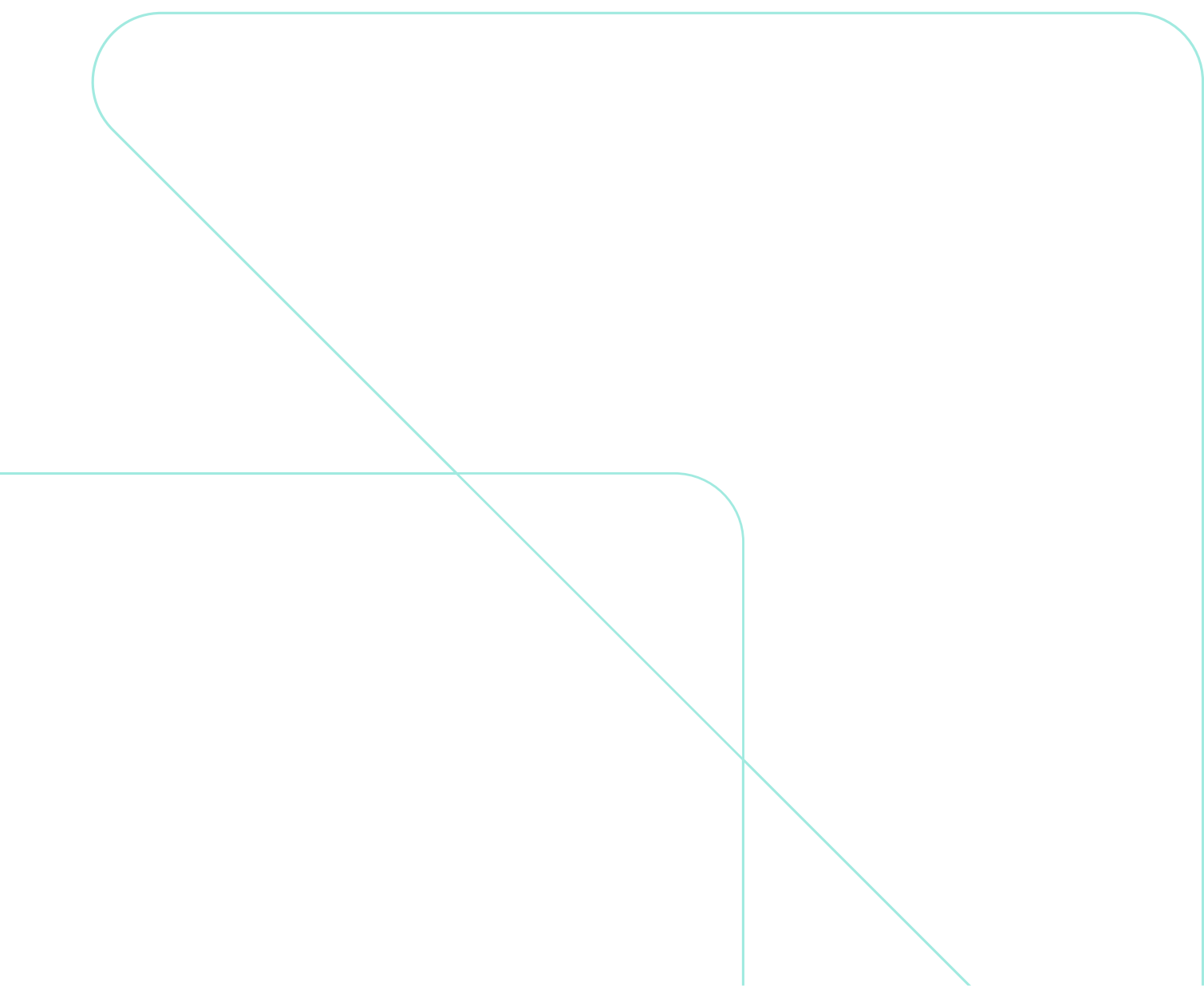


Annual Compliance Report

Vickery Extension Project

March 2025

EPBC 2016/7649



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Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the Environment Protection and Biodiversity Conservation Act 1999 make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorized to bind the approval holder to this declaration and that I have no knowledge of that authorization being revoked at the time of making this declaration

Signed:



Full name (please print):

Andrew Wright

Position (please print):

Superintendent – Group Biodiversity

**Organisation
(please print including ABN/CAN if applicable):**

Whitehaven Coal Limited (ABN 68 124 425 396) on behalf of Vickery
Coal Pty Ltd (ABN 74 626 224 495)

Date:

24/03/2025

1. Introduction

The Vickery Extension Project (VEP) is located approximately 15 km south-east of Boggabri and approximately 25 km north of Gunnedah in NSW within the Narrabri Shire Council and Gunnedah Shire Council Local Government Areas.

Approval for the VEP was granted under *the Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) in September 2021 (EPBC 2016/7649).

This Compliance Report has been prepared to address the requirements of EPBC 2016/7649 in accordance with the Annual Compliance Report Guidelines (the Guidelines), published by the Department of Climate Change, Energy, the Environment and Water (Commonwealth DCCEEW) (the Department).

1.1 Description of activities

This compliance report covers the approval and period detailed in Table 1

Table 1: Project details

Item	Details
EPBC Approval number	2016/7649
Project name	Vickery Extension Project
Approval Holder	Vickery Coal Pty Ltd
ACN or ABN	626 224 495
Approved action	The extension of the open cut mining operations at the Vickery Coal Mine and related surface infrastructure and activities, 25 km north of Gunnedah, NSW.
Location of the project	Approximately 25 km north of Gunnedah and 10 km east of Boggabri.
Reporting period of the report	1 January 2024 to 31 December 2024
Date of preparation of the report	24 March 2025

1.2 Compliance report overview

Table 2 provides an overview of the compliance report requirements outlined in EPBC 2016/7649

Table 2: Compliance report requirements

Relevant condition	Comment
<p><i>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:</i></p> <p>a) <i>publish each compliance report on the website within 20 business days following the end of March each year;</i></p> <p>b) <i>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;</i></p> <p>c) <i>keep all compliance reports publicly available on the website until this approval expires;</i></p>	<p>This Compliance Report has been prepared for the Reporting Period from 1 January 2024 to 31 December 2024.</p> <p>Regular reporting documentation for the Vickery Coal mine, including the Compliance Reports, can be accessed via:</p> <p>https://whitehavencoal.com.au/our-business/our-assets/vickery-extension-project/</p>

Relevant condition	Comment
d) <i>exclude or redact sensitive ecological data from compliance reports prior to publishing each compliance report on the website; and</i>	
e) <i>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.</i>	
<i>Note: Compliance reports may be published on the Department's website.</i>	

2. Compliance assessment

2.1 Compliance with the conditions of approval

Details of compliance with the EPBC 2016/7649 approval conditions, including supporting evidence, is provided in Appendix A. Evidence of the implementation of management plans can be made available to the Department upon request.

A summary of the compliance with the EPBC 2016/7649 approval conditions during the Reporting Period is provided in Table 3.

Table 3: Summary of performance during reporting period

Status	Description	Number of conditions
Compliant	'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.	19
Non-compliant	A designation of 'non-compliant' must be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.	0
Not applicable	A designation of 'not applicable' must be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition that applies to an activity that has not yet commenced.	18
Total		37

3. Correcting non-compliances

During the reporting period, there were no instances of non-compliance identified. All activities and operations were conducted in full accordance with the approval EPBC 2016/7649.

4. New environmental risks

No new environment risks were identified during the reporting period.

Appendix A – Summary of compliance

Condition Number / reference	Condition	Is the project compliant with this condition?	Comments
1.	For the protection of water resources, the approval holder must comply with State development consent conditions B39 to B54 and B101 to B106.	Compliant	Compliance was maintained with conditions B39 to B54 and B101 to B106 of the Vickery Extension Project NSW State Significant Development approval (SSD-7480) throughout the Reporting Period.
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.	Compliant	No adverse effect on the function of a water resource as a result the action has occurred.
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.	Compliant	A formal application was submitted on 16 August 2024 to modify SSD-7480 (i.e. Modification 1). Commonwealth DCCEEW was notified of Modification 1 within 2 business on 20 August 2024.
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 applicable	Conditions B39-B54 and B101-B106 of SSD7480 have not been modified. If required, notification will be made in accordance with this condition following the approval of Modification 1 to SSD-7480.
5.	The approval holder must include the following information in the Water Management Plan required by State development consent condition B53: <ul style="list-style-type: none"> a) management and mitigation strategies to minimise potential impacts to the EPBC Act listed Murray Cod (<i>Maccullochella peelii</i>). 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 Australian and New Zealand guidelines for fresh and marine water quality, 2018 or any subsequent revision. 	Compliant	<p>A Water Management Plan (WMP) was developed for the VEP in accordance with condition B53 of SSD-7480 and was approved by the former Department of Planning, Infrastructure and Environment (now the NSW Department of Planning, Housing and Infrastructure [DPHI]) on 22 August 2023.</p> <p>Information relating to condition 5 of EPBC 2016/7649 is provided in Sections 4.1 and 4.6.4 of the approved WMP.</p> <p>Documentation of implementation evidence for the approved WMP throughout the Reporting Period is provided in the Section 6.1 of the Vickery Coal Mine Annual Review Report.</p>
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.	Compliant	The WMP was approved by former NSW DPIE (now DPHI) on 22 August 2023 and was submitted to the Commonwealth DCCEEW on 23 August 2023, with receipt acknowledged by return email on 24 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.	Compliant	<p>Changes have been proposed to the final version of the approved WMP to align the document to contemporary operational developments. Notification was provided to Department:</p> <ul style="list-style-type: none"> • prior to submission to the NSW Department of Planning, Housing and Infrastructure (DPHI) when it was provided for consultation in accordance with B53(b) of SSD-7480; • within 2 business days of submission to DPHI for review. <p>The WMP is still being reviewed by DPHI. Notification will be provided to the Commonwealth DCCEEW within 10 business days of the approval of the revised WMP.</p>
8.	In addition to the Groundwater Management Plan monitoring requirements specified in condition B53 of the State development consent, the approval holder must: <ul style="list-style-type: none"> 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. 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. 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. 	Compliant	<p>In accordance with condition B53 of SSD-7480, a Groundwater Management Plan (GWMP) was prepared and included as Appendix A of the approved WMP.</p> <p>A network of groundwater monitoring bores was established prior to mining operations commencing on 26 October 2023 as described in the WMP.</p> <p>Groundwater monitoring commenced in October 2023 within one week of mining operations commencing.</p> <p>Groundwater level monitoring data is reported at least every 3 months and published on the Whitehaven website. A summary of the reports prepared since the commencement of operations includes:</p> <ul style="list-style-type: none"> • WHC (2024) Quarterly Groundwater Monitoring Report: Initial Monitoring Report October/November 2023 • SLR (2024a) Vickery Extension Project Groundwater Monitoring Report Quarterly Review November 2023 – January 2024 • SLR (2024b) Vickery Extension Project Groundwater Monitoring Report Quarterly Review February 2024 – April 2024 • SLR (2024c) Vickery Extension Project Groundwater Monitoring Report Quarterly Review May 2024 – July 2024

Condition Number / reference	Condition	Is the project compliant with this condition?	Comments
			<ul style="list-style-type: none"> SLR (2024d) Vickery Extension Project Groundwater Monitoring Report Quarterly Review August 2024 – October 2024
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.	Not applicable	<p>The proposed borefield detailed in the Vickery Extension Project Environmental Impact Statement (EIS) is not proposed to be constructed within the first three years of mining.</p> <p>Baseline monitoring in the vicinity of these bores occurs at GW-2 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.</p>
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 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 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 approval holder must cease groundwater extraction from the water supply bore field within 2 business days.	Not applicable	Groundwater extraction not yet commenced.
13.	If the approval holder has been required to cease groundwater extraction pursuant to condition 12, the approval holder must: <ol style="list-style-type: none"> provide information including monitoring data that identifies the likely cause of the exceedance of the approved limit; consider the effect of the current condition of the water resource on the utility of the water resource for associated users; and 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 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 applicable	Groundwater extraction not yet commenced.
15.	<p>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:</p> <ol style="list-style-type: none"> 75.2 hectares of Regent Honeyeater (<i>Anthochaera phrygia</i>) habitat, 104.7 hectares of Swift Parrot (<i>Lathamus discolor</i>) habitat, 80.9 hectares of Koala (<i>Phascolarctos cinereus</i>) (combined populations of Queensland, New South Wales and the Australian Capital Territory) habitat. <p>Note: Habitat for the Regent Honeyeater, Swift Parrot and Koala is based on the NSW plant community types (PCTs) Attachment B and C.</p>	Compliant	<p>Less than 75.2 ha of Regent Honeyeater habitat has been cleared up until 31 December 2024.</p> <p>Less than 104.7 ha of Swift Parrot habitat has been cleared up until 31 December 2024.</p> <p>Less than 80.9 ha of Koala habitat has been cleared up until 31 December 2024.</p>
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).	Compliant	Compliance was maintained with conditions B56 to B67 and B101 to B106 (to the extent these conditions relate to EPBC Act listed threatened species) of SSD-7480 throughout the Reporting Period.
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.	Compliant	A formal application was submitted on 16 August 2024 to modify SSD-7480 (i.e. Modification 1). Commonwealth DCCEEW was notified of Modification 1 within 2 business on 20 August 2024.
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 applicable	SSD-7480 conditions B56-B67 and B101-B106 have not been modified. If required, notification will be made in accordance with this condition following the approval of Modification 1 to SSD-7480.
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.	Compliant	<p>Compliance was maintained with conditions B56 and B57 of SSD-7480 throughout the Reporting Period including the substituted offset areas approved in accordance with condition B56 by DPIE on 14 March 2024 with the Vickery Revised Biodiversity Offset Strategy and secured as Conservation Agreements in perpetuity in accordance with condition B57 for:</p> <ul style="list-style-type: none"> Willeroi (East and West) CA0060 registered on title on 24 June 2021 provided to Commonwealth DCCEEW in correspondence dated 29 April 2024.

Condition Number / reference	Condition	Is the project compliant with this condition?	Comments
			<ul style="list-style-type: none"> Wean North CA0692 registered on title on 23 April 2024 provided to Commonwealth DCCEEW in correspondence dated 29 April 2024. Costavale CA0682 registered on title on 24 April 2024 provided to Commonwealth DCCEEW in correspondence dated 29 April 2024. Glenroc CA0687 registered on title on 26 April 2024 provided to Commonwealth DCCEEW in correspondence dated 29 April 2024. <p>Biodiversity credits specified in conditions B58 and B59 of SSD-7480 were retired in April 2024. Evidence of credit retirement was provided to Commonwealth DCCEEW on 29 April 2024.</p> <p>Evidence of implementation of the Offset Management throughout the Reporting Period includes:</p> <ul style="list-style-type: none"> Annual flora monitoring Annual fauna monitoring Winter bird surveys Routine inspections of tracks, fencing, gates and signage Annual fuel load and bushfire hazard assessment plus fire management Habitat management (i.e. annual nest box installation and habitat monitoring) Ecological thinning management Weed management (i.e. seasonal assessment and annual control programs) Pest management (i.e. routine monitoring, monthly sightings and control) Seed Management (i.e. assessment and collection) Annual heritage management inspection Annual erosion inspections of tracks and sites Annual stock incursion management
20.	The approval holder must publish a credit retirement report within 10 business days of retiring the credits on the approval holder's website.	Compliant	<p>A Credit Retirement Report was prepared following the retirement of credits in accordance with condition 19 of EPBC 2016/7649 on 26 April 2024.</p> <p>The Credit Retirement Report is available on the Whitehaven website.</p>
21.	<p>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 NSW Biodiversity Conservation Act 2016 and must be published on the approval holder's website.</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>	Compliant	<p>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 website.</p> <p>Substituted offset areas have been approved in accordance with condition B56 by DPIE on 14 March 2024 with the Vickery Revised Biodiversity Offset Strategy. The Vickery Revised Biodiversity Offset Strategy was provided to Commonwealth DCCEEW on 15 March 2024 to update the approved land-based offsets in accordance with condition 21 and total area of Koala/Regent Honeyeater habitat provided by the Willeroi East Offset Area/Conservation Agreement.</p>
22.	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 NSW Biodiversity Conservation Act 2016 within the timeframes specified in condition B58 of the State development consent.	Not applicable	No specified biodiversity credits have been required to be retired by the Minister.
23	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.	Compliant	Commonwealth DCCEEW was notified in writing on 10 January 2023 of the date of commencement (i.e. prior to 27 February 2023).
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	The Action has commenced.
25.	The approval holder must maintain accurate and complete compliance records.	Compliant	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 applicable	No request for compliance records received from the Commonwealth DCCEEW.

Condition Number / reference	Condition	Is the project compliant with this condition?	Comments
	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.		
27.	<p>The approval holder must:</p> <ul style="list-style-type: none"> a) submit plans electronically to the Department; b) unless otherwise agreed to in writing by the Minister: <ul style="list-style-type: none"> (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; (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; (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 (iv) keep plans published on the website until the end date of this approval. 	Compliant	<p>The WMP was submitted electronically to Commonwealth DCCEEW on the 23 August 2023 and published to the Whitehaven website within 20 days of the date of submission to the Commonwealth DCCEEW.</p> <p>The WMP was published to the Whitehaven website on the 23 August 2023 within 20 days of approval by the NSW Planning Secretary.</p> <p>No sensitive data required to be excluded/redacted.</p> <p>WMP remains published on the Whitehaven website.</p>
28.	<p>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:</p> <ul style="list-style-type: none"> a) publish each compliance report on the website within 20 business days following the end of March each year; 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; c) keep all compliance reports publicly available on the website until this approval expires; d) exclude or redact sensitive ecological data from compliance reports prior to publishing each compliance report on the website; and 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. <p>Note: Compliance reports may be published on the Department's website.</p>	Compliant	<p>This Compliance Report has been prepared for the Reporting Period from 1 January 2024 to 31 December 2024.</p> <p>Regular reporting documentation for the Vickery Coal Mine, including the Compliance reports, are published within 5 business days on the Whitehaven website, which can be accessed via:</p> <p>https://whitehavencoal.com.au/our-business/our-assets/vickery-extension-project/</p>
29.	<p>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:</p> <ul style="list-style-type: none"> a) any condition which is or may be in breach; b) a short description of the incident and/or non-compliance; and 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 applicable	No breach of condition during the reporting period, and no incidents or non-compliances during the Reporting Period.
30.	<p>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:</p> <ul style="list-style-type: none"> a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b) the potential impacts of the incident or non-compliance; and c) the method and timing of any remedial action that will be undertaken by the approval holder. 	Not applicable	No corrective action or investigation required during the reporting period.
31.	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	Not applicable	No audits have been requested by the Minister.
32.	<p>For each independent audit, the approval holder must:</p> <ul style="list-style-type: none"> a) provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b) only commence the independent audit once the audit criteria have been approved in writing by the Department; and c) submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	Not applicable	No audits have been requested by the Minister.

Condition Number / reference	Condition	Is the project compliant with this condition?	Comments
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 applicable	No audits have been requested by the Minister.
34.	The approval holder must comply with condition A71 in Schedule 2 of the State development consent.	Compliant	Mining operations are permitted to occur within the approved disturbance footprint until 12 August 2045.
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 applicable	Vickery Coal has not yet completed the action.
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.	Compliant	<p>A formal application was submitted on 16 August 2024 to modify SSD-7480 (i.e. Modification 1). A modification report for Modification 1 was lodged with DPPI during the Reporting Period and went on exhibition from 6 September 2024 to 19 September 2024.</p> <p>Commonwealth DCCEEW were notified in writing of the proposed changes under Modification on 20 August 2025.</p> <p>Vickery Coal will notify Commonwealth DCCEEW within 5 business days of becoming aware of any proposed changes to SSD-7480.</p>
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 applicable	Vickery Coal will notify Commonwealth DCCEEW within 10 business days following approval of Modification 1.