

**Vickery Coal Mine
EPBC 2016/7649 (approved 15th September 2021) Compliance Report March 2024**

Condition Number	Condition	Compliance	Evidence
Part A – Conditions specific to the action			
Water Resources			
1.	For the protection of water resources , the approval holder must comply with State development consent conditions B39 to B54 and B101 to B106.	Yes	Compliance maintained with relevant conditions of NSW State Significant Development Approval SSD-7480.
2.	The approval holder must ensure that there is no adverse effect on the function of a water resource as a result of the action .	Yes	No adverse effect on the function of a water resource as a result of Vickery Coal Mine.
3.	The approval holder must notify the Department in writing, within 2 business days , if an application to modify State development consent conditions B39-B54 and B101-B106 is made.	Not Yet Applicable	No application to modify SSD-7480 conditions B39-B54 and B101-B106 has been made.
4.	The approval holder must notify the Department in writing, within 10 business days , where State development consent conditions B39-B54 and B101-B106 have been modified.	Not Yet Applicable	Conditions B39-B54 and B101-B106 of SSD7480 have not been modified.
5.	The approval holder must include the following information in the Water Management Plan required by State development consent condition B53:		
a.	management and mitigation strategies to minimise potential impacts to the EPBC Act listed Murray Cod (<i>Maccullochella peelii</i>).	Yes	Information contained in Section 4.1 of Water Management Plan (Rev1.2, August 2023).
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 protected matters 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 approval holder 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.	Yes	Information contained in section 4.6.4 of Water Management Plan.

Vickery Coal Mine
EPBC 2016/7649 (approved 15th September 2021) Compliance Report March 2024

Condition Number	Condition	Compliance	Evidence
6.	The approval holder must provide the Department with the final version of the Water Management Plan required by condition B53 of the State development consent within 10 business days of its approval by the NSW Planning Secretary.	Yes	Water Management Plan (Rev 1.2 https://whitehavencoal.com.au/Documentations/Vickery%20Extension%20Project/Environmental%20Management,%20Monitoring%20&%20Compliance/Environmental%20Management%20Plans,%20Strategies%20and%20Programs/VIC-Water%20Management%20Plan.pdf) approved by former NSW Department of Planning and Environment on 22 nd August 2023 and submitted to the Commonwealth Department of Climate Change, the Environment, Energy and Water (DCCEEW) on the 23 rd August 2023. Receipt acknowledged by return email from Compliance and Enforcement Branch 24 th August 2023.
7.	The approval holder must notify the Department within 2 business days 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 approval holder must provide the Department with the approved revised Water Management Plan within 10 business days of its approval by the NSW Planning Secretary.	Not Yet Applicable	No changes have been proposed to the final version of the Water Management Plan.
8.	In addition to the Groundwater Management Plan monitoring requirements specified in condition B53 of the State development consent , the approval holder 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 mining operations .	Yes	Network of groundwater monitoring bores established prior to mining operations commencing on 26 October 2023 as described in the Water Management Plan.

Vickery Coal Mine
EPBC 2016/7649 (approved 15th September 2021) Compliance Report March 2024

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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 mining operations for the life of this approval.	Yes	Groundwater monitoring commenced in October 2023 within one week of mining operations commencing with the removal of overburden.
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 performance measures specified in the State development consent .	Yes	First quarterly report (https://whitehavencoal.com.au/wp-content/uploads/2024/01/240112_VCM_Initial_Quarterly-Groundwater-Report_Final.pdf) published on the website on 16 January 2023. Second quarterly report to be uploaded within 3 months.
9.	The approval holder must submit performance criteria and limits , relevant to groundwater extraction impacts for the alluvial aquifer, for the Minister's approval. The submission of the performance criteria and limits must be accompanied by evidence-based justification of how they were derived from the results of monitoring, consider groundwater-surface water connectivity, and are suitable to demonstrate condition 2 is being achieved.	Yes	The proposed borefield detailed in the VEP EIS is not proposed to be constructed within the first 3 years of mining. Baseline monitoring in the vicinity of these bores occurs at GW-2 and GW-1 and GW030052. The results of the baseline monitoring will inform the performance criteria and limits to be developed and submitted for approval prior to groundwater extraction commencing.
10.	The approval holder must not commence groundwater extraction from the water supply borefield until the performance criteria and limits have been approved by the Minister in writing.	Not Yet Applicable	Borefield construction and extraction not yet commenced.
11.	If, at any time during the period for which this approval has effect, the approval holder detects an exceedance of any approved limit required under condition 9 the approval holder must notify the Department of the exceedance within 2 business days 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 approval holder detects an exceedance of an approved limit required under condition 9, the	Not Yet Applicable	Groundwater extraction not yet commenced.

**Vickery Coal Mine
EPBC 2016/7649 (approved 15th September 2021) Compliance Report March 2024**

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	approval holder must cease groundwater extraction from the water supply bore field within 2 business days .		
13.	If the approval holder has been required to cease groundwater extraction pursuant to condition 12, the approval holder must:		
a.	provide information including monitoring data that identifies the likely cause of the exceedance of the approved limit ;	Not Yet Applicable	Groundwater extraction not yet commenced.
b.	consider the effect of the current condition of the water resource on the utility of the water resource for associated users ; 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 impacts to any associated users , ensuring that the utility of the water resource for associated users is not effected.	Not Yet Applicable	Groundwater extraction not yet commenced.
14.	The approval holder must not recommence groundwater extraction until the information required in condition 13 has been approved by the Minister in writing. The approval holder must implement the approved mitigation and management measures.	Not Yet Applicable	Groundwater extraction not yet commenced.
Listed Threatened Species			
15.	Within the area designated 'Approximate Extent of Vickery Extension Project (EPBC 2016-7649) footprint' at Attachment A , the approval holder must not clear 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 2023.
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 2023.
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 2023.
Note: Habitat for the Regent Honeyeater, Swift Parrot and Koala is based on the NSW plant community types (PCTs) Attachment B and C .			

**Vickery Coal Mine
EPBC 2016/7649 (approved 15th September 2021) Compliance Report March 2024**

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16.	The approval holder must comply with the State development consent conditions B56- B67, and B101-B106 (to the extent these conditions relate to EPBC Act listed threatened species).	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 State development consent conditions B56-B67 and B101- B106.	Not Yet Applicable	No application to modify SSD-7480 conditions B56-B67 and B101-B106 has been made. Substituted offset areas have been proposed in accordance with condition B56.
18.	The approval holder must notify the Department in writing, within 10 business days , where State development consent conditions B56- B67 and B101-B106 have been modified.	Not Yet Applicable	SSD-7480 conditions B56-B67 and B101-B106 have not been modified.
19.	To compensate for impacts on threatened species and communities listed in condition 15, the approval holder must comply with State development consent conditions B56 and B57 and must retire the biodiversity credits specified in table 10 and 11 of State development consent conditions B58 and B59.	Not Yet Applicable	Retirement of Biodiversity Credits not yet required by SSD-7480.
20.	The approval holder must publish a credit retirement report within 10 business days of retiring the credits on the approval holder's website.	Not Yet Applicable	Retirement of Biodiversity Credits not yet required by SSD-7480.
21.	The approval holder must provide the Minister with a statement, prior to the commencement of the action validating that the approved land based offsets specified in Table 9 of the State development consent contain at least 293.9 ha of 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 approval holder's website.	Yes	A Report was submitted on 5 September 2022 prior to commencement of the action (27 February 2023); that stated that the minimum area of potential Regent Honeyeater and Koala habitat was met by the secured Willeroi East Offset Area/Conservation Agreement as endorsed by an accredited assessor and is published on the Whitehaven Coal website (https://whitehavencoal.com.au/Documentations/Vickery%20Extension%20Project/Environmental%20Management,%20Monitoring%20&%20Compliance/Environmental%20Protection%20and%20Biodiversity%20Conservation%20(EPBC)/VIC-

**Vickery Coal Mine
EPBC 2016/7649 (approved 15th September 2021) Compliance Report March 2024**

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			<p>EPBC%20Condition%2021%20Statement%202022.pdf).</p> <p>Substituted offset areas have been approved in accordance with condition B56 by NSW Department of Planning, Housing and Infrastructure on 14 March 2024. The Vickery Revised Biodiversity Offset Strategy was provided to the Minister/Commonwealth DCCEEW on 15 March 2024 to update the approved land based offsets in accordance with this condition and total area of Koala/Regent Honeyeater habitat provided by the Willeroi East Offset Area/Conservation Agreement.</p>
<p>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).</p>			
22.	<p>If the Minister is not satisfied that the approved land based offsets specified in Table 9 of the State development consent contain the habitat specified in condition 21, the approval holder 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 State development consent.</p>	Not Yet Applicable	No specified biodiversity credits has been required to be retired by the Minister.
<p>Part B-Standard administrative conditions</p>			
<p>Notification of date of commencement of the action</p>			
23.	<p>The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.</p>	Yes	Date of commencement was notified on 10 January 2023 to the Commonwealth DCCEEW prior to the date of commencement on 27 February 2023.

**Vickery Coal Mine
EPBC 2016/7649 (approved 15th September 2021) Compliance Report March 2024**

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24.	If the commencement of the action 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	Action has commenced.
Compliance records			
25.	The approval holder must maintain accurate and complete compliance records .	Yes	Compliance records are maintained accurate and complete for all activities.
26.	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.	Not Yet Applicable	No request for compliance records received from the Commonwealth DCCEEW.
Note: Compliance records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act , and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the Department's website or through the general media.			
Submission and publication of plans			
27.	The approval holder must:		
a.	submit plans electronically to the Department ;	Yes	Water Management Plan submitted electronically to the Commonwealth DCCEEW on the 23 rd August 2023.
b.	unless otherwise agreed to in writing by the Minister :		
i.	publish each plan on the website within 20 business days of the date the plan is approved by the Minister or of the date a revised action management plan is submitted to the Minister or the Department , unless otherwise agreed to in writing by the Minister ;	Yes	Water Management Plan was published to the website within 20 days of the date of submission to the Commonwealth DCCEEW.
ii.	publish the Water Management Plan on the website within 20 business days of the date the plan is approved by the NSW Planning Secretary;	Yes	Water Management Plan was published to the website on the 23 rd August 2023 within 20 days of approval by the NSW Planning Secretary.
iii.	exclude or redact sensitive ecological data from plans that are to be published on the website or provided to a member of the public; and	Not Yet Applicable	No sensitive data required to be excluded/redacted.

Vickery Coal Mine
EPBC 2016/7649 (approved 15th September 2021) Compliance Report March 2024

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iv.	keep plans published on the website until the end date of this approval.	Yes	Management Plans remain published on the website.
Annual compliance reporting			
28.	The approval holder must prepare a compliance report addressing compliance with each of the conditions of this approval, including implementation of any management plans and strategies required under the State development consent conditions that are referred to in this approval, at the end of March every year, and covering compliance for the previous calendar year or otherwise in accordance with another annual date that has been agreed to in writing by the Minister . The approval holder must:		
a.	publish each compliance report on the website within 20 business days following the end of March each year;	Yes	Compliance reports are published on the Whitehaven Coal website prior to 20 business days following the end of March each year (https://whitehavencoal.com.au/our-business/our-assets/vickery-extension-project/).
b.	notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within 5 business days of the date of publication;	Yes	Compliance reports notified to the Department by email that the compliance report have been published within 5 business days on the website.
c.	keep all compliance reports publicly available on the website until this approval expires;	Yes	Compliance reports are publicly available on the Whitehaven Coal website for the duration of this approval.
d.	exclude or redact sensitive ecological data from compliance reports prior to publishing each compliance report on the website ; and	Yes	Compliance reports do not contain sensitive ecological data.
e.	where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.	Yes	Compliance reports do not contain sensitive ecological data.
Note: Compliance reports may be published on the Department's website.			
Reporting non-compliance			

**Vickery Coal Mine
EPBC 2016/7649 (approved 15th September 2021) Compliance Report March 2024**

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29.	The approval holder must notify the Department in writing of any: incident , or non-compliance with the conditions. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident 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 incident 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 incident 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 approval holder must provide to the Department the details of any incident or non-compliance with the conditions as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:		
a.	any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;	Not Yet Applicable	No corrective action or investigation required during the reporting period.
b.	the potential impacts of the incident 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 approval holder .	Not Yet Applicable	No corrective action or investigation required during the reporting period.
Independent audit			
31.	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister .	Not Yet Applicable	No audits have been requested by the Minister.
32.	For each independent audit , the approval holder must:		
a.	provide the name and qualifications of the independent auditor and the draft audit criteria to the Department ;	Not Yet Applicable	No audits have been requested by the Minister.

**Vickery Coal Mine
EPBC 2016/7649 (approved 15th September 2021) Compliance Report March 2024**

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b.	only commence the independent audit once the audit criteria have been approved in writing by the Department ; and	Not Yet Applicable	No audits have been requested by the Minister.
c.	submit an audit report to the Department within the timeframe specified in the approved audit criteria.	Not Yet Applicable	No audits have been requested by the Minister.
33.	The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	Not Yet Applicable	No audits have been requested by the Minister.
Completion of the action			
34.	The approval holder must comply with condition A7 in Schedule 2 of the State development consent .	Yes	Mining operations will be carried out on the site within the approved disturbance area for a period of 25 years from the 12 th August 2020.
35.	Within 20 business days after the completion of the action , the approval holder must notify the Department in writing and provide completion data .	Not Yet Applicable	Vickery Coal Mine has not yet completed the action.
Changes to State Development Consent			
36.	The approval holder must notify the Department in writing of any proposed change to the State development consent that may relate to protected matters within 2 business days of formally proposing a change and within 5 business days of becoming aware of any proposed change.	Not Yet Applicable	No application to modify SSD-7480 has been made. Formal application (i.e. lodgement of MOD1) to change SSD-7480 that may relate to protected matters is scheduled to occur in 2024.
37.	The approval holder must notify the Department in writing of any change to the State development consent conditions that may relate to protected matters , within 10 business days of a change to conditions being finalised.	Not Yet Applicable	No application to modify SSD-7480 has been made.