

1 INDEPENDENT ENVIRONMENTAL AUDIT FINDINGS - BENGALLA MINING COMPANY PTY LIMITED (BMC) RESPONSE

Date: 25 August 2023

1.1 SSD-5170 Identified Non-Compliances and Recommendations

Non-Compliances identified against SSD-5170 have been summarised in **Table 1** below including the independent audit finding, recommendation, and BMC response.

Table 1 Non-compliances SSD-5170

Condition Ref	Date	Requirement	Independent Audit Finding	Recommendation	BMC Response
S2 C1	2022	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.	BMC implemented some 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 during the audit period. However, there were some identified non-compliances and opportunities for improvement regarding management of air quality/dust impacts, rehabilitation and surface water. See non-compliances listed on this checklist and throughout the audit report.	Follow recommendations provided throughout this checklist and the audit report to remediate non-compliances as soon as possible.	BMC will continue to implement management plans approved under SSD-5170. Date: Ongoing.
S2 C2	2022	The Applicant must: <ul style="list-style-type: none"> a. carry out the development generally in accordance with the EIS, SEE (Mod 1), SEE (Mod 2), SEE (Mod 3) and SEE (Mod 4); and b. comply with the conditions of this consent and the Development Layout. Note: The Development Layout is shown in Appendix 2.	BMC was observed to be carrying out the development in general accordance with the EIS and Mods during the audit period. However, the auditor's report a number of non-compliances against SSD5170 including: <ul style="list-style-type: none"> - S2C1 - S3C12 - S3C19 - S3C23 - S3C28 - S3C45 - S3C46 -S5C7A -S5C10 	Follow recommendations provided throughout this checklist and the audit report to remediate non-compliances as soon as possible.	BMC will continue to implement management plans approved under SSD-5170. Date: Ongoing.

Condition Ref	Date	Requirement	Independent Audit Finding	Recommendation	BMC Response
			And therefore, this condition.		
S3 C12	2020	<p>Property Investigations</p> <p>If the owner of any privately-owned land claims that buildings and/or structures on his/her land have been damaged as a result of blasting on the site, then within 2 months of receiving this claim the Applicant must:</p> <ol style="list-style-type: none"> commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and give the landowner a copy of the property investigation report. <p>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 Secretary.</p> <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 independent property investigation, then either party may refer the matter to the Secretary for resolution.</p>	<p>Warning Letter dated 22 October 2020 issued by DPIE regarding an alleged breach of section 4.2 of the EPA Act involving failure to comply with Schedule 3, Condition 12 of SSD-5170. This condition relevantly requires a property investigation to be commissioned within 2 months of receiving a claim by the owner of privately-owned land that buildings and/or structures have been damaged as a result of blasting on site.</p> <p>On 3 June 2020, an owner of privately-owned land in the vicinity of Bengalla Mine requested a property investigation. DPIE determined that the required response was provided after the 2-month timeframe (on 14 August 2020).</p> <p>A suitably qualified, experienced and independent expert was commissioned to complete the property investigation. The report concluded that damage to buildings and/or structures was not attributable to blasting at Bengalla Mine.</p> <p>No other property investigations were required during the audit period.</p>	<p>In future, make further effort to respond to any requests for property investigations within the required 2-month timeframe.</p>	<p>BMC will respond within SSD-5170 time requirement or seek an extension of time from the Department of Planning and Environment (DPE).</p> <p>Date: Ongoing.</p>
S3 C23	2022	<p>Water Pollution</p> <p>Unless an EPL or the EPA authorises otherwise, the Applicant must comply with section 120 of the POEO Act and the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002.</p>	<p>Incident on 16 August 2022, where elevated TSS discharged during authorised HRSTS event, and an incident on the 6-7 July 2022 when the hourly volume discharge limit was exceeded.</p> <p>During the Reporting Period BMC notified the EPA of a potential breach of Conditions L1 and E1.3 of EPL 6538 regarding hourly volume discharge limits under the Hunter River Salinity Trading Scheme (HRSTS) on 6-7 July 2022.</p>	<p>Ensure evidence of EPA notification and official Caution letter to close out the non-compliance are included in the Independent Environmental Audit Report.</p> <p>Ensure desilting of DW1 is undertaken.</p> <p>BMC has taken steps to monitor the river registers for the entirety of Block periods. EPA has closed out investigation.</p>	<p>BMC has commenced desilting of certain dams at Bengalla Mine that will include DW1.</p> <p>Date: As required.</p>

Condition Ref	Date	Requirement	Independent Audit Finding	Recommendation	BMC Response
S3 C28	2022	<p>Long Term Security of Offsets</p> <p>Within 2 years of the commencement of development under this consent, unless otherwise agreed with the Secretary, the Applicant must make suitable arrangements to provide appropriate long-term security for the land within the Biodiversity Offset Strategy identified in Table 13 through a Biobanking Agreement under the Threatened Species Conservation Act 1995 (or an alternative mechanism agreed with OEH), to the satisfaction of the Secretary.</p>	<p>Taken from 2022 Annual Review: DPE granted an extension to 30 June 2022. BMC corresponded with relevant NSW government departments during 2022 about this matter. Following that correspondence, BMC is taking steps to progress Biodiversity Stewardship Agreements. In the meantime, offset areas remain owned by BJV and managed by BMC in accordance with the approved BOMP.</p> <p>BMC provided evidence of correspondence with BCT regarding requests for extension on this condition. A letter dated 23 December 2022 showed BMC had still not received a response from the BCT from their previous letter dated 26 September 2022. The letter requested an extension until 30 June 2023. BMC also supplied a number of Progress Reports they have sent to DPIE within the audit period, noting a number of complex issues had been identified, including dedication of the properties to the National Estate, Biodiversity Stewardship Agreement or alternate mechanism and environmental targets and measures.</p>	<p>It is noted that the arrangement of a solution for long term security of offsets is complex and Bengalla is making efforts to determine an appropriate long-term mechanism for security. At the time of inspection BMC was still exploring options and corresponding with BCT about the issue.</p>	<p>BMC is continuing to consult with the DPE and to progress the establishment of the long term security.</p> <p>Date: Ongoing.</p>
S3 C43	2022	<p>The Applicant must:</p> <ol style="list-style-type: none"> implement all reasonable and feasible measures to minimise the waste (including coal reject) generated by the development; ensure that the waste generated by the development is appropriately stored, handled and disposed of; manage on-site sewage treatment and disposal in accordance with the requirements of Council; and monitor and report on effectiveness of the waste minimisation and management measures each calendar year, <p>to the satisfaction of the Secretary.</p>	<p>Of all non-mineral waste generated by the development in the audit period, an average of 77% per year was recycled according to the annual reviews for the audit period.</p> <p>Auditors sighted BMC's 'PRO-0069 Tipping and Dumping Materials' as well as 'PORO-0459 ARD and Mineral Waste Management' which were deemed to lay adequate framework for waste management procedures. Auditors also sighted Bengalla WWTP certification 2022 dated 28 October 2022 by SLR. The document confirmed on-site sewage management was adequate and infrastructure was well maintained.</p> <p>BMC also reuses some waste streams such as intermediate bulk containers, according to the yearly Annual Reviews.</p> <p>Onsite sewage treatment was observed to be effective. BMC reports on the effectiveness of</p>	<p>Implement further staff training to raise awareness around waste management, specifically waste sorting and storage on site.</p>	<p>BMC will review relevant waste procedures and conduct training with relevant staff.</p> <p>Date: Review of procedures and training to be completed by 31 December 2023.</p>

Condition Ref	Date	Requirement	Independent Audit Finding	Recommendation	BMC Response
			<p>waste minimisation yearly in the Annual Reviews which are available on the New Hope Group website.</p> <p>The effectiveness of waste minimisation is monitored throughout the year and reported in Annual Reviews.</p> <p>However, it was noted during site inspection that some waste was not being appropriately stored, with lids missing from a number of waste storage bins and contamination present in some bins, such as the oily rags only bin.</p>		
S3 C45	2022	<p>Progressive Rehabilitation</p> <p>The Applicant must carry out rehabilitation progressively, that is, as soon as reasonably practicable following disturbance (particularly on the face of emplacements that are visible off-site). Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active, and which are not ready for final rehabilitation.</p> <p>Note: It is accepted that parts of the site that are progressively rehabilitated may be subject to further disturbance in future.</p>	<p>While the majority of the site fulfills this condition and is considered either active mining area or undergoing the stages of rehabilitation. There is an area on the northern face of the overburden emplacement area which has not been part of active mining for approximately 10 years and has not undergone any form of temporary or permanent rehabilitation. The site is visible from Wybong Road. There is no evidence that this area was included in the forward work plan. This site was raised as an observation in the previous audit. It is understood that over the years the site has developed a surface armouring and currently may not contribute significantly to dust generation from the site. It is also noted that across Wybong Road is current active mining from Mt Pleasant mine and therefore may not be considered a high visual impact area relative to the surrounds. In discussions with Bengalla representatives it was noted that there is a plan for the Northern Area to be designed as a geomorphic landform which will require approval as a change to the final landform.</p>	<p>Ensure plans are progressed for rehabilitation of the northern face and appropriate rehabilitation commences as soon as reasonably possible.</p>	<p>BMC has completed rehabilitation according to the Mining Operations Plan and now the Forward Program and Rehabilitation Management Plan. BMC are preparing an application to modify SSD-5170 that will likely include installation of geomorphic features on the northern face adjacent to Wybong Road.</p> <p>Date: BMC anticipate lodging a modification application around end of first quarter 2024.</p>
S3 C46	2021	<p>Rehabilitation Management Plan</p> <p>The Applicant must prepare a Rehabilitation Management Plan for the development to the satisfaction of the DRG. This plan must:</p>	<p>Topsoil Management and Rehabilitation under MOP</p> <p>Official Caution dated 15 May 2020 issued by the Resources Regulator regarding an alleged failure to comply with mining lease conditions requiring compliance with an approved MOP</p>	<p>Corrective actions have been taken by BMC. No further action required.</p>	<p>BMC will continue to implement the Rehabilitation Management Plan.</p>

Condition Ref	Date	Requirement	Independent Audit Finding	Recommendation	BMC Response
		<ul style="list-style-type: none"> e. be submitted to the DRG for approval within 6 months of the date of this consent; f. be prepared in consultation with the Department, DoI, OEH, Council and the CCC; g. be prepared in accordance with relevant DRG guidelines; h. describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategy; i. include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, including over the long-term following completion of mining operations, and triggering remedial action (if necessary); j. describe the design specifications and measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform including final voids, and final land use; k. include interim rehabilitation where necessary to minimise the area exposed for dust generation; l. include a research program that seeks to improve the understanding and application of rehabilitation techniques and methods in the Hunter Valley; m. include a schedule for establishment of native vegetation corridors and habitat linkages across the site; n. include a landscape management plan for the proposed Bengalla Link Road realignment; o. include a plan for the reinstatement of Dry Creek including: 	<p>(topsoil management procedure and progressive rehabilitation schedule for 2017 and 2018).</p> <p>Following a site inspection on 29 August 2019, the Resources Regulator determined that BMC did not comply with the MOP as follows:</p> <ol style="list-style-type: none"> 1. Failure to fulfil commitments with respect to topsoil management procedure as referenced in Section 2.3.3.6 (Topsoil Stockpiles) of the approved MOP (including topsoil stockpile size, inactive stockpile management, prevention of sediment water runoff leaving site, weed control management for topsoil stockpiles, topsoil storage processes and maintaining an inventory of available topsoil). 2. Failure to comply with the progressive rehabilitation schedule for 2017 and 2018 in line with commitments made in Table 27 of the approved MOP. <p>BMC has taken corrective action regarding the identified matters in accordance with the requirements of notices issued by the Resources Regulator under section 240 of the Mining Act (NTCE0003914, NTCE0003917 and NTCE0003919).</p> <p>In December 2021, BMC notified the NSW Resources Regulator (RR) that proposed installation of High-Density Woody Vegetation over previously rehabilitated lands would not be fully completed during 2021 due to difficult meteorological and ground conditions.</p>		Date: Ongoing.

Condition Ref	Date	Requirement	Independent Audit Finding	Recommendation	BMC Response
		<ul style="list-style-type: none"> • detailed design specifications for the reinstatement of the creek; • a schedule of works describing how the reinstatement work would be staged and integrated with mining operations and the final landform; • a revegetation program; • hydrological, ecological and geomorphic performance and completion criteria for the reinstated creek based on the assessment of baseline conditions; and • a program to monitor, maintain and/or improve the hydrological and ecological function, quality and geomorphic stability of the reinstated creek; <p>p. include a program to monitor, independently audit and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and</p> <p>q. build to the maximum extent practicable on other management plans required under this consent.</p>			
		<p>The Applicant must implement the management plan as approved by the Secretary.</p>			

1.2 Summary of Audit Recommendations

Table 2 below outlines the general recommendations identified during the audit. The recommendations detailed below are based around continuous improvement opportunities identified during the audit and do not all represent immediate non-compliance issues. BMC has provided a response to the recommendations.

Table 2 Summary of Recommendations

Condition Ref	Requirement	Independent Audit Finding	Recommendation	BMC Response
S2C1	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.	BMC implemented some 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 during the audit period. However, there were some identified non-compliances and opportunities for improvement regarding management of air quality/dust impacts, rehabilitation and surface water. See non-compliances listed on this checklist and throughout the audit report.	Follow recommendations provided throughout this checklist and the audit report to remediate non-compliances as soon as possible.	BMC will continue to implement management plans approved under SSD-5170. Date: Ongoing.
S2C2	The Applicant must: <ul style="list-style-type: none"> a. carry out the development generally in accordance with the EIS, SEE (Mod 1), SEE (Mod 2), SEE (Mod 3) and SEE (Mod 4); and b. comply with the conditions of this consent and the Development Layout. <p>Note: The Development Layout is shown in Appendix 2.</p>	BMC was observed to be carrying out the development in general accordance with the EIS and Mods during the audit period. Auditors report a number of non-compliances against SSD5170 including: <ul style="list-style-type: none"> -S2C1 - S3C12 - S3C19 - S3C20* - S3C23 - S3C28* - S3C45 - S3C46* - S5C7A -S5C10 <p>And therefore, this condition.</p>	Follow recommendations provided throughout this checklist and the audit report to remediate non-compliances as soon as possible.	BMC will continue to implement management plans approved under SSD-5170. Date: Ongoing.
S3C12	Property Investigations If the owner of any privately-owned land claims that buildings and/or structures on his/her land have been	Warning Letter dated 22 October 2020 issued by DPIE regarding an alleged breach of section 4.2 of the EPA Act involving failure to comply with Schedule 3, Condition 12 of SSD-5170.	Ensure that future requests for property investigations occur within the required 2-month timeframe.	BMC will respond within SSD-5170 time requirement or seek an extension of time from

Condition Ref	Requirement	Independent Audit Finding	Recommendation	BMC Response
	<p>damaged as a result of blasting on the site, then within 2 months of receiving this claim the Applicant must:</p> <ol style="list-style-type: none"> 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. <p>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 Secretary.</p> <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 independent property investigation, then either party may refer the matter to the Secretary for resolution.</p>	<p>This condition requires a property investigation to be commissioned within 2 months of receiving a claim by the owner of privately-owned land that buildings and/or structures have been damaged as a result of blasting on site.</p> <p>On 3 June 2020, an owner of privately-owned land in the vicinity of Bengalla Mine requested a property investigation. DPIE determined that the required response was provided after the 2-month timeframe (on 14 August 2020).</p> <p>A suitably qualified, experienced and independent expert was commissioned to complete the property investigation. The report concluded that damage to buildings and/or structures was not attributable to blasting at Bengalla Mine.</p> <p>No other property investigations were required during the audit period.</p>		<p>the Department of Planning and Environment (DPE).</p> <p>Date: Ongoing</p>
S3C19	<p>Operating Conditions</p> <p>The Applicant must:</p> <ol style="list-style-type: none"> a. implement all reasonable and feasible measures to minimise the: <ul style="list-style-type: none"> o odour, fume and dust emissions of the development; and o release of greenhouse gas emissions from the site; <p>minimise any visible air pollution generated by the development;</p> <p>minimise the surface disturbance of the site;</p> <p>operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting, predictive air dispersion modelling and real-time air quality monitoring data to guide the day-to-day planning of mining operations and implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;</p>	<p>BMC was observed to be employing some dust mitigation measures during the site inspection, such as water truck spraying of tracks in the pit. BMC's air quality monitoring system was observed to be comprehensive and adequate, using a combination of eight real time air quality monitors, nine high volume air samplers, 27 dust deposition gauges, as well as a meteorological station and inversion tower. The air quality monitoring system feeds into managerial decision and risk assessments, such as blasting risk assessments, to minimise visible air pollution and surface disturbance on site. Blasting events, etc would not be undertaken during adverse meteorological conditions according to interview with Environment employee Ben Simpson.</p> <p>However, during site inspection it was observed that dust mitigation measures were not in place on BMC's ROM hopper, contradictory to part a) of S3C19, as the applicant was not implementing all feasible measures to minimise dust emissions.</p>	<p>Review the ROM hopper dust suppression system and ensure it is operating effectively to mitigate dust emissions.</p>	<p>BMC will review the ROM hopper dust suppression system and ensure it is operating effectively to mitigate dust emissions. Upon completion of the review if works are required those works will be commissioned.</p> <p>Date Review by 31 December 2023.</p> <p>Any works as soon as reasonable and feasible after the review.</p>

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	<p>minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d to Tables 6-8 above);</p> <p>implement all reasonable and feasible measures to co-ordinate the air quality management at the Bengalla mine with the air quality management at the Mt Arthur and Mount Pleasant mines to minimise any cumulative air quality impacts; and</p> <p>monitor and report on compliance with the relevant air quality conditions in this consent, to the satisfaction of the Secretary.</p>			
S3C23	<p>Water Pollution</p> <p>Unless an EPL or the EPA authorises otherwise, the Applicant must comply with section 120 of the POEO Act and the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002.</p>	<p>Incident on 16 August 2022, where elevated TSS discharged during authorised HRSTS event, and an incident on the 6-7 July 2022 when the hourly volume discharge limit was exceeded.</p> <p>During the Reporting Period BMC notified the EPA of a potential breach of Conditions L1 and E1.3 of EPL 6538 regarding hourly volume discharge limits under the Hunter River Salinity Trading Scheme (HRSTS) on 6-7 July 2022.</p>	<p>The recommendations from the surface water specialist are as follows:</p> <ul style="list-style-type: none"> Ensure evidence of EPA notification and official Caution letter to close out the noncompliance are included in the Independent Environmental Audit Report. Ensure desilting of DW1 is undertaken. <p>BMC has taken steps to monitor the river registers for the entirety of Block periods. EPA has closed out investigation. BMC provided the EPA notification and official caution letter to auditors</p>	<p>BMC has commenced desilting of certain dams at Bengalla Mine that will include DW1.</p> <p>Date: As required.</p>
S3C28	<p>Long Term Security of Offsets</p> <p>Within 2 years of the commencement of development under this consent, unless otherwise agreed with the Secretary, the Applicant must make suitable arrangements to provide appropriate long-term security for the land within the Biodiversity Offset Strategy identified in Table 13 through a Biobanking Agreement under the Threatened Species Conservation Act 1995 (or an alternative mechanism agreed with OEH), to the satisfaction of the Secretary.</p>	<p>Taken from 2022 Annual Review: DPE granted an extension to 30 June 2022. BMC corresponded with relevant NSW government departments during 2022 about this matter. Following that correspondence, BMC is taking steps to progress Biodiversity Stewardship Agreements. In the meantime, offset areas remain owned by BJV and managed by BMC in accordance with the approved BOMP .</p>	<p>It is noted that the arrangement of a solution for long term security of offsets is complex and Bengalla is making efforts to determine an appropriate long-term mechanism for security. At the time of inspection BMC was still exploring options and</p>	<p>BMC is continuing to consult with the DPE and to progress the establishment of the long term security.</p> <p>Date: Ongoing.</p>

Condition Ref	Requirement	Independent Audit Finding	Recommendation	BMC Response
		<p>BMC provided evidence of correspondence with BCT regarding requests for extension on this condition. A letter dated 23 December 2022 showed BMC had still not received a response from the BCT from their previous letter dated 26 September 2022. The letter requested an extension until 30 June 2023 .BMC also supplied a number of Progress Reports they have sent to the Department within the audit period, noting a number of complex issues had been identified, including dedication of the properties to the National Estate, Biodiversity Stewardship Agreement or alternate mechanism and environmental targets and measures.</p>	<p>corresponding with BCT about the issue.</p>	
S3C43	<p>The Applicant must:</p> <ol style="list-style-type: none"> implement all reasonable and feasible measures to minimise the waste (including coal reject) generated by the development; ensure that the waste generated by the development is appropriately stored, handled and disposed of; manage on-site sewage treatment and disposal in accordance with the requirements of Council; and monitor and report on effectiveness of the waste minimisation and management measures each calendar year, <p>to the satisfaction of the Secretary.</p>	<p>Of all non-mineral waste generated by the development in the audit period, an average of 77% per year was recycled according to the annual reviews for the audit period.</p> <p>Auditors sighted BMC's 'PRO-0069 Tipping and Dumping Materials' as well as 'PORO-0459 ARD and Mineral Waste Management' which were deemed to lay adequate framework for waste management procedures. Auditors also sighted Bengalla WWTP certification 2022 dated 28 October 2022 by SLR. The document confirmed on-site sewage management was adequate and infrastructure was well maintained.</p> <p>BMC also reuses some waste streams such as intermediate bulk containers, according to the yearly Annual Reviews.</p> <p>Onsite sewage treatment was observed to be effective. BMC reports on the effectiveness of waste minimisation yearly in the Annual Reviews which are available on the New Hope Group website.</p> <p>The effectiveness of waste minimisation is monitored throughout the year and reported in Annual Reviews.</p> <p>However, it was noted during site inspection that some waste was not being appropriately stored, with lids missing from a number of waste</p>	<p>Ensure that regular inspections consider maintenance of waste segregation, and that staff training is undertaken to ensure awareness of waste management, specifically waste segregation and storage on site.</p>	<p>BMC will review relevant waste procedures and conduct training with relevant staff.</p> <p>Date: Review of procedures and training to be completed by 31 December 2023.</p>

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S3C45	<p>Progressive Rehabilitation</p> <p>The Applicant must carry out rehabilitation progressively, that is, as soon as reasonably practicable following disturbance (particularly on the face of emplacements that are visible off-site). Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active, and which are not ready for final rehabilitation.</p> <p>Note: It is accepted that parts of the site that are progressively rehabilitated may be subject to further disturbance in future.</p>	<p>storage bins and contamination present in some bins, such as the oily rags only bin.</p> <p>While the majority of the site fulfills this condition and is considered either active mining area or undergoing the stages of rehabilitation. There is an area on the northern face of the overburden emplacement area which has not been part of active mining for approximately 10 years and has not undergone any form of temporary or permanent rehabilitation. The site is visible from Wybong Road. There is no evidence that this area was included in the forward work plan. This site was raised as an observation in the previous audit. It is understood that over the years the site has developed a surface armouring and currently may not contribute significantly to dust generation from the site. It is also noted that across Wybong Road is current active mining from Mt Pleasant mine and therefore may not be considered a high visual impact area relative to the surrounds. In discussions with Bengalla representatives it was noted that there is a plan for the Northern Area to be designed as a geomorphic landform which will require approval as a change to the final landform.</p>	<p>Ensure plans are progressed for rehabilitation of the northern face and appropriate rehabilitation commences as soon as reasonably possible.</p>	<p>BMC has completed rehabilitation according to the Mining Operations Plan and now the Forward Program and Rehabilitation Management Plan. BMC are preparing an application to modify SSD-5170 that will likely include installation of geomorphic features on the northern face adjacent to Wybong Road.</p> <p>Date: BMC anticipate lodging a modification application around end of first quarter 2024.</p>
S3C46	<p>Rehabilitation Management Plan</p> <p>The Applicant must prepare a Rehabilitation Management Plan for the development to the satisfaction of the DRG. This plan must:</p> <ol style="list-style-type: none"> be submitted to the DRG for approval within 6 months of the date of this consent; be prepared in consultation with the Department, DoI, OEH, Council and the CCC; be prepared in accordance with relevant DRG guidelines; describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategy; include detailed performance and completion criteria for evaluating the performance of the 	<p>Topsoil Management and Rehabilitation under MOP</p> <p>Official Caution dated 15 May 2020 issued by the Resources Regulator regarding an alleged failure to comply with mining lease conditions requiring compliance with an approved MOP (topsoil management procedure and progressive rehabilitation schedule for 2017 and 2018).</p> <p>Following a site inspection on 29 August 2019, the Resources Regulator determined that BMC did not comply with the MOP as follows:</p> <ol style="list-style-type: none"> Failure to fulfil commitments with respect to topsoil management procedure as referenced in Section 2.3.3.6 (Topsoil Stockpiles) of the approved MOP (including topsoil stockpile size, 	<p>Corrective actions have been taken by BMC. No further action required.</p>	<p>BMC will continue to implement the Rehabilitation Management Plan.</p> <p>Date: Ongoing.</p>

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	<p>rehabilitation of the site, including over the long-term following completion of mining operations, and triggering remedial action (if necessary);</p> <p>f. describe the design specifications and measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform including final voids, and final land use;</p> <p>g. include interim rehabilitation where necessary to minimise the area exposed for dust generation;</p> <p>h. include a research program that seeks to improve the understanding and application of rehabilitation techniques and methods in the Hunter Valley;</p> <p>i. include a schedule for establishment of native vegetation corridors and habitat linkages across the site;</p> <p>j. include a landscape management plan for the proposed Bengalla Link Road realignment;</p> <p>k. include a plan for the reinstatement of Dry Creek including:</p> <ul style="list-style-type: none"> • detailed design specifications for the reinstatement of the creek; • a schedule of works describing how the reinstatement work would be staged and integrated with mining operations and the final landform; • a revegetation program; • hydrological, ecological and geomorphic performance and completion criteria for the reinstated creek based on the assessment of baseline conditions; and • a program to monitor, maintain and/or improve the hydrological and ecological function, quality and geomorphic stability of the reinstated creek; <p>l. include a program to monitor, independently audit and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and</p>	<p>inactive stockpile management, prevention of sediment water runoff leaving site, weed control management for topsoil stockpiles, topsoil storage processes and maintaining an inventory of available topsoil).</p> <p>2. Failure to comply with the progressive rehabilitation schedule for 2017 and 2018 in line with commitments made in Table 27 of the approved MOP.</p> <p>BMC has taken corrective action regarding the identified matters in accordance with the requirements of notices issued by the Resources Regulator under section 240 of the Mining Act (NTCE0003914, NTCE0003917 and NTCE0003919).</p> <p>In December 2021, BMC notified the NSW Resources Regulator (RR) that proposed installation of High-Density Woody Vegetation over previously rehabilitated lands would not be fully completed during 2021 due to difficult meteorological and ground conditions.</p>		

Condition Ref	Requirement	Independent Audit Finding	Recommendation	BMC Response
	<p>m. build to the maximum extent practicable on other management plans required under this consent.</p> <p>The Applicant must implement the management plan as approved by the Secretary.</p>			