

**Vickery Coal Mine  
EPBC 2016/7649 (approved 15<sup>th</sup> September 2021) Compliance Report March 2023**

Condition Number	Condition	Compliance	Evidence
<b>Part A – Conditions specific to the action</b>			
<b>Water Resources</b>			
1.	For the protection of <b>water resources</b> , the <b>approval holder</b> must comply with <b>State development consent</b> conditions B39 to B54 and B101 to B106.	Yes	Compliance maintained with relevant conditions of NSW State Significant Development Approval SSD-7480.
2.	The <b>approval holder</b> must ensure that there is no <b>adverse effect</b> on the <b>function</b> of a <b>water resource</b> as a result of the <b>action</b> .	Yes	No adverse effect on the function of a water resource as a result of Vickery Coal Mine.
3.	The <b>approval holder</b> must notify the <b>Department</b> in writing, within 2 <b>business days</b> , if an application to modify <b>State development consent</b> conditions B39-B54 and B101-B106 is made.	Not Yet Applicable	No application to modify SSD-7480 has been made.
4.	The <b>approval holder</b> must notify the <b>Department</b> in writing, within 10 <b>business days</b> , where <b>State development consent</b> conditions B39-B54 and B101-B106 have been modified.	Not Yet Applicable	No application to modify SSD-7480 has been made.
5.	The <b>approval holder</b> must include the following information in the Water Management Plan required by <b>State development consent</b> condition B53:		
a.	management and mitigation strategies to minimise potential <b>impacts</b> to the <b>EPBC Act</b> listed Murray Cod ( <i>Maccullochella peelii</i> ).	Not Yet Applicable	Water Management Plan not yet required by SSD-7480.
b.	details of any chemical dust suppressants used. These details must include the chemicals proposed for use, typical application rates, and an assessment of the likelihood that the chemicals will enter the environment (e.g., soil, groundwater or surface water) and the potential persistence and toxicity to <b>protected matters</b> of these chemicals or their breakdown products. Furthermore, if data on chronic toxicity to aquatic organisms is not available in respect of any chemical proposed for use, the <b>approval holder</b> must include the results of direct toxicity assessments undertaken in accordance with the <i>Australian and New Zealand guidelines for fresh and marine water quality, 2018</i> or any subsequent revision.	Not Yet Applicable	Water Management Plan not yet required by SSD-7480.

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6.	The <b>approval holder</b> must provide the <b>Department</b> with the final version of the Water Management Plan required by condition B53 of the <b>State development consent</b> within <b>10 business days</b> of its approval by the NSW Planning Secretary.	Not Yet Applicable	Water Management Plan not yet required by SSD-7480.
7.	The <b>approval holder</b> must notify the <b>Department</b> within <b>2 business days</b> of any proposed changes to the final version of the Water Management Plan. If the NSW Planning Secretary approves a revised version of the Water Management Plan, the <b>approval holder</b> must provide the <b>Department</b> with the approved revised Water Management Plan within <b>10 business days</b> of its approval by the NSW Planning Secretary.	Not Yet Applicable	Water Management Plan not yet required by SSD-7480.
8.	In addition to the Groundwater Management Plan monitoring requirements specified in condition B53 of the <b>State development consent</b> , the <b>approval holder</b> must:		
a.	Establish and maintain a network of groundwater monitoring bores designed to detect changes in groundwater levels and include bores that are co-located or paired with surface water monitoring sites to allow monitoring and analysis of groundwater-surface water interactions. These monitoring bores must be installed prior to the commencement of <b>mining operations</b> .	Not Yet Applicable	Groundwater Management Plan not yet required by SSD-7480.
b.	Monitor groundwater levels in each bore (required under condition 8.a) at least once every 3 months, starting within one week of the commencement of <b>mining operations</b> for the life of this approval.	Not Yet Applicable	Groundwater Management Plan not yet required by SSD-7480.
c.	Publish on the website all groundwater monitoring data from the bore network, updated at least once every 3 months to include the most recent readings available and maintain the data on the website for the life of this approval. The monitoring data must include hydrographs for the bore network and explain what the data means in relation to the groundwater <b>performance measures</b> specified in the <b>State development consent</b> .	Not Yet Applicable	Groundwater Management Plan not yet required by SSD-7480.
9.	The <b>approval holder</b> must submit performance criteria and <b>limits</b> , relevant to groundwater extraction impacts for the alluvial aquifer, for the <b>Minister's</b> approval. The submission of the <b>performance criteria</b> and <b>limits</b> must be accompanied by evidence-based justification of how they were derived from the results of	Not Yet Applicable	Groundwater Management Plan not yet required by SSD-7480.

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	monitoring, consider groundwater-surface water connectivity, and are suitable to demonstrate condition 2 is being achieved.		
10.	The <b>approval holder</b> must not commence groundwater extraction from the water supply borefield until the <b>performance criteria</b> and <b>limits</b> have been approved by the <b>Minister</b> in writing.	Not Yet Applicable	Borefield construction not yet commenced.
11.	If, at any time during the period for which this approval has effect, the <b>approval holder</b> detects an exceedance of any approved limit required under condition 9 the <b>approval holder</b> must notify the <b>Department</b> of the exceedance within 2 <b>business days</b> of detecting the exceedance	Not Yet Applicable	Groundwater extraction not yet commenced.
12.	If, at any time during the period for which this approval has effect, the <b>approval holder</b> detects an exceedance of an approved <b>limit</b> required under condition 9, the <b>approval holder</b> must cease groundwater extraction from the <b>water supply bore field</b> within 2 <b>business days</b> .	Not Yet Applicable	Groundwater extraction not yet commenced.
13.	If the <b>approval holder</b> has been required to cease groundwater extraction pursuant to condition 12, the <b>approval holder</b> must:		
a.	provide information including monitoring data that identifies the likely cause of the exceedance of the approved <b>limit</b> ;	Not Yet Applicable	Groundwater extraction not yet commenced.
b.	consider the effect of the current condition of the <b>water resource</b> on the utility of the <b>water resource</b> for <b>associated users</b> ; and	Not Yet Applicable	Groundwater extraction not yet commenced.
c.	if the likely cause is identified as a component of the action, propose measures to mitigate and manage any <b>impacts</b> to any <b>associated users</b> , ensuring that the utility of the <b>water resource</b> for <b>associated users</b> is not effected.	Not Yet Applicable	Groundwater extraction not yet commenced.
14.	The <b>approval holder</b> must not recommence groundwater extraction until the information required in condition 13 has been approved by the <b>Minister</b> in writing. The <b>approval holder</b> must implement the approved mitigation and management measures.	Not Yet Applicable	Groundwater extraction not yet commenced.
<b>Listed Threatened Species</b>			

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15.	Within the area designated 'Approximate Extent of Vickery Extension Project (EPBC 2016-7649) footprint' at <b>Attachment A</b> , the <b>approval holder</b> must not <b>clear</b> more than:		
a.	75.2 hectares of Regent Honeyeater ( <i>Anthochaera phrygia</i> ) habitat,	Yes	Less than 75.2 ha of Regent Honeyeater habitat has been cleared up until 31 December 2022.
b.	104.7 hectares of Swift Parrot ( <i>Lathamus discolor</i> ) habitat,	Yes	Less than 104.7 ha of Swift Parrot habitat has been cleared up until 31 December 2022.
c.	80.9 hectares of Koala ( <i>Phascolarctos cinereus</i> ) (combined populations of Queensland, New South Wales and the Australian Capital Territory) habitat.	Yes	Less than 80.9 ha of Koala habitat has been cleared up until 31 December 2022.
<b>Note:</b> Habitat for the Regent Honeyeater, Swift Parrot and Koala is based on the NSW plant community types (PCTs) <b>Attachment B and C</b> .			
16.	The <b>approval holder</b> must comply with the <b>State development consent</b> conditions B56- B67, and B101-B106 (to the extent these conditions relate to <b>EPBC Act</b> listed <b>threatened species</b> ).	Yes	Compliance maintained with relevant conditions of NSW State Significant Development Approval SSD-7480.
17.	The approval holder must notify the Department in writing, within 2 business days if they apply to modify <b>State development consent</b> conditions B56-B67 and B101-B106.	Not Yet Applicable	No application to modify SSD-7480 has been made.
18.	The <b>approval holder</b> must notify the Department in writing, within 10 <b>business days</b> , where <b>State development consent</b> conditions B56- B67 and B101-B106 have been modified.	Not Yet Applicable	No application to modify SSD-7480 has been made.
19.	To compensate for <b>impacts</b> on threatened species and communities listed in condition 15, the <b>approval holder</b> must comply with <b>State development consent</b> conditions B56 and B57 and must retire the biodiversity credits specified in table 10 and 11 of <b>State development consent</b> conditions B58 and B59.	Not Yet Applicable	Biodiversity Offset Strategies not yet required by SSD-7480.
20.	The approval holder must publish a credit retirement report within 10 <b>business days</b> of retiring the credits on the <b>approval holder's</b> website.	Not Yet Applicable	Biodiversity Offset Strategies not yet required by SSD-7480.
21.	The <b>approval holder</b> must provide the Minister with a statement, prior to the <b>commencement of the action</b> validating that the approved land based offsets specified in Table 9 of the <b>State development consent</b> contain at least 293.9 ha of	Yes	A Report was submitted on 5 September 2022 outlining the statement on potential Regent Honeyeater and Koala habitat endorsed by an

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	potential Regent Honeyeater ( <i>Anthochaera phrygia</i> ) habitat (the equivalent of 2087 species credits) and 112 ha of potential Koala ( <i>Phascolarctos cinereus</i> ) habitat (the equivalent of 795 species credits). The statement must be endorsed by an accredited assessor under the <i>NSW Biodiversity Conservation Act 2016</i> and must be published on the <b>approval holder's</b> website.		accredited assessor was met by the secured Willeroi East Offset Area/Conservation Agreement. Upon DCCEEW's acceptance of the Report, WHC will publish on the Vickery Mine webpage.
<b>Note: The equivalent credits in condition 21 were calculated in accordance with the Framework for Biodiversity Assessment of the NSW Biodiversity Offset Policy for Major Projects (OEH, 2014).</b>			
22.	If the <b>Minister</b> is not satisfied that the approved land based offsets specified in Table 9 of the <b>State development consent</b> contain the habitat specified in condition 21, the <b>approval holder</b> may be required by the Minister to retire specified biodiversity credits under the <i>NSW Biodiversity Conservation Act 2016</i> within the timeframes specified in condition B58 of the <b>State development consent</b> .	Not Yet Applicable	Biodiversity Offset Strategies not yet required by SSD-7480 and depends on Department's acceptance of the Report for Condition 21.
<b>Part B-Standard administrative conditions</b>			
<b>Notification of date of commencement of the action</b>			
23.	The <b>approval holder</b> must notify the Department in writing of the date of <b>commencement of the action</b> within 10 <b>business days</b> after the date of commencement of the action.	Yes	Notification was provided to the Department on 27 February 2023 within 10 days after the date of commencement.
24.	If the <b>commencement of the action</b> does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	Not Applicable	Notification of the commencement of the Vickery Coal Mine was provided on 27 February 2023.
<b>Compliance records</b>			
25.	The approval holder must maintain accurate and complete <b>compliance records</b> .	Yes	Compliance records are maintained accurate and complete for all activities.
26.	If the <b>Department</b> makes a request in writing, the approval holder must provide electronic copies of <b>compliance records</b> to the <b>Department</b> within the timeframe specified in the request.	Not Yet Applicable	No request for compliance records received from the Department.
<b>Note: Compliance records</b> may be subject to audit by the <b>Department</b> or an independent auditor in accordance with section 458 of the <b>EPBC Act</b> , and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the <b>Department's</b> website or through the general media.			

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<b>Submission and publication of plans</b>			
27.	The <b>approval holder</b> must:		
a.	submit <b>plans</b> electronically to the <b>Department</b> ;	Not Yet Applicable	Surface Water and Groundwater Management Plans not yet required by SSD-7480.
b.	unless otherwise agreed to in writing by the <b>Minister</b> :		
i.	publish each <b>plan</b> on the website within 20 <b>business days</b> of the date the plan is approved by the <b>Minister</b> or of the date a revised action management plan is submitted to the <b>Minister</b> or the <b>Department</b> , unless otherwise agreed to in writing by the <b>Minister</b> ;	Not Yet Applicable	Surface Water and Groundwater Management Plans not yet required by SSD-7480.
ii.	publish the Water Management <b>Plan</b> on the <b>website</b> within 20 <b>business days</b> of the date the <b>plan</b> is approved by the NSW Planning Secretary;	Not Yet Applicable	Surface Water and Groundwater Management Plans not yet required by SSD-7480.
iii.	exclude or redact <b>sensitive ecological data</b> from <b>plans</b> that are to be published on the <b>website</b> or provided to a member of the public; and	Not Yet Applicable	Surface Water and Groundwater Management Plans not yet required by SSD-7480.
iv.	keep <b>plans</b> published on the <b>website</b> until the end date of this approval.	Not Yet Applicable	Surface Water and Groundwater Management Plans not yet required by SSD-7480.
<b>Annual compliance reporting</b>			
28.	The <b>approval holder</b> must prepare a <b>compliance report</b> addressing compliance with each of the conditions of this approval, including implementation of any management <b>plans</b> and strategies required under the <b>State development consent</b> conditions that are referred to in this approval, <b>at the end of March</b> every year, <b>and covering compliance for the previous calendar year</b> or otherwise in accordance with another annual date that has been agreed to in writing by the <b>Minister</b> . The <b>approval holder</b> must:		
a.	publish each <b>compliance report</b> on the <b>website</b> within 20 <b>business days</b> following the end of March each year;	Yes	Compliance reports will be annually published on the Whitehaven Coal website.

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b.	notify the <b>Department</b> by email that a <b>compliance report</b> has been published on the <b>website</b> and provide the weblink for the <b>compliance report</b> within 5 <b>business days</b> of the date of publication;	Yes	Compliance reports published on the Whitehaven Coal website will be notified to the Department.
c.	keep all <b>compliance reports</b> publicly available on the <b>website</b> until this approval expires;	Yes	Compliance reports will be annually published on the Whitehaven Coal website.
d.	exclude or redact <b>sensitive ecological data</b> from <b>compliance reports</b> prior to publishing each <b>compliance report</b> on the <b>website</b> ; and	Yes	Compliance reports will be annually published on the Whitehaven Coal website.
e.	where any <b>sensitive ecological data</b> has been excluded from the version published, submit the full <b>compliance report</b> to the <b>Department</b> within 5 <b>business days</b> of publication.	Yes	Compliance reports will be annually published on the Whitehaven Coal website.

**Note: Compliance reports** may be published on the **Department's** website.

**Reporting non-compliance**

29.	The <b>approval holder</b> must notify the <b>Department</b> in writing of any: <b>incident</b> , or non-compliance with the conditions. The notification must be given as soon as practicable, and no later than two <b>business days</b> after becoming aware of the <b>incident</b> or non-compliance. The notification must specify:		
a.	any condition which is or may be in breach;	Not Yet Applicable	No breach of condition during the reporting period.
b.	a short description of the <b>incident</b> and/or non-compliance; and	Not Yet Applicable	No incident or non-compliance during the reporting period.
c.	the location (including co-ordinates), date, and time of the <b>incident</b> and/or non-compliance. In the event the exact information cannot be provided, provide the best information available	Not Yet Applicable	No incident or non-compliance during the reporting period.
30.	The <b>approval holder</b> must provide to the <b>Department</b> the details of any <b>incident</b> or non-compliance with the conditions as soon as practicable and no later than 10 <b>business days</b> after becoming aware of the <b>incident</b> or non-compliance, specifying:		
a.	any corrective action or investigation which the <b>approval holder</b> has already taken or intends to take in the immediate future;	Not Yet Applicable	No corrective action or investigation required during the reporting period.

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b.	the potential impacts of the <b>incident</b> or non-compliance; and	Not Yet Applicable	No corrective action or investigation required during the reporting period.
c.	the method and timing of any remedial action that will be undertaken by the <b>approval holder</b> .	Not Yet Applicable	No corrective action or investigation required during the reporting period.
<b>Independent audit</b>			
31.	The <b>approval holder</b> must ensure that <b>independent audits</b> of compliance with the conditions are conducted as requested in writing by the <b>Minister</b> .	Not Yet Applicable	No audits have been requested by the Minister.
32.	For each <b>independent audit</b> , the <b>approval holder</b> must:		
a.	provide the name and qualifications of the independent auditor and the draft audit criteria to the <b>Department</b> ;	Not Yet Applicable	No audits have been requested by the Minister.
b.	only commence the <b>independent audit</b> once the audit criteria have been approved in writing by the <b>Department</b> ; and	Not Yet Applicable	No audits have been requested by the Minister.
c.	submit an audit report to the <b>Department</b> within the timeframe specified in the approved audit criteria.	Not Yet Applicable	No audits have been requested by the Minister.
33.	The <b>approval holder</b> must publish the audit report on the <b>website</b> within 10 <b>business days</b> of receiving the <b>Department's</b> approval of the audit report and keep the audit report published on the <b>website</b> until the end date of this approval.	Not Yet Applicable	No audits have been requested by the Minister.
<b>Completion of the action</b>			
34.	The <b>approval holder</b> must comply with condition A7 in Schedule 2 of the <b>State development consent</b> .	Yes	Mining operations will be carried out on the site within the approved disturbance area for a period of 25 years from the 12 <sup>th</sup> August 2020.
35.	Within 20 business days after the <b>completion of the action</b> , the <b>approval holder</b> must notify the <b>Department</b> in writing and provide <b>completion data</b> .	Not Yet Applicable	Vickery Coal Mine has not yet completed the action.
<b>Changes to State Development Consent</b>			
36.	The <b>approval holder</b> must notify the <b>Department</b> in writing of any proposed change to the <b>State development consent</b> that may relate to <b>protected matters</b> within 2	Not Yet Applicable	No application to modify SSD-7480 has been made.





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	<b>business days</b> of formally proposing a change and within 5 <b>business days</b> of becoming aware of any proposed change.		
37.	The <b>approval holder</b> must notify the <b>Department</b> in writing of any change to the <b>State development consent</b> conditions that may relate to <b>protected matters</b> , within <b>10 business days</b> of a change to conditions being finalised.	Not Yet Applicable	No application to modify SSD-7480 has been made.