent: Wednesday, 7 June 2023 2:39 PM
To: Lindsay Fulloon <Lindsay.Fulloon@epa.nsw.gov.au>
Subject: FW: Whitehaven Vickery Extension Project - Independent Environmental Audit

Hi Lindsay,

I am writing to provide a reminder that we will be undertaking the Independent Environmental Audit for Vickery Extension Project shortly.

As per the email below, we invite you to provide comment on the Terms of Reference (attached) by which we shall be conducting the audit.

If you have any comments, could you please provide by Monday, 12 June.

Regards,

Andrew Lewis
Managing Consultant

ERM

Level 9, 260 Queen St | Brisbane | QLD 4000
T +61 (0) 7 3007 8477 M +61 488 166 325
E Andrew.Lewis@erm.com | W www.erm.com



From: Andrew Lewis
Sent: Monday, May 15, 2023 1:51 PM
To: Lindsay.Fulloon@epa.nsw.gov.au
Cc: SMitchell@whitehavencoal.com.au; Heather McKay <Heather.McKay@erm.com>; Oliver Moore <Oliver.Moore@erm.com>; Sophie Barkla <Sophie.Barkla@erm.com>
Subject: Whitehaven Vickery Extension Project - Independent Environmental Audit

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Kind regards,

Andrew Lewis
Managing Consultant

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From: [Joel Curran](#)
To: [Andrew Lewis](#)
Cc: [Heather McKay](#); [Oliver Moore](#); [Sophie Barkla](#)
Subject: RE: Whitehaven Vickery Extension Project Independent Environmental Audit
Date: Tuesday, 16 May 2023 1:36:34 PM
Attachments: [image001.png](#)
[image002.png](#)

You don't often get email from joel.curran@planning.nsw.gov.au. [Learn why this is important](#)

EXTERNAL MESSAGE

Hi Andrew

Apologies, a further comment in addition to the below. The department would like a focus on compliance with conditions that pre-development, pre-construction and pre-mining related requirements. Some clarification of dates of commencement of development, construction and mining may be required, as Whitehaven Coal Limited have submission several notifications in related to these stages.

Regards

Joel Curran
Senior Compliance Officer

Development Assessment | Department of Planning and Environment
T 02 4904 2702 | **M** 0412 323 331 | **E** joel.curran@planning.nsw.gov.au
PO Box 1226 | Newcastle NSW 2300

Please direct all email correspondence to compliance@planning.nsw.gov.au
www.dpie.nsw.gov.au



The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via compliance@planning.nsw.gov.au.

The Department has upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

From: Joel Curran
Sent: Tuesday, May 16, 2023 1:30 PM
To: andrew.lewis@erm.com
Cc: Heather McKay <Heather.McKay@erm.com>; Oliver Moore <Oliver.Moore@erm.com>; Sophie Barkla <Sophie.Barkla@erm.com>
Subject: RE: Whitehaven Vickery Extension Project Independent Environmental Audit

Hi Andrew

Thank you for getting in touch with us. The department would like a focus on the below areas:

- Compliance with pre-construction related conditions (specifically that construction related works did not commence prior to all pre-construction related conditions being complied with.
- Status of management plans.

Regards

Joel Curran
Senior Compliance Officer

Development Assessment | Department of Planning and Environment
T 02 4904 2702 | **M** 0412 323 331 | **E** joel.curran@planning.nsw.gov.au
PO Box 1226 | Newcastle NSW 2300

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From: andrew.lewis@erm.com <andrew.lewis@erm.com>

Sent: Monday, May 15, 2023 1:49 PM

To: Joel Curran <Joel.Curran@planning.nsw.gov.au>

Cc: Scott Mitchell <SMitchell@whitehavencoal.com.au>; Heather McKay <Heather.McKay@erm.com>; Oliver Moore <Oliver.Moore@erm.com>; Sophie Barkla <Sophie.Barkla@erm.com>

Subject: Whitehaven Vickery Extension Project Independent Environmental Audit

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I can be contacted at the details outlined below to discuss further.

Kind regards,

Andrew Lewis
Managing Consultant

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APPENDIX D INDEPENDENT AUDIT DECLARATION FORM

Independent Audit Report Declaration Form

Independent Audit Report Declaration Form

Project Name	Vickery Coal Mine
Consent Number	SSD 7480-2020
Description of Project	Open cut mine
Project Address	10409 Kamilaroi Hwy, Gunnedah, NSW 2380
Proponent	Whitehaven Coal Mining Ltd
Title of Audit	Vickery Coal Mine Independent Environmental Audit 2023
Date	07 August 2023

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor	Andrew Lewis
Signature	
Qualification	BSc – Environmental Science
Company	Environmental Resources Management - ERM
Company Address	Level 9, 260 Queen St, Brisbane, QLD 4000

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