

# 2022 INDEPENDENT ENVIRONMENTAL AUDIT

## Bengalla Continuation Project



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24 August 2023

## REPORT

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Ian Richardson



24 August 2023

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## INDEPENDENT AUDIT REPORT DECLARATION FORM

### Independent Audit Report Declaration Form


Project Name	Bengalla Mining Company Pty Limited
Consent Number	SSD 8642 and PA06_0014
Description of Project	RPS has been engaged to conduct an independent environmental audit (IEA) of Bengalla Mine. The IEA is a requirement of Schedule 5, Condition 9 of the Bengalla Continuation Project Approval (SSD-5170) and requires endorsement and approval from the NSW Department of Planning and Environment (DPE).
Project Address	Bengalla Mine, Bengalla Road, Muswellbrook NSW 2333
Proponent	Bengalla Mining Company Pty Ltd
Title of Audit	Independent Environmental Audit 2022 – Bengalla Continuation Project
Date	24 August 2023

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

- i. the Audit has been undertaken in accordance with relevant condition(s) of consent and the Department's Post-approval requirements for State Significant Developments Independent Audit Guideline, May 2020 (Independent Audit Guideline, 2020).
- ii.
- iii. the findings of the Audit are reported truthfully, accurately and completely;
- iv. I have exercised due diligence and professional judgement in conducting the Audit;
- v. I have acted professionally, objectively and in an unbiased manner;
- vi. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the Audit, or by relationship as spouse, partner, sibling, parent, or child;
- vii. I do not have any pecuniary interest in the Audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- viii. neither I nor my employer have provided consultancy services for the Audited project that were subject to this Audit except as otherwise declared to the Department prior to the Audit; and
- ix. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for Auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

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

Name of Auditor	Ian Richardson
Signature	
Qualification	Bachelor of Environmental Science Exemplar Global Certified Lead Auditor – Environmental Management Systems (ISO 14001)
Company	RPS AAP Consulting Pty Ltd
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## EXECUTIVE SUMMARY

RPS AAP Consulting Pty Ltd (RPS) was engaged by Bengalla Mining Company Pty Ltd (BMC) to conduct an Independent Environmental Audit (IEA) of the Bengalla Continuation Project located in the Hunter Valley, New South Wales.

The audit was conducted in accordance with Schedule 5, Condition 9 of the Bengalla Continuation Project Approval (SSD-5170), as issued by the Department of Planning and Environment (the Department) and RPS proposal dated 13 September 2022.

The previous IEA carried out at the site was conducted for the period of 10 February 2017 to 18 December 2019.

The audit period to which this audit applies is inclusive of the period from 19 December 2019 to 31 December 2022. This report presents the findings of the audit.

The IEA was undertaken in general accordance with:

- The Department's Post-approval requirements for State Significant Developments Independent Audit Guideline, May 2020 (Independent Audit Guideline, 2020).
- AS/NZS ISO 19011:2019 Guidelines for auditing management systems.
- RPS's proposal (dated 19 July 2021).

The RPS audit team was approved by the Department on 15 May 2023. A copy of the approval letter is located in **Appendix A**. A two-day site inspection was conducted at Bengalla Mine on 14 and 15 June 2023.

The IEA identified a total of 8 non-compliances against SSD-5170, and reviewed leases during the audit period. **Table 1** presents a summary of audit findings during this audit period.

**Table 1 Summary of Audit Findings**

Approval	Total No. of Conditions	Compliant	Non-Compliant	Not Triggered
SSD-5170	90	60	8	22
ML1397	7	6	0	1
ML1450	7	6	0	1
ML1469	8	7	0	1
ML1711	5	4	0	1
ML1728	4	3	0	1
ML1729	6	5	0	1
Mining Regulation 2016 – Standard Conditions	17	6	0	11



## GLOSSARY OF TERMS

Abbreviation	Description
Aboriginal object / Aboriginal place	Has the same meaning as the definition of the term in section 5 of the NP&W Act
Annual Review	The review required by Schedule 5 (11) of Development Consent SSD-5170
Applicant / BMC	Bengalla Mining Company, or any person carrying out any development under this consent
Approved disturbance area	The area identified as such on the Development Layout
ARI	Average Recurrence Interval
ARTC	Australian Rail Track Corporation
BCA	Building Code of Australia
BC Act	Biodiversity Conservation Act 2016
BCS	Biodiversity, Conservation and Science Directorate within the Department
BCT	NSW Biodiversity Conservation Trust
Biodiversity Offset Strategy	The in perpetuity/long-term conservation and management of the Applicant's offset sites described in the EIS and depicted conceptually in Appendix 6
Blast misfire	The failure of one or more holes in a blast pattern to initiate
CCC	Community Consultative Committee required by condition A20
CHPP	Coal handling and preparation plant
Conditions of this consent	Conditions contained in Schedule 2
Construction	All physical works to enable mining operations to be carried out, including demolition and removal of buildings or works, and erection of buildings and other infrastructure permitted by this consent
Council	Muswellbrook Shire Council
CPI	Consumer Price Index
Date of commencement	The date notified to the Department by the Applicant under condition A 13
Day	The period from 7.00 am to 6.00 pm on Monday to Saturday, and 8.00 am to 6.00 pm on Sundays and Public Holidays
Decommissioning	The deconstruction or demolition and removal of works installed as part of the development
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site NSW Department of Planning, Industry and Environment
Department	NSW Department of Planning and Environment
Development	The development described in the documents listed in condition A2(c), as modified by the conditions of this consent
Development Layout	The plans in Appendix 2 of this consent
DPIE Crown Lands	Crown Lands Group within the Department
DPIE Water	Water Group within the Department
EEC	Endangered ecological community, as defined under the BC Act
EIS	The Environmental Impact Statement titled Bengalla Continuation Project, prepared by Hansen Bailey Environmental Consultants, dated September 2013, submitted with the application for consent for the development.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation EPBC Act	Environmental Planning and Assessment Regulation 2000
EPL	Commonwealth Environment Protection and Biodiversity Conservation Act 1999 Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm

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Abbreviation	Description
Feasible	Means what is possible and practical in the circumstances
Fisheries NSW	Fisheries Branch of the Primary Industries Group within the Department
GDE	Groundwater Dependent Ecosystem
Heavy vehicle	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes
Heritage NSW	Heritage NSW within Department of Premier and Cabinet
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: <ul style="list-style-type: none"> <li>the State Heritage Register under the Heritage Act 1977;</li> <li>a state agency heritage and conservation register under section 170 of the Heritage Act 1977;</li> <li>a Local Environmental Plan under the EP&amp;A Act;</li> <li>the World Heritage List;</li> <li>the National Heritage List or Commonwealth Heritage List under the EPBC Act; or</li> <li>anything identified as a heritage item under the conditions of this consent</li> </ul>
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Laden trains	Trains transporting mining products or materials to or from the site
Land	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material harm	Is harm to the environment that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul> <p>This definition excludes "harm" that is authorised under either this consent or any other statutory approval</p>
MEG	Regional NSW - Mining, Exploration and Geoscience
Mine-Owned Land	Land owned by a mining, petroleum or extractive industry company (or its subsidiary or related party)
Mine closure	Decommissioning and final rehabilitation of the site following the cessation of mining operations
Mine water	Water that accumulates within, or drains from, active mining and infrastructure areas and any other areas where runoff may have come into contact with carbonaceous or saline material
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	The carrying out of mining, including the extraction, processing, stockpiling and transportation of coal on the site and the associated removal, storage and/or emplacement of vegetation, topsoil, overburden, tailings and reject material
Minister	NSW Minister for Planning and Public Spaces, or delegate
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the development
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays

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Abbreviation	Description
Noise sensitive areas	Areas where mining operations are being carried out that have potential to lead to increased noise at privately-owned residences, such as elevated areas or areas near the boundary of the site
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
'Non-road' mobile diesel equipment	Mobile equipment used in mining operations that is fitted with a diesel engine with a capacity >30 litres and that is self-propelled or transportable and primarily designed for off-road use
NP&WAct	National Parks and Wildlife Act 1974
NRAR	NSW Natural Resources Access Regulator
Over-dimensional	Over-mass, over-size or over-length vehicles
PA	Planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	Protection of the Environment Operations Act 1997
Privately-owned land	Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary or related party)
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Registered Aboriginal Parties	As described in the National Parks and Wildlife Regulation 2009
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Residence	Existing or approved dwelling at the date of grant of this consent
Resources Regulator	NSW Resources Regulator
RFS	NSW Rural Fire Service
ROM	Run-of-mine
Site	The land defined in Appendix 1
TfNSW	Transport for NSW

# 1 INTRODUCTION

RPS AAP Consulting Pty Ltd (RPS) was engaged by Bengalla Mining Company Pty Ltd (BMC) to conduct an Independent Environmental Audit (IEA) of the Bengalla Continuation Project (the Project) located in the Hunter Valley, New South Wales.

Bengalla Continuation Project operates under Development Consent SSD-5710. This IEA was conducted in accordance with Schedule 5, Conditions 9 of the Project's development consent, as issued by the Department of Planning and Environment (the Department) and RPS proposal dated 13 September 2023.

The previous IEA carried out at the site was conducted for the period of 10 February 2017 to 18 December 2019. The audit period to which this audit applies is inclusive of the period from December 2019 to the beginning of the 2023 reporting period. The aim of this report is to present the findings of the IEA.

## 1.1 Background of the project

Bengalla Mine is owned and operated by Bengalla Mining Company Pty Ltd, a joint venture between New Hope Group (80% ownership) and Taipower (20% ownership). The Project is composed of an open cut coal mine and supporting infrastructure, located approximately 2km north of Mt Arthur Coal Mine and approximately 4km west of the town of Muswellbrook, NSW. The local context of the Project area is provided in **Figure 1**.

Bengalla received an initial 21-year development consent in 1996. The previous consents, DA 211/93 (as modified) and DA 273/2006 were surrendered under Schedule 2, Condition 10 of SSD-5170 in March 2015. The superseding of the previous consents by SSD-5170 extended mining approval through to 2039.

### 1.1.1 SSD-5170

'Bengalla Coal Mine – Continuation' was conditionally approved under Part 4 of the *Environmental Planning and Assessment Act 1979* by the Minister for Planning on 2 March 2015 through the State Significant Development Application SSD-5170. The Project has approval to operate until 28 February 2039, extracting up to 15 Million tonnes per annum.

SSD-5170 has been subject to five modifications since its original approval in 2015. **Table 2** provides details of modifications to the development consent to date.

**Table 2 SSD-5170 and Modifications**

Approval	Details of Approval	Date Granted	Expiry
SSD-5710	Original Approval	3 March 2015	28 February 2039
Modification 1	Schedule of Land included in Appendix A of supporting Statement of Environmental Effects	16 December 2015	28 February 2039
Modification 2	New activities for improved visual amenity, establishment of new gravel access road	1 August 2016	28 February 2039
Modification 3	Relocation of surface infrastructure	23 December 2016	28 February 2039
Modification 4	Capacity and location of coal stockpiles, additional storage locations for coal processing reject material, temporary storage of excavated earth and clay material, amendments to water management system	19 December 2018	28 February 2039
Modification 5	Disposal of heavy plant tyres, mobile rock crushing plant, enlargement of coal stockpile and widening of haul road	24 February 2023	28 February 2039

### 1.1.2 Mining and Exploration Leases

Bengalla Mining Company held six active leases during the audit period. **Table 3** provides details of the mining leases.

**Table 3 Bengalla Mining Company Leases**

Title	Date Granted	Expiry
ML1397	13 August 2018	27 June 2038
ML1450	28 April 2023	9 June 2043
ML1469	15 May 2023	4 June 2042
ML1711	10 May 2019	17 December 2031
ML 1728	10 May 2019	10 February 2031
ML 1729	10 May 2019	10 February 2037

### 1.1.3 Environment Protection Licence

Bengalla operates under Environment Protection Licence (EPL) 6538, with an anniversary date of 2 December. Monitoring results are reported to the EPA as part of the Bengalla EPL Annual Return and monitoring data is available on the New Hope Group website. Under the DPE's 2020 Independent Environmental Audit Guidelines, auditing against the EPL is not required.

## 1.2 Operations During the Audit Period

Open cut mining continued at Bengalla Mine occurred continuously during the reporting period. Bengalla is a single pit open cut mine, using a dragline, truck and excavator method. Employees conduct shift work around the clock to maintain mining operations 24 hours per day, seven days per week.

Coal is extracted from the Warkworth seam to the Wynn seam. ROM coal is processed at the CHPP on site, stockpiled and exported via the train load out facility for domestic sale. The general site layout is presented in **Figure 2**.

### 1.2.1 Exploration

#### 2020

BMC drilled as total of 71 boreholes in 2020. Eight boreholes were fully cored (4 were tested for coal quality, 4 were cored for geotechnical investigations), with the remaining boreholes open hole chipped. 70 holes were drilled within ML1397, ML1729 and ML1645. The majority of the boreholes were drilled to the base of the Edderton coal seam, with 2 holes drilled to the base of the Edinglassie coal seam and 4 drilled shallow for geotechnical investigations. The pre-production drilling program was suspended in November 2020 due to business requirements, and will likely resume in H2 of 2021, with initial planning targeting a mixture of core and chip holes in ML1397, ML1645 (now ML 1796) and ML1729. During 2020, an exploration open chip drill hole was erroneously drilled 13 metres outside of ML 1397 within ML 1728 (a mining lease for mining purposes).

#### 2021

The pre-production drilling program resumed in September 2021. 14 boreholes were drilled within the area of ML1796 in 2021. All were chipped down to the base of the Edderton seam for geophysical logging analysis. Chip samples were collected and stored onsite.

#### 2022

35 boreholes were drilled for structure and coal quality analysis within ML1729 and ML1796 in 2022.

### 1.2.2 Land Preparation

Land Clearing works have been undertaken progressively by BMC throughout the audit period. Each year, BMC prepares a Clearing Report, which is presented as an Appendix to the relevant year's Annual Review.

All clearing works at Bengalla are conducted under the Biodiversity Management Plan. All clearing/pre-clearing is carried out by suitably qualified professionals to minimise harm to native flora and fauna. Pre-

clearing and clearing surveys are always conducted by qualified ecologists. There was no visible evidence of unapproved clearing observed during the audit site inspection.

### 1.2.2.1 2020

Clearing works performed in the 2020 period were undertaken for the purposes of:

- General pit progression
- Relocation of surface infrastructure
- Development of new infrastructure
- Maintenance work
- Exploration drilling

A total of 17 hollow-bearing/habitat trees were identified within GDP areas in 2020. 12 habitat trees were felled. Salvaged habitat items were stockpiled, in order to relocate them to rehabilitation areas as space becomes available. Nine animals were relocated prior to clearing and four animals were observed fleeing to nearby vegetation. No animals were reported to have died or been euthanised in 2020. No injured or immature animals were taken to veterinary centres or Wildlife Aid for treatment nor rehabilitation.

All clearing was reported to have been undertaken as a 2 staged process under the BMP. 165 lineal metres of salvageable material potentially suitable for reuse in rehabilitation programs.

The Bengalla Mine BMP stipulates that clearing of woodland habitats will be avoided during May to November, unless a written assessment by a suitably qualified ecologist justifying the activities is provided. Bengalla performed critical mine infrastructure maintenance in April 2020, which included the installation of a new electrical easement. A Stage 1 Pre-clearance Survey was completed on 3 April 2020 and identified that the proposed easement was, as far as practicable, positioned to minimise disturbance to extant vegetation. An additional ecological site inspection was completed on 5 May 2020 and the ecologist confirmed the clearing works could proceed. Clearing in 2020 was limited to the project disturbance area and comprised less than the maximum 535 ha of Box Gum Woodland EEC, under the EPBC Approval 2012/6378.

### 1.2.2.2 2021

Clearing works performed in the 2021 audit period were undertaken for the purposes of:

- General pit progression
- Relocation of infrastructure
- Construction of new infrastructure
- Maintenance work

A total of 40 hollow-bearing/habitat trees were identified within GDP areas, 32 of which were felled in 2021. Salvaged habitat items were stockpiled in order to relocate them to rehabilitation areas as space becomes available. 16 animals were relocated, 19 were observed or heard but were left to disperse to nearby vegetation in the evening, one Tree Skink died during clearing and one microbat and one Pacific Black Duck nestling required immediate euthanasia due to injuries obtained. No injured or immature animals were taken to either the veterinary centre or Wildlife Aid for treatment nor rehabilitation.

All clearing was reported to have been undertaken as a 2 staged process under the BMP. 322 lineal metres of salvageable material potentially suitable for reuse in rehabilitation programs.

Bengalla was undertaking mine infrastructure expansion in September 2021, outside of the approved clearing period of December to April. A Stage 1 Pre-clearance Survey was completed on 7 September 2021 and identified that the proposed clearing area was positioned to minimise disturbance to native vegetation.

### 1.2.2.3 2022

Clearing works performed in 2022 were conducted for the purposes of:

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- General pit progression
- Relocation of infrastructure
- Construction of new infrastructure
- Maintenance work

A total of 332 habitat trees were identified within the GDP area for clearing. 207 of the identified habitat trees were felled. 100 animals were relocated during 2022 clearing activities. 21 animals were observed fleeing to nearby vegetation. Nine animals died as a result of clearing and six animals required euthanasia. Fifteen advanced nestling birds were captured and passed on to wildlife rehabilitation agencies.

There were multiple incidences of clearing outside of the approved clearing period stipulated by the BMP, including clearing for mine pit advancement from July-August and for electrical easement widening in June. In both cases, the clearing was identified to be acceptable by qualified ecologists, as presented in the 2022 Annual Clearing Report.

All clearing was reported to have been undertaken in line with the methods prescribed by the BMP.

### 1.2.3 Mining

Open cut mining operations continued during the reporting period, under SSD-5170. The production summary for the audit period is presented in **Table 4** below.

**Table 4** Production Summary (SSD-5170)

Material	Approved Limit (SSD-5170)	2019 Reporting Period	2020 Reporting Period	2021 Reporting Period	2022 Reporting Period
Waste Rock/ Overburden (BCM)	No limit	55,100,000	50,000,000	50,700,000	48,200,000
ROM Coal (t)	15,000,000	12,500,000	12,900,000	12,870,000	10,720,000
Reject Material (t)	No limit	2,600,000	2,510,000	3,360,000	2,790,000
Saleable product (t)	No limit	10,000,000	9,680,000	10,260,000	8,300,000

### 1.2.4 Construction

#### 2019

Construction on the new dam precinct west of Bengalla Link Road, Dry Creek East Dam and a new magazine occurred in 2019.

#### 2020

A new maintenance pad was constructed, and the old Staged Discharge Dam was decommissioned in 2020.

#### 2021

Construction of the new explosives magazine was completed in 2021. Construction of the new reload facility commenced.

#### 2022

The construction of the new reload facility was completed in 2022. Infrastructure removal also occurred at the Mount Pleasant Rail and associated infrastructure south of Wybong Road, due to the expiry of ML1729 and 1796.



Figure 1 - Bengalla Mine Locality Plan



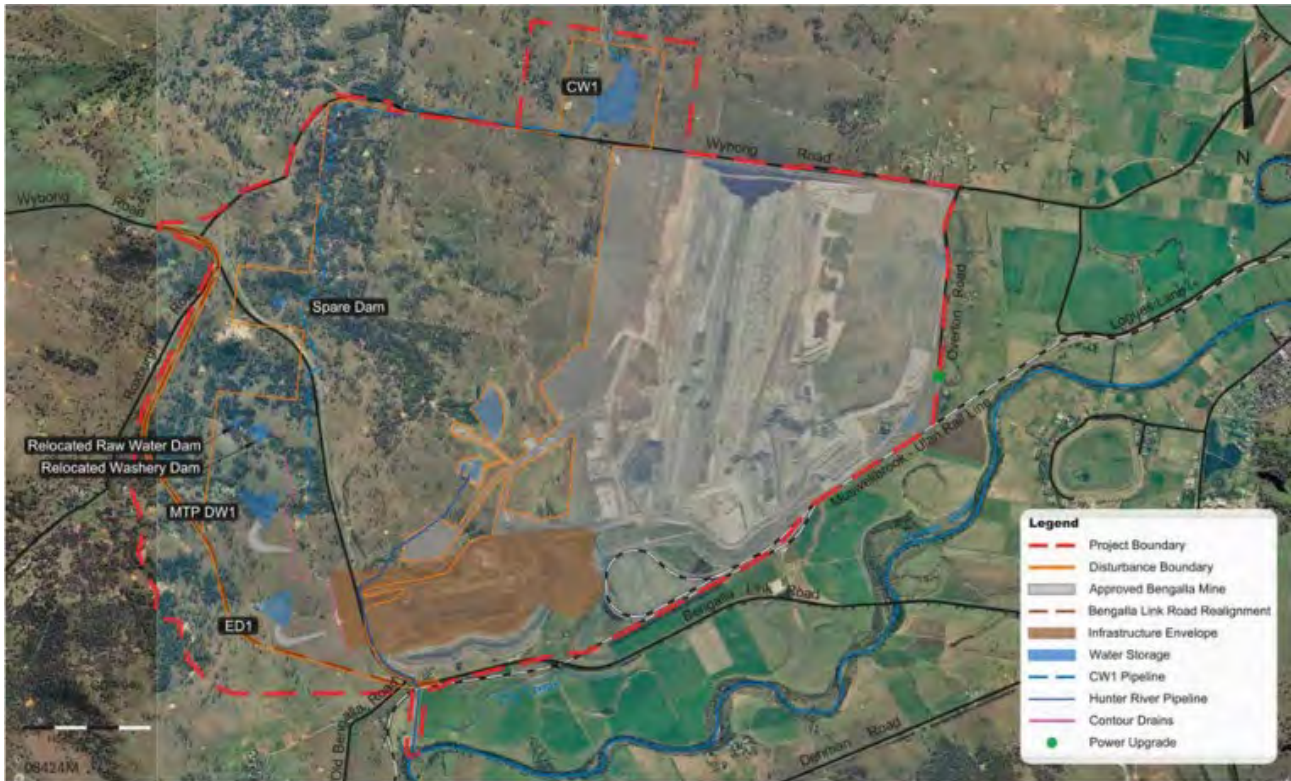


Figure 2 - Bengalla Mine Site Layout

### 1.3 Audit Team

The RPS 2022 IEA team, inclusive of the required technical specialists, included personnel outlined in **Table 5** below. The audit team, inclusive of specialists, was approved by the Department to conduct the audit. Refer to the letter from the Department provided in **Appendix A**.

Table 5 2022 Bengalla IEA Team

Personnel	Audit Team Role
Ian Richardson	Lead Auditor - RPS Group
Luke Wiggins	Assistant Auditor – RPS Group
Clayton Richards	Land and Rehabilitation Specialist – Minesoils
Tara O’Brien	Mine Water Management Auditor – VGT Pty Ltd

### 1.4 Audit Scope

RPS undertook the IEA in accordance with:

- The Department’s Post-approval requirements for State Significant Developments Independent Audit Guideline, May 2020 (Independent Audit Guideline, 2020).
- AS/NZS ISO 19011:2019 Guidelines for auditing management systems.
- SSD-5170 MOD5 Development Consent

#### 1.4.1 SSD-5170

The requirement for the IEA is set out in Schedule 5, Conditions 9 and 10 of the Development Consent for SSD-5170, which requires the following scope of works be carried out:

### Independent Environmental Audit

9. Within 1 year of the commencement of development under this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:

(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;

(b) include consultation with the relevant agencies and CCC;

(c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);

(d) review the adequacy of strategies, plans or programs required under the abovementioned approvals;

and

(e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under the abovementioned approvals.

*Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Secretary.*

10. Within 6 weeks of the completion of this audit, unless the Secretary agrees otherwise, the Applicant must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

## 2 AUDIT METHODOLOGY

### 2.1 Task 1 Pre-audit Activities

#### 2.1.1 Pre-Audit Meeting and Documentation Requests

RPS undertook initial discussions with BMC to organise the audit, including the provision of documentation through requests for information (RFI) and provided an Audit Agenda for the site visit and timing.

Review of documentation provided by BMC and their representatives and preparation of compliance assessment checklists that included a list of conditions of key regulatory approvals to be assessed for compliance.

#### 2.1.2 Approval and Regulator Consultation

Following DPE approval of the RPS Audit Team, RPS consulted via email with relevant regulators with respect to the audit scope in accordance with the DPE *Independent Audit Post Approval Requirements, 2015 and 2020 Guidelines*.

Relevant comments and requests from these regulators were included in the Audit Report and investigated as part of the audit as required.

### 2.2 Task 2 Site Inspection and Interviews

The Audit Team conducted the audit site visit over two days on 14 and 15 June 2023. The following activities were undertaken:

- Document reviews.
- Interviews with relevant personnel.
- Site inspection.

Opening and closing meetings were held to ensure open communication with BMC and provide preliminary Audit findings. The audit was conducted as per the Audit Agenda, which was prepared and sent to BMC prior to the site visit.

In accordance with Schedule 5, Condition 9 of SSD-5170, BMC is required to commission an IEA of Bengalla within 1 year of the commencement of SSD-5170 (i.e. 2016) and every 3 years thereafter.

The most recent IEA was conducted in December 2019. The next IEA was scheduled to be commissioned by 1 October 2022. BMC submitted auditor details to DPE on 28 September 2022, 14 October 2022, 16 January 2023 and 27 January 2023. The DPE approved the audit team on 31 January 2023. An audit team member was required to be replaced, resulting in a delay of the audit. The IEA was then scheduled to be completed during second quarter 2023.

#### 2.2.1 Opening Meeting

An opening meeting was held upon commencement of the audit at the site. The purpose of this meeting was to confirm the objectives of the audit, the scope of the audit, the resources required and methodology to be applied.

#### 2.2.2 Site Inspection and Interviews

The Lead Auditor, Auditors Assistant, Land and Rehabilitation Specialist and Mining Water Management Auditor undertook a site inspection, which involved physical validations and collection of a photographic record. The auditor's observations used to supplement information gathered during the review of documents and records.

During the site inspection, interviews were conducted with BMC staff to verify compliance with the consents and associated documents.

### 2.2.3 Close-out Meeting

At the completion of the audit site visit, a brief close-out meeting was held with relevant BMC personnel. The purpose of the close-out meeting was to provide and receive feedback on the audit process and present the summary of preliminary findings, recommendations, and any post-audit actions. It should be noted that additional findings based on detailed document reviews as part of the audit process were required following the completion of the site inspection. As such, the summary of preliminary findings detailed in the closeout meeting did not cover all findings associated with the audit.

## 2.3 Task 3 Draft IEA Report

During the site visit, and as required following the site visit, the audit team conducted a review of the key documentation provided. Each requirement within the audit compliance tables was reviewed and evidence was gathered to support an assessment of compliance. Although personal communication provides valuable insight to this process it cannot be relied upon as verification of compliance.

An assessment of environmental performance was undertaken, and issues identified were documented within the audit report. A review of the Environmental Management Strategy and Environmental Monitoring Program were undertaken, and a summary provided in the audit report.

A single consolidated report was prepared (this report), with separate audit tables appended to address each of the approval instruments.

## 2.4 Task 4 Finalise IEA Report

Following receipt of consolidated comments from BMC, RPS updated and finalised the IEA Report and reissued for BMC to submit to the Department via the Major Project website.

## 2.5 Audit Team Approval

The Department reviewed the nominations and information provided in accordance with the requirements of the development consent for SSD-5170 and the Department's Post-approval requirements for State Significant Developments Independent Audit Guideline 2020 and was satisfied that the RPS audit team was suitably qualified and experienced.

RPS was directed by Department to undertake the audit in accordance with the IEA Guideline 2020 utilising the compliance indicators noted in the Department's Post-approval requirements for State Significant Developments Independent Audit Guideline, May 2020 (Independent Audit Guideline, 2020).

The audit team was approved by the Department on 15 May 2023. A copy of the approval letter is located in **Appendix A**.

The Department requests that a copy of the IEA report be submitted to the Major Projects Portal, together with a response to any auditor recommendations (RAR), within six weeks of commencing the audit, or as otherwise agreed by the Secretary.

## 2.6 Scope Development

The IEA was undertaken in general accordance with:

- The Department's Post-approval requirements for State Significant Developments Independent Audit Guideline, May 2020 (Independent Audit Guideline, 2020).
- AS/NZS ISO 19011:2018 Guidelines for auditing management systems.
- RPS's proposal (dated 13 September 2022).

## 2.7 Consultation

Schedule 5, Conditions 9 of SSD-5170 requires the IEA to include consultation with the CCC and relevant agencies. A summary of the consultation undertaken is provided in **Table 6** of the regulatory agencies which were sent requests for comment on 17 November 2022 as well as the status of any responses received.

**Table 6 Regulator Response Summary**

Regulatory Agency	Response Received	Date Received
NSW Department of Planning and Environment	N	-
NSW Department of Regional NSW, Mining, Exploration and Geoscience	N	-
NSW Department of Planning and Environment, Biodiversity Conservation Division	N	-
NSW Department of Planning and Environment, Water Division	N	-
NSW Environment Protection Authority	Y	23 March 2023
NSW Resources Regulator	Y	22 November 2022
Muswellbrook Shire Council	Y	23 December 2022
Community Consultative Committee	Y	8 June 2023

A summary of comments received from the regulatory agencies as well as responses to regulator consultation is provided in **Appendix C**.

## 2.8 Site Inspection

Weather conditions were fine and clear with no rain events during or prior to the site inspection. Daytime temperatures ranged from around 2°C to 15°C over the two (2) days. Wind conditions were moderate during the inspection days. Some dust production was noted during the site inspection.

Photographs from the audit site inspection supporting audit findings are provided in **Appendix D**. Areas inspected during the audit included, but were not limited to, the following:

- SSD-5170 Project Area
- Active mining area
- Roxburgh and Wybong Road tree screening
- Roxburgh noise monitor
- Racecourse blast and noise monitors
- Bengalla Homestead
- Train load out
- CHPP
- Workshops
- Waste storage area
- Control room
- Reject cells
- End wall dam
- Clean water dam CW1
- CW1 pumps
- ROM north sediment dam
- Dry Creek East dam and facilities

- West facilities dams
- Sediment drying area
- Drainage lines
- Discharge water dam DW1
- EPL discharge point 26
- Rehabilitation areas
- Northern face of overburden emplacement area
- ROM hopper
- Vehicle Washdown Bays

The following staff were present for site inspections, meetings or interviews during the audit:

- Craig White – Environment Superintendent
- Karlie Foddard – Mine Monitoring Supervisor
- Ben Simpson – Senior Environment Specialist

### 2.8.1 Opening and Closing Meetings

In accordance with ISO 19011:2018 Guidelines for auditing management systems an opening and closing meeting was held during the Site inspection. Details of attendees at both meetings are included in the sign on sheets included in **Appendix F**.

## 2.9 Compliance Status

The compliance status was determined using the relevant descriptors in accordance with the Independent Audit Post Approval Requirements (the Department, May 2020) provided in **Table 7** below.

**Table 7** Compliance status descriptors

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

Previous audit descriptors of partial compliance, partial non-compliance, not verified or administrative non-compliance or other similar terms must not be used in accordance with the above requirements.

As part of the Audit evaluation, the auditor may make observations, including identifying any opportunities for improvement in relation to any compliance requirement or any other aspect of the project. Any observations or notes are in addition to the compliance status descriptor assigned to each compliance requirement, limited to the descriptors listed in **Table 7**.

### 2.10 Evidence Validation

The audit team undertook verification activities to confirm the reliability of audit evidence. This included interviews, data checking, the examination of records, and site inspections. Records were provided in electronic and/or hard copy by site personnel and additional documents were reviewed whilst on site.

Some aspects of the audit process may have relied on information such as judgements and assumptions where external supporting evidence was unavailable or limited. Where this information was considered, its validity was confirmed to the extent possible prior to use by the auditors and is noted in appropriate areas of the audit checklists.

The majority of information was assessed off-site prior to the site inspection. The site inspections concentrated on assessment of the effectiveness of environmental management and adequacy of performance. The extent of audit activities was limited to the time available for the audit site inspections and interviews over the three days.

### **2.11 Technical Specialists Input**

The Department requested that the IEA team include technical specialists in the following fields:

- Land and Rehabilitation.
- Surface and Groundwater.

The technical specialists provided technical advice to the IEA Lead Auditor during the audit site inspection and reporting periods. Specific findings from the technical specialists have been incorporated into the Audit Checklists and recommendations where applicable.

### 3 ENVIRONMENTAL MANAGEMENT

A detailed implementation review was conducted against each management plan condition in SSD5170 and can be found in the Project Approval audit checklists in **Appendix B**. Schedule 5 Condition 9 (d) requires a review of the adequacy of strategies, plans and/or programs under the development consent and any relevant EPL or Mining Lease. A summary of management plan reviews is presented in **Table 8**.

**Table 8 Management Plan Adequacy Review**

Document	Findings from Review
Aboriginal Cultural Heritage Management Plan	<p>Document Number: 170509 Version: 7 Effective: 18 August 2017</p> <p>The ACHMP was prepared by suitably qualified and experienced person N. Dobbins. The ACHMP was subsequently approved by Craig White. The ACHMP was developed in accordance with Schedule 3 Condition 31 of SSD-5170, to provide a framework for the management of Aboriginal heritage objects and values across BMC owned land within the Project Area.</p> <p>Desktop assessment confirmed the ACHMP is compliant with the consolidated consent for the Project. The site assessment confirmed the ACHMP is being satisfactorily implemented by BMC.</p>
2022 Pollution Incident Response Management Plan	<p>Version: 1 Effective: 30/12/2022</p> <p>Section 153A of the PoEO Act requires holders of EPLs to prepare, keep, test and implement a Pollution Incident Response Management Plan that complies with <i>Part 5.7A – Duty to notify pollution incidents</i>.</p> <p>The PIRMP details BMC's notification and reporting obligations in response to a pollution incident.</p> <p>Desktop assessment of the management plan and review of incidents reported during the audit period confirmed BMC's successful implementation the PIRMP.</p>
BMC Biodiversity Offset Management Plan	<p>Version: 6 Effective: 27/02/2017</p> <p>The Biodiversity Offset Management Plan (BOMP) was prepared in accordance with Schedule 3 Condition 29 of the Project's Consolidated Consent and Conditions 2 and 3 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) Approval 2012/6378. The BOMP was prepared by the suitably qualified Katrina Wolf of Cumberland Ecology and approved by Craig White from BMC.</p> <p>The BOMP lays the framework for the implementation of the mitigation and offset measures proposed for in BMC's <i>Bengalla Continuation of Mining Project Biodiversity Offset Strategy</i>.</p> <p>The BOMP, along with the Biodiversity Management Plan (BMP) combine to address all conditions of the Project's consent and EPBC Approval.</p> <p>Auditors determined BMC is effectively implementing the BOMP.</p> <p>It is recommended that the Biodiversity Offset Management Plan is revised to reflect recent modifications to SSD 5170.</p>
BMC Historic Heritage Management Plan	<p>Version: 7 Effective: 18/08/2017</p> <p>The Historic Heritage Management Plan (HHMP) was prepared in accordance with Schedule 3, Condition 32 of SSD-5170 to provide appropriate management measures to maintain and respect historic heritage items within and around the Project Area.</p> <p>The HHMP was prepared by the suitably qualified N. Dobbins of Hansen Bailey and subsequently approved by Craig White at BMC 3 months later. The plan provides procedures for stakeholder consultation, identifies heritage sites and project related impacts, management measures for heritage impacts and reporting/notification responsibilities.</p> <p>The HHMP was deemed satisfactory via desktop assessment. The site inspection confirmed the successful implementation of the HHMP by BMC. It is noted that the Historic Heritage Management Plan is due for review and renewal.</p>



Document	Findings from Review
BMC Visual Impact Mitigation Plan	<p>Version: 1 Effective: 30/03/2016</p> <p>The Visual Impact Mitigation Plan (VIMP) was prepared by the suitably qualified J Martin and approved by Craig White of BMC in order to fulfil the requirements of SSD-5170 Schedule 3 Conditions 37, 38 and 39.</p> <p>The VIMP provides procedures for effective stakeholder engagement, visual impact assessment and the relevant responsibilities of specific staff members of BMC. Desktop assessment affirmed the VIMP is adequate to fulfil the Project's approval requirements. The site inspection confirmed the successful and effective implementation of the VIMP by BMC. It is recommended that the Visual Impact Mitigation Plan is reviewed and revised to consider recent modifications to SSD 5170.</p>
BMC Environmental Management Strategy	<p>Version: 2 Effective: 11/11/2019</p> <p>The Environmental Management Strategy (EMS) was prepared in accordance with the requirements of Schedule 5, Condition 1 of SSD-5170 by BMC's suitably qualified P Simpson and was approved by Craig White.</p> <p>The EMS provides an overarching environmental management system for Bengalla with procedures for the implementation and management of the strategy and management plans.</p> <p>Desktop assessment confirmed the EMS meets the relevant conditions of consent. Site inspection revealed the effective implementation of the EMS.</p>
BMC Air Quality Management Plan	<p>Version: 14 Effective: 14/12/2022</p> <p>BMC's Air Quality Management Plan (AQMP) was prepared by suitably qualified air quality specialist L Webster and approved by BMC's Craig White. The AQMP was designed to fulfil the requirements of Schedule 3 Condition 20 of SSD-5170.</p> <p>The AQMP contains provision for engagement with stakeholders, control measures for air quality, a comprehensive air quality management system, response actions and reporting and auditing obligations.</p> <p>Desktop review found that the AQMP fulfilled the requirements of the Project's development consent. The site visit found the AQMP is being successfully implemented by BMC.</p>
BMC Blast Management Plan	<p>Version: 5 Effective: 18/08/2017</p> <p>BMC's Blast Management Plan (BMP) was prepared by suitably qualified blasting specialist N Dobbins and approved by Craig White of BMC.</p> <p>The BMC has provisions for stakeholder engagement, blast monitoring, road closure management, reporting and auditing obligations, responsibilities of staff and blasting management measures.</p> <p>The BMP was designed to meet the requirements of Schedule 3, Condition 15 of SSD-5170.</p> <p>Desktop assessment found the BMP to be suitable to fulfil the relevant conditions of consent. The site inspection revealed the proper implementation of the BMC.</p>
BMC Noise Management Plan	<p>Version: 6 Effective: 19/03/2019</p> <p>The Noise Management Plan (NMP) was designed by suitably qualified specialist L McGinnity to fulfil the requirements of Schedule 3 Condition 7 of SSD-5170.</p> <p>Desktop assessment highlighted the adequacy of the NMP for Bengalla's operations, aligning with the conditions of development consent. The site inspection and background research revealed the effective implementation of the noise management measures and monitoring program.</p>

Document	Findings from Review
<p>Bengalla Biodiversity Management Plan</p>	<p>Version: 4 Effective: 19/06/2017</p> <p>BMC's Biodiversity Management Plan (BMP) was prepared and reviewed by suitably qualified specialists at Hansen Bailey, then approved for implementation by Craig White at BMC.</p> <p>The BMP was formulated to adhere to SSD-5170 (as modified) Schedule 3, Condition 29 and EPBC Act Approval 2012/6378 Condition 2. The plan provides comprehensive procedures for management actions, monitoring, inspections and reporting. It also includes detail around stakeholder consultation and actions and responsibilities of staff. The plan also has provisions for review, directions for continuous improvement in the field and a summary of the impacts of the mine on the existing environment.</p> <p>Desktop assessment determined the Biodiversity Management Plan to satisfy the relevant consent conditions for the Project. Site inspection revealed adequate implementation of the BMP. It is recommended that the Biodiversity Management Plan is reviewed to reflect recent modifications to SSD 5170.</p>
<p>Bengalla Water Management Plan</p>	<p>Version: 7 Effective: 01/02/2019</p> <p>BMC's Water Management Plan contains procedures for both surface water and groundwater management, as well as detail around the temporary diversion of Dry Creek on site, with a site water balance overview.</p> <p>The WMP was composed in accordance with the requirements of Schedule 3, Conditions 24 and 25 of SSD-5170. Desktop review revealed the WMP to adequately satisfy the relevant consent conditions. Site inspection revealed the adequate implementation of the WMP. It is noted that the Water Management Plan is currently under review.</p>
<p>BMC Rehabilitation Management Plan</p>	<p>Version: 1 Effective: 02/07/2022</p> <p>The BMC Rehabilitation Management Plan (RMP) was prepared to fulfil the requirements of SSD-5710. Schedule 3 Condition 46 required BMC to prepare the RMP in accordance with the provisions of the <i>Mining Act 1992</i>. Condition 47 requires BMC to formulate a rehabilitation strategy, which is implemented with the provisions of the RMP. Condition 45 requires BMC's rehabilitation efforts to be carried out progressively and Condition 44 provides objectives for rehabilitation on site to achieve.</p> <p>These conditions were taken into consideration when auditing the RMP through desktop assessment and site inspection. The provisions in the RMP were found to be adequate through desktop assessment. Site inspection revealed incomplete implementation of the RMP, and these are identified as non-compliances under S3 C45 and S3 C46 of SSD 5170.</p>

## 4 ENVIRONMENTAL PERFORMANCE

This section addresses the requirement of Schedule 5, Condition 9 (e) of SSD-5170 to assess the environmental performance of the project and recommend appropriate measures for improvement of any relevant assessments, plans or programs. RPS based the assessment of the environmental performance of the site on the following:

- Section 3 provides an assessment of the effectiveness and adequacy of the environmental management plans and programs required under the approvals.
- An assessment of compliance with the conditions of SSD-5170, EPL6538, and authorised leases. The findings of this assessment are provided in the compliance checklists presented in **Appendix B** with the identified non-compliances and associated recommendations summarised in the Audit Findings in Section 6.
- Section 0 provides a review of compliance management practices in place at BMC.
- Section 4.2 provides a review of incidents reported during the audit period.
- Section 4.3 provides a review of complaints received during the audit period.
- Section 4.4 provides a review of performance against EIS predictions.

**Table 9 Regulatory Notices and Orders**

Regulator	Notice/Order	Date	Description	Remedial Actions
NSW EPA	Official Caution – Notice Number 3504689	10/03/2023	Official caution in relation to an offence under section 64(1) of the Act by the alleged non-compliance with EPL condition L2.1, by exceeding the concentration limits specified in condition L2.4, which occurred on 16 August 2022.	None required.
Resources Regulator	Official Caution	15/05/2020	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).	BMC has taken corrective actions and no further actions are required. Although the notice was issued within the audit period it pertains to issues that occurred prior to the audit period.
DPIE	Official Caution	24/09/2020	BMC failed to react to high wind speed alarms and did not shut down machinery in high-risk wind conditions. The caution stated that BMC effectively failed to implement the AQMP on the following dates: <ul style="list-style-type: none"> <li>• 12 May 2018 at 14:17</li> <li>• 7 August 2018 at 12:01 and 12:17</li> <li>• 30 March 2019 at 16:19</li> </ul>	No further action required. Although the notice was issued within the audit period it pertains to issues that occurred prior to the audit period.
DPIE	Warning Letter	26/10/2020	The warning letter related to the above wind speed alarm incident.	No further action required. The warning letter noted that “any impact on the surrounding community as a result of the identified single breach would have been minimal as equipment logs indicated that BMC were operating at a substantially reduced capacity at the time of the alarm”.

## 4.1 Compliance Management

### 4.1.1 Compliance Monitoring

BMC has a dedicated dispatch team to respond to potential non-compliances and monitor the complaints line. The dispatch team operates around the clock to ensure compliance standards are met and any incidents are responded to quickly and adequately.

BMC's dispatch team monitors a comprehensive Real Time Environmental Monitoring System (RTEMS). The RTEMS is made up of a series of monitoring stations and computers, providing alerts when potentially problematic environmental factors, such as high wind speeds are occurring. The dispatch team are then able to respond and employ further dust management measures or any other required environmental management measures.

The dispatch team is notified when any environmental monitoring exceedance occurs and deploy resources to respond in the appropriate manner. They also monitor the complaints phone line outside of business hours. If any complaint call is made during daytime hours, it is the environment team's responsibility to deal with the complaint efficiently and effectively. If complaints are made during a night shift or during the weekend, OCE are responsible for managing the complaint.

BMC also employs active monitoring to reduce the likelihood of exceedances and respond as quickly as possible. Two noise tests are undertaken every night shift in three locations around the Project Area. If any high readings occur, the noise monitoring team calls dispatch or OCE, who will make a managerial decision, such as stopping temporarily shutting down offending equipment in certain areas. Each noise test is recorded and logged for analysis.

Compulsory shift reports with a series of questions and photos also assist the dispatch team in identifying and rectifying any potential environmental issues.

## 4.2 Incidents

### 4.2.1 2020 Incidents

There were no incidents as strictly defined in SSD-5170 within the 2020 reporting period. However, the following incidents were conservatively reported by BMC in 2020.

**Table 10** 2020 Incidents

No.	Date	Reported to	Nature	Details	Action taken	Status
1	Jan 2020	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria (PM10-1, PM10-2 and PM10-3 on 3/1/20 and 9/1/20, PM10-3 and PM10-4 on 15/1/20, PM10-1, PM10-2 and PM10-4 on 21/1/20, PM10-3 on 22/1/20 and PM10-4 on 27/1/20)	Independent expert report (concluding BMC did not exceed criteria) supplied to DPIE. BMC also supplied operations summary for relevant dates to DPIE.	No further action required. Completed and closed.
2	Feb 2020	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria (PM10-1, PM10-3 and PM10-4 on 2/2/20)	Independent expert report (concluding BMC did not exceed criteria) supplied to DPIE. BMC also supplied operations summary for relevant dates to DPIE.	No further action required. Completed and closed.
3	March 2020	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria (PM10-4 on 21/3/20)	Independent expert report (concluding BMC did not exceed criteria) supplied to DPIE.	No further action required. Completed and closed.

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No.	Date	Reported to	Nature	Details	Action taken	Status
					BMC also supplied Operations summary for relevant dates to DPIE.	
4	May 2020	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria (PM10-4 on 14/5/20)	Independent expert report (concluding BMC did not exceed criteria) supplied to DPIE. BMC also supplied Operations summary for relevant dates to DPIE.	No further action required. Completed and closed.
5	June 2020	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria (PM10-4 on 7/6/20)	Independent expert report (concluding BMC did not exceed criteria) supplied to DPIE.	No further action required. Completed and closed.
6	July 2020	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria (PM10-4 on 7/7/20)	Independent expert report (concluding BMC did not exceed criteria) supplied to DPIE. BMC also supplied operations summary for relevant dates to DPIE.	No further action required. Completed and closed.
7	Nov 2020	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria (PM10-4 on 10/11/20 and PM10-1 and PM10-3 on 28/11/20)	Independent expert report (concluding BMC did not exceed criteria) supplied to DPIE. BMC also supplied operations summary for relevant dates to DPIE.	BMC responded to Request for Information from DPIE. As far as BMC is aware, no further action required. Completed and closed.
8	Nov 2020	DPIE	Air quality	Independent Air Quality Review completed regarding 2 near residents	Interim report submitted to DPIE.	Awaiting response from DPIE
9	Dec 2020	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria (PM10-3 and PM10-4 on 10/12/2020)	Independent expert report (concluding BMC did not exceed criteria) supplied to DPIE.	No further action required. Completed and closed.
10	2020	DPIE	Air quality	Potential exceedance of annual air quality criteria for 2020 (PM10 at PM10-1, PM10-3 and PM10-4, TSP at HV6, PM2.5 at the UHAQMN Muswellbrook monitor and deposited dust at	Independent expert report (concluding BMC did not exceed any of the criteria) supplied to DPIE. BMC also supplied Accompanying information to DPIE.	Awaiting response to DPIE.

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No.	Date	Reported to	Nature	Details	Action taken	Status
				D20)		
11	Mar 2020	DPIE and MSC	Wybong Road	Cracking developed in the pavement of Wybong Road (Council road) adjacent and to the north of Bengalla Mine.	Report completed and supplied to MSC. Repairs to Wybong Road completed.	Completed and closed.
12	Aug 2020	RR	Exploration drill hole on ML1728	Open chip drill hole drilled on ML1728 (mining lease for mining purposes)	Investigated and notification made to RR. RR issued a warning letter (see section 11.1.4 for details).	Completed and closed.

### 4.2.2 2021 Incidents

There were 10 incidents recorded within the 2021 reporting period, with 8 pertaining to air quality, 1 to fire and 1 to auditing. These incidents were reported to regulatory authorities; however none would be defined as “incidents” according to SSD-5170.

**Table 11 2021 Incidents**

No.	Date	Reported to	Nature	Details	Action taken	Status
1	2020	DPIE	Air quality	Potential exceedance of annual average air quality criteria for 2020 – see Item 10 of Table 29 in 2020 Annual Review.	Independent expert report (concluding BMC did not exceed any of the criteria) and accompanying information supplied to DPIE on 12 March 2021.	No further action required. Complete and closed.
2	21 Jan 2021	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria at PM10-4	Expert report (concluding BMC did not exceed criteria) supplied to DPIE. BMC also supplied operations summary for relevant date to DPIE.	No further action required. Completed and closed.
3	27 Jan 2021	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria at PM10-4	Expert report (concluding BMC did not exceed criteria) supplied to DPIE. BMC also supplied operations summary for relevant date to DPIE.	No further action required. Completed and closed.
4	15 Apr 2021	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria at PM10-1	Expert report (concluding BMC did not exceed criteria) supplied to DPIE. BMC also supplied operations summary for relevant date to DPIE.	No further action required. Completed and closed.
5	27 Apr 2021	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria at PM10-4	Expert report (concluding BMC did not exceed criteria) supplied to DPIE. BMC also supplied	No further action required. Completed and closed.

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No.	Date	Reported to	Nature	Details	Action taken	Status
					operations summary for relevant date to DPIE.	
6	13 Aug 2021	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria at PM10-4	Expert report (concluding BMC did not exceed criteria) supplied to DPIE. BMC also supplied Information about alarms and operational responses to DPIE.	No further action required. Completed and closed.
7	12 Sep 2021	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria at PM10-1	Expert report (concluding BMC did not exceed criteria) supplied to DPIE. By letter to DPIE dated 23 December 2021, BMC confirmed its file would be closed as it appeared DPIE did not require anything further.	No further action required. Completed and closed.
8	30 Oct 2021	DPIE	Air quality	Potential exceedance of 24-hour air quality criteria at PM10-4	Expert report (concluding BMC did not exceed criteria) supplied to DPIE. By letter to DPIE dated 23 December 2021, BMC confirmed its file would be closed as it appeared DPIE did not require anything further.	No further action required. Completed and closed.
9	20 July 2021	NSW EPA and DPIE	Fire	Haul truck caught on fire, notified to DPIE and EPA as a potential incident/pollution incident. BMC subsequently notified the regulators that following investigation of the issue, BMC considers that the haul truck fire did not cause material harm to the environment under SSD-5170 or the POEO Act/EPL 6538.	Following application by BMC, Secretary of DPIE made written directions Under Schedule 2 Condition 3 of SSD-5170 about disposal of truck remnants in pit.	Completed and closed.
10	11-12 Nov 2021	Dams Safety NSW	Auditing	In November 2021, DSNSW undertook an audit of compliance with the <i>Dams Safety Act 2015</i> NSW and its regulations and approvals issued under mining lease conditions for mining within the notification areas of prescribed dams. The RR assisted with the second part of the audit.	The audit reports were not issued until after the end of the Reporting Period (in March 2022). BMC is in the process of reviewing the audit reports and outcomes will be addressed in the next Annual Review.	Ongoing.

### 4.2.3 2022 Incidents

There were no incidents as strictly defined in SSD-5170 during the 2022 reporting period. However, four incidents were conservatively reported to regulators by BMC, as shown in **Table 12** below.

**Table 12 2022 Incidents**

No.	Date	Reported to	Nature	Details	Action taken	Status
1	28 Jan 2022	DPE	Air quality	Potential exceedance of 24-hour air quality criteria at PM10-4	Expert report (concluding BMC did not exceed criteria) supplied to DPE. BMC also supplied operations summary for relevant date to DPE.	No further action required. Complete and closed.
2	15 Feb 2022	DPE	Air quality	Potential exceedance of 24-hour air quality criteria at PM10-4	Expert report (concluding BMC did not exceed criteria) supplied to DPE. BMC also supplied operations summary for relevant date to DPE.	No further action required. Completed and closed.
3	13 Sep 2022	DPE	Air quality	Potential exceedance of 24-hour air quality criteria at PM10-4	Expert report (concluding BMC did not exceed criteria) supplied to DPE. BMC also supplied operations summary for relevant date to DPE.	No further action required. Completed and closed.
4	30 Nov 2022	DPE	Air quality	Potential exceedance of 24-hour air quality criteria at PM10-4	Expert report (concluding BMC did not exceed criteria) supplied to DPE. BMC also supplied operations summary for relevant date to DPE.	No further action required. Completed and closed.

### 4.3 Complaints

Bengalla Mining Company operate a 24 hours per day, 7 days per week complaints hotline. All complaints are recorded in complaints registers and publicised on New Hope Group's website. All complaints are assessed as to whether action is required. If action is taken in response to a complaint, the action is recorded and displayed in the complaints register. **Table 13** provides a summary of complaints received in the audit period.

**Table 13 Summary of complaints by type during the audit period**

Complaint Type	2020	2021	2022
Noise	10	16	7
Dust	5	5	2
Lighting	2	3	0
Blasting	27	42	22
Traffic	4	1	1
Other	3	1	3
<b>Totals</b>	<b>51</b>	<b>68</b>	<b>33</b>

\*Complaints received during the audit period 19 December 2019 and 31 December 2022.

A total of 152 complaints were received during the audit period. The system for receipt, response and management of complaints is adequate, well documented through the complaints register and accessible



## 4.4 Key Commitments and EIS Predictions

Review of environmental performance with respect to environmental commitments and predictions from the EIS are regularly reviewed and incorporated into the approved management plans for the project. Further to this, comparison with predictions is included in the Annual Environmental Review reports as required under the consents.

### 4.4.1 Air Quality

SSD-5170 sets out air quality criteria for Particulate Matter less than 10 microns (PM10), Particulate Matter less than 2.5 microns (PM2.5), Total Suspended Particulates (TSP) and deposited dust. Compliance with these criteria is assessed via BMC's air quality monitoring network approved under the AQMP. EPL 6538 also requires air quality monitoring for PM10 at certain locations.

DPE approved a new AQMP near the end of the audit period (14 December 2022). Upon approval of the new AQMP, redundant monitors in the existing air quality monitoring network were decommissioned or changed status from compliance monitors to real-time monitors (i.e. used as a management tool) in accordance with section 6.2.2 of the AQMP. The remaining monitors will continue to operate until the new air quality network has been installed and is operational.

During the audit period, Bengalla's air quality monitoring network comprised:

- One meteorological station and an inversion tower.
- Six real-time air quality monitors (four E-Bam monitors and two DustTrak monitors), linked to the Real Time Environment Management System (RTEMS). These monitors are used as a management tool.
- Nine High Volume Air Samplers (HVAS) with five measuring TSP and four measuring PM10. One HVAS (PM3) is located on land owned by Hunter Valley Energy Coal Pty Limited, the operator of Mt Arthur Coal (MAC). The HVAS monitors are used to measure compliance against the relevant criteria in SSD-5170 (as modified).
- 27 Deposition Dust Gauges of which 14 are used to measure compliance against the relevant criteria in SSD-5170.
- PM2.5 is monitored through the Upper Hunter Air Quality Monitoring Network – Muswellbrook monitor.
- BMC is also required to monitor PM10 at EPA22 and EPA24 in accordance with EPL 6538. Monitoring points EPA22 and EPA24 remain in place and are located near the primary wind axis relative to Bengalla. The EPA allowed for removal of monitoring point EPA23 from EPL 6538 by email to BMC dated 1 November 2021 (the formal licence variation was subsequently issued on 28 February 2023).

A review of air quality data during the audit period indicated results generally consistent with the predictions made in the Bengalla EIS and MOD1 - MOD4 air quality assessment.

There were no exceedances of the annual average air quality criteria for TSP, PM<sub>10</sub>, PM<sub>2.5</sub> or deposited dust under Schedule 3, Condition 16 of SSD-5170 during the audit period. Elevated PM<sub>10</sub> 24 hour all source measurements were recorded at various monitors on various dates during the audit period. DPIE was notified on each occasion and an air quality expert was engaged to prepare an investigation report. In all cases, the expert concluded that BMC had complied with Schedule 3, Condition 16.

Cumulative measurements have generally decreased over the audit period, likely attributed to increased rainfall in 2020, 2021 and 2022 compared to prevailing drought conditions in prior years.

Schedule 4, Condition 4 of SSD-5170 provides for an independent review of impacts from the development on privately-owned land to be carried out where requested by a landowner and agreed to by the Secretary of DPIE. An independent air quality review was undertaken during 2020-2021. The final report was issued on 18 August 2021 and concluded that Bengalla was compliant with the applicable air quality criteria at the relevant property.

#### 4.4.2 Greenhouse Gas Emissions

SSD-5170 requires BMC to implement reasonable and feasible measures to minimise the release of greenhouse gas (GHG) emissions from Bengalla. BMC contributes to research and development initiatives that investigate GHG minimisation, including the Low Emissions Technology Australia (LETA) and Australian Coal Association Research Programme (ACARP) programs to develop low emission technologies.

Annual GHG emissions (Scope 1 and Scope 2) during the audit period were reported in annual reviews, and demonstrate these emissions were below the Bengalla Mine AQIA predictions, primarily due to reduced materials movement compared to the EIS.

BMC has continued to implement measures to reduce greenhouse gas emissions from Bengalla during the audit period, including the use of fuel-efficient machinery, electric motors and energy efficient lighting systems, achieving fuel efficiency by optimising mine design and commissioning a study to identify high level emission reduction opportunities, leveraging existing work, and prioritise these opportunities based on emission reduction potential.

#### 4.4.3 Noise

BMC manage noise in accordance with the approved Noise Management Plan (NMP), which describes measures for monitoring and managing noise from Bengalla. Three methods of noise monitoring are utilised at Bengalla, including:

- Compliance attended noise monitoring
- Onsite managed supplementary attended monitoring
- Onsite managed unattended (Real-time) Monitoring.

Compliance with Bengalla noise criteria were assessed via the compliance attended noise monitoring program. No exceedances of the noise monitoring criteria, as reported in annual reviews, were identified during the Audit Period, consistent with the predictions in the Bengalla EIS and MOD1 - MOD 4.

#### 4.4.4 Blasting and Vibration

A summary of blast performance for the audit period indicated that results from the blast monitors on non-mine owned land did not exceed relevant criteria for overpressure or ground vibration, as predicted in the EIS. Blast monitoring measurements remained generally consistent throughout the audit period.

Five fume events occurred at Bengalla during the audit period, and one complaint was received regarding a fume event. This blast was classified as a localised event and was not a reportable incident.

#### 4.4.5 Surface Water Monitoring

The Bengalla EIS predicted that downstream impacts on surface water quality would be negligible provided that discharge from Bengalla would be conducted according to the Hunter River Salinity Trading Scheme.

Surface water monitoring of pH, TSS and EC at the four Hunter River water monitoring sites during the audit period demonstrated that water quality remains generally within the relevant WMP impact criteria for pH and EC however there were elevated results for TSS which created an overall average in excess of the trigger values.

The EIS predicted a gross water balance deficit for the audit period, however surpluses of approximately 559 ML and 632ML occurred in 2021 and 2022 respectively. The discrepancy between the EIS prediction and the measured and modelled 2021 water balance is likely due to above average rainfall during those periods.

#### 4.4.6 Groundwater Management

Bengalla has a groundwater monitoring network in place targeting two aquifer systems, an alluvial aquifer associated with the Hunter River floodplain and a Permian aquifer system. The current groundwater

monitoring network consists of a total of 42 bores. The alluvium, shallow bedrock and deep bedrock bores are all sampled for Standing Water Level, pH, EC, and Total Dissolved Solids at various frequencies. A chemical analysis including sulphate and metals is also undertaken on several bores annually according to the WMP.

The final development of the new nested bore (located north of BG3) was completed in April 2022. However, sampling of the nested bore was delayed due to safety concerns related to methane gas emissions from the bore. Following several tests of methane levels emitting from the bore, BMC were able to determine the risk is low and sampling commenced in September 2022.

During 2022, BMC undertook investigations into groundwater triggers as per Appendix E of WMP, of which all investigations concluded no environmental harm had occurred. BMC undertook a Groundwater Validation Review (AGE, 2022) in accordance with Condition 25 of Schedule 3 of SSD-5170 in 2022. This review identified the following trends:

- Alluvium groundwater levels have increased in comparison to recent years. Water level contours and flow directions are generally consistent with previous years.
- Groundwater levels in the Hunter River Alluvium are higher due to above average rainfall recharge over an extended period of time.
- The coal seams and interburden in the Wantana Extension appear to have been depressurised, largely a result of increased alluvial water levels rather than a continued decline in coal seam pressure head. This depressurisation is in line with the EIS groundwater model predictions.
- Regional alluvium bore, BG3, did not trigger the Trigger Event Response Protocol in 2022, following low water levels in 2021.
- Excepting an increase in groundwater level in 46737 from August 2022 onward, bores to the northwest of the active mining area (i.e. future mining area) showed very little change in groundwater level across the monitoring period. This is in line with the EIS groundwater model predictions.
- All monitoring bores recorded groundwater pH values within triggers and share similar pH trends, with the exception of WAN8A. WAN8A has historically presented elevated pH measurements and exceeded the trigger value in August 2017. Four consecutive exceedances for pH were recorded in 2022 at this bore; however for seven months out of 2022 (January, March to May, September to November), WAN8A did not contain sufficient water for sampling. WAN8A likely contains stagnant water and the elevated pH in this bore should not be considered representative of the screened formation.
- EC values in alluvium monitoring bores are less than 1,500  $\mu\text{S}/\text{cm}$ , except for WAN7A, WAN8A, SMB1 and SMB2. This is likely to be a natural phenomenon associated with proximity to coal seam subcrop and their influence on the water quality locally.
- WAN4A EC values continued to decline throughout 2022, recording a measurement of 1,164  $\mu\text{S}/\text{cm}$  in December 2022. The bore is likely impacted by underlying coal seam depressurisation due to mining. The decrease in pressure has allowed local infiltration of less saline river water into the alluvium, causing a decrease in EC. The water level in this bore does not appear to be impacted. The water quality appears to be returning to a level in line with the pre-2008 water quality in this bore.
- The EC values for WAN8A have historically ranged between 1,282  $\mu\text{S}/\text{cm}$  (Nov 2007) and 8,870  $\mu\text{S}/\text{cm}$  (May 2010). Three exceedances were recorded in 2022 for this bore. This bore is suspected to contain stagnant water contained in a sump below the screened interval. Variable EC is likely due to this bore's location on the alluvial fringe.
- Monitoring bore WAN2C exceeded EC trigger values in December 2022. No other exceedances were recorded in this bore in 2022.
- SMB1-South and SMB2-North present EC values that have generally remained consistent throughout 2022 and recent years. It is unlikely that these bores have been impacted by mining.
- BG3 displayed an increase in EC during 2022, with average EC values increasing from 813  $\mu\text{S}/\text{cm}$  in 2021 to 1017  $\mu\text{S}/\text{cm}$  in 2022. Whilst this increase is not consistent with previous years' trends, this incline in EC is only small, and is likely representative of a larger pattern of declining EC in this bore spanning a number of years. This bore is situated to the south of Bengalla (and north of Mt Arthur where the same geological profile is mined), along strike from actively mined coal seams which are known to

be depressurising. Similar to the case with WAN4A, a decrease in pressure head may have allowed for localised infiltration of less saline alluvial water.

- EC data within the coal measures and interburden is generally between 2,500  $\mu\text{S/cm}$  and 9,000  $\mu\text{S/cm}$ , which is the expected EC for coal measures and interburden.
- Four bores in the coal seams (WAN1A, WAN1B, WAN6B, and REP17) show EC less than 2,000  $\mu\text{S/cm}$ , suggesting leakage from the alluvium due to depressurisation of the coal seams. WAN9B has historically recorded EC at or above 2,000  $\mu\text{S/cm}$ . EC values in WAN9B increased in 2022, with the latest recorded measurement in December being 1,646  $\mu\text{S/cm}$ . It should be noted that WAN1A and WAN2A are screened nearby the contact of a coal seam and alluvial material and are not considered to be screened wholly within coal. This freshening of the alluvium, coal measures and interburden was predicted in the EIS groundwater model, which states “*Water quality in the alluvial sediments will improve as a result of decreased discharge of water from hardrock aquifers to the alluvial aquifer due to aquifer depressurisation.*”
- Except for August 2022, WAN10B continued to record EC values exceeding the trigger value for each month, despite above average rainfall. Further investigation is required to determine the cause of EC exceedances in WAN10B. An attempt to purge and sample WAN10B in December 2021 was affected by onsite flooding. WAN10B site visit is planned following flood waters receding around the bore. Trigger values will be reviewed in 2023.
- Monitoring bore REP17, screening the Vaux Seam, recorded EC trigger exceedances for May, November and December 2022. EC values in 2022 remained consistent with values from the previous year, which are generally recorded at or above the Stage 2 EC trigger. The water quality in this bore should continue to be monitored to establish the cause of increasing EC.
- Groundwater quality within the bores to the northwest of the active mining area (BE1, BE2 and BE3 - future mining area) showed little change in pH (7.0 – 7.6) and moderate change in EC (range: 5,970  $\mu\text{S/cm}$  – 8,950  $\mu\text{S/cm}$ ) over the reporting period. BE1 recorded four EC exceedances (7,290  $\mu\text{S/cm}$  in January, 8,280  $\mu\text{S/cm}$  in April, 8430  $\mu\text{S/cm}$  in July, and 8,950  $\mu\text{S/cm}$  in October 2022). Comparison of trends in 2022 to 2021 and prior suggest the EC is increasing. The water quality in this bore should continue to be monitored to establish the cause of increasing EC.

### 4.4.7 Rehabilitation and Biodiversity

The Annual Reviews 2020-2022 (Section 6.11) indicate management activities on the Biodiversity Offset areas to include:

- Weed inspections and spraying;
- Dog baiting and trapping;
- Feral pig management;
- Fire trail maintenance at Kenelea; and
- Summer and winter ecological surveys.

The ecological surveys and management actions indicate the focus continues to be on the establishment/maintenance of the plant communities, threatened flora and threatened fauna. Annual Reviews 2020-2022 indicate weed management work was undertaken during the audit period, and this was also observed during site inspection. Salvaged materials (trees, logs etc) were observed on site and stockpiled during pre-clearing works.

Rehabilitation is ongoing, however the final requirement for the Resources Regulator to be satisfied is not yet triggered. Ongoing progress towards satisfaction is factored into compliance conditions and considered in these checklists. The site is currently considered safe, stable and non-polluting under active management during mining, and the following observations were made during the site inspection:

- The landform appears stable with only a few areas of gully erosion on rehabilitation observed, typically along access tracks.
- There is good coverage of vegetation holding soil material and growth media secure.

- Soil stockpiles were observed to be within required parameters and sign posted and grassed for stabilisation.
- Geofluid design being implemented well and appears stable after approximately 3 years. One geofluid drain has experienced erosion of rock and will require remedial works. The remedial works design has been completed and the remedial works will be undertaken as soon as reasonably and feasibly possible.
- Existing rock lined drains appear stable with competent rock.
- Tree screens are implemented and effective.
- Groundcover on rehabilitation areas is thick and healthy with obvious success from weed management practices to reduce the occurrence of most weeds.
- The last three years has seen the implementation of dense woody vegetation under a program to change from a woodland/ pasture target outcome to dense woody vegetation. There have been a few different approaches noted:
  - For areas of good pasture establishment, supplemental tree planting has been applied through contour rip lines, pre-emergent herbicide treatment and tubestock planting.
  - Areas of poor pasture establishment were treated with herbicide, ripped and seeded (with helicopter last year, due to wetness of land surface).
- Existing well-established areas of rehabilitation are being maintained and contribute to the diversity of species and tree age/height of the overall dump face.
- The land capability classes on the rehabilitation appear to be consistent with the EIS, however the Rural Land Capability Scheme is a subjective assessment and will require Certified Professional Soil Scientist (CPSS) to verify the achievement of required classes for the Resources Regulator (RR) satisfaction of this condition. The area of Class 3 rehabilitation was assessed in 2017 and was verified Class 3 land, and there appears no change to this area.
- Dry Creek Re-instatement – Whilst not yet triggered, the site inspection observed the degree of detailed soil assessment and testing for appropriate salvage of suitable materials.

## 4.5 Community Consultation Committee

BMC has a range of communication methods in place which enables it to share information with the local community. These methods include:

- The Community Consultative Committee (CCC).
- Direct engagement with nearby landholders.
- The Bengalla Mine public website (<https://newhopegroup.com.au/bengalla-mine/>)
- Distribution of Community Newsletters to nearby neighbours
- Responding to community complaints
- Provision of community funding for approved applications for various community groups under the Community Support Scheme and the Community Development Fund.
- Sponsorship and attendance at various community events, for example Muswellbrook Art Prize and Upper Hunter Show.

## 5 STATUS OF 2019 IEA RECOMMENDATIONS

The IEA conducted a review against the recommendations made in the 2019 IEA conducted by MCW Environmental. The findings from this review have been provided in **Appendix E**.

## 6 AUDIT FINDINGS

### 6.1 Identified Non-Compliances and Recommendations

#### 6.1.1 SSD-5170

Non-Compliances identified against SSD-5170 have been summarised in **Table 14** below. Further audit commentary and evidence is provided against each condition in the SSD-5170 Audit Checklist provided in **Appendix B**.

**Table 14 Non-compliances against SSD-5170**

Condition Ref	Date	Requirement	Independent Audit Finding	Recommendation
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 reasonably and feasibly possible.
S2 C2	2022	The Applicant must: <ol style="list-style-type: none"> <li>carry out the development generally in accordance with the EIS, SEE (Mod 1), SEE (Mod 2), SEE (Mod 3) and SEE (Mod 4); and</li> <li>comply with the conditions of this consent and the Development Layout.</li> </ol> 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"> <li>- S2C1</li> <li>- S3C12</li> <li>- S3C19</li> <li>- S3C23</li> <li>- S3C28</li> <li>- S3C45</li> <li>- S3C46</li> <li>-S5C7A</li> <li>-S5C10</li> </ul> And therefore, this condition.	Follow recommendations provided throughout this checklist and the audit report to remediate non-compliances as soon as possible.
S3 C12	2020	<b>Property Investigations</b> 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	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	In future, make further effort to respond to any requests for property investigations within

Condition Ref	Date	Requirement	Independent Audit Finding	Recommendation
		<p>months of receiving this claim the Applicant must:</p> <ol style="list-style-type: none"> <li>commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and</li> <li>give the landowner a copy of the property investigation report.</li> </ol> <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>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. No other property investigations were required during the audit period.</p>	<p>the required 2-month timeframe.</p>
S3 C23	2022	<p><b>Water Pollution</b></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 noncompliance 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>
S3 C28	2022	<p><b>Long Term Security of Offsets</b></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</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</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</p>



Condition Ref	Date	Requirement	Independent Audit Finding	Recommendation
		mechanism agreed with OEH), to the satisfaction of the Secretary.	<p>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>	was still exploring options and corresponding with BCT about the issue.
S3 C43	2022	<p>The Applicant must:</p> <ol style="list-style-type: none"> <li>implement all reasonable and feasible measures to minimise the waste (including coal reject) generated by the development;</li> <li>ensure that the waste generated by the development is appropriately stored, handled and disposed of;</li> <li>manage on-site sewage treatment and disposal in accordance with the requirements of Council; and</li> <li>monitor and report on effectiveness of the waste minimisation and management measures each calendar year, to the satisfaction of the Secretary.</li> </ol>	<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. 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</p>	Implement further staff training to raise awareness around waste management, specifically waste sorting and storage on site.

Condition Ref	Date	Requirement	Independent Audit Finding	Recommendation
			<p>throughout the year and reported in Annual Reviews. 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><b>Progressive Rehabilitation</b>                      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.                      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>
S3 C46	2021	<p><b>Rehabilitation Management Plan</b>                      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"> <li>a. be submitted to the DRG for approval within 6 months of the date of this consent;</li> <li>b. be prepared in consultation with the Department, DoI, OEH, Council and the CCC;</li> </ol>	<p>Topsoil Management and Rehabilitation under MOP 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</p>	<p>Corrective actions have been taken by BMC. No further action required.</p>

Condition Ref	Date	Requirement	Independent Audit Finding	Recommendation
		<p>c. be prepared in accordance with relevant DRG guidelines;</p> <p>d. describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategy;</p> <p>e. 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);</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"> <li>detailed design specifications for the reinstatement of the creek;</li> <li>a schedule of works describing how the reinstatement work would be staged and integrated with mining operations and the final landform;</li> <li>a revegetation program;</li> <li>hydrological, ecological and geomorphic performance and completion criteria for the reinstated creek based on the assessment of baseline conditions; and</li> <li>a program to monitor, maintain and/or improve the hydrological and ecological function, quality and geomorphic stability of the reinstated creek;</li> </ul>	<p>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"> <li>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).</li> <li>Failure to comply with the progressive rehabilitation schedule for 2017 and 2018 in line with commitments made in Table 27 of the approved MOP.</li> </ol> <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	Date	Requirement	Independent Audit Finding	Recommendation
		<ul style="list-style-type: none"> <li>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</li> <li>m. build to the maximum extent practicable on other management plans required under this consent.</li> </ul> <p>The Applicant must implement the management plan as approved by the Secretary.</p>		

### 6.1.2 Mining Leases

Zero non-compliances against Bengalla Mining Leases were identified during the audit period.

## 6.2 Summary of Audit Recommendations

**Table 15** 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.

**Table 15 Summary of Recommendations**

Condition Ref	Requirement	Independent Audit Finding	Recommendation
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 reasonably and feasibly possible.
S2C2	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>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</li> <li>b. comply with the conditions of this consent and the Development Layout.</li> </ul> <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	Follow recommendations provided throughout this checklist and the audit report to remediate non-compliances as soon as possible.

Condition Requirement Ref		Independent Audit Finding	Recommendation
		against SSD5170 including: -S2C1 - S3C12 - S3C19 - S3C20* - S3C23 - S3C28* - S3C45 - S3C46* - S5C7A -S5C10 And therefore, this condition.	
S3C12	<p><b>Property Investigations</b></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"> <li>a. commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and</li> <li>b. give the landowner a copy of the property investigation report.</li> </ol> <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 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>Ensure that future requests for property investigations occur within the required 2-month timeframe.</p>
S3C19	<p><b>Operating Conditions</b></p> <p>The Applicant must:</p> <ol style="list-style-type: none"> <li>a. implement all reasonable and feasible measures to minimise the:                             <ol style="list-style-type: none"> <li>o odour, fume and dust emissions of the development; and</li> </ol> </li> </ol>	<p>BMC was observed to be employing dust mitigation measures during the site inspection, such as water truck spraying of tracks in the pit.</p>	<p>Review the ROM hopper dust suppression system and ensure it is operating effectively to mitigate dust emissions.</p>

Condition Ref	Requirement	Independent Audit Finding	Recommendation
	<ul style="list-style-type: none"> <li>○ release of greenhouse gas emissions from the site;</li> </ul> <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>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>	<p>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. During the site inspection it was observed that dust mitigation measures were on BMC’s ROM hopper (consisting of internal water sprays), while operating, still permitted some fugitive dust emissions. These dust emissions did not constitute visible off-site emissions, however it is recommended that the placement and/or operation of these sprays is reviewed to ensure they operate to minimise dust emissions as far as practicable.</p>	
<p>S3C23</p>	<p><b>Water Pollution</b></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</p>	<p>The recommendations from the surface water specialist are as follows:</p> <ul style="list-style-type: none"> <li>• Ensure evidence of EPA notification and official Caution letter to close out the noncompliance are included in the Independent Environmental Audit Report.</li> <li>• Ensure desilting of DW1 is undertaken.</li> </ul>

Condition Ref	Requirement	Independent Audit Finding	Recommendation
		<p>River Salinity Trading Scheme (HRSTS) on 6-7 July 2022.</p>	<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>S3C28</p>	<p><b>Long Term Security of Offsets</b>                      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 . 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>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>S3C43</p>	<p>The Applicant must:</p> <ol style="list-style-type: none"> <li>a. implement all reasonable and feasible measures to minimise the waste (including coal reject) generated by the development;</li> <li>b. ensure that the waste generated by the development is appropriately stored, handled and disposed of;</li> <li>c. manage on-site sewage treatment and disposal in accordance with the requirements of Council; and</li> </ol>	<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.                      Auditors sighted BMC’s ‘PRO-0069 Tipping and Dumping Materials’ as well</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>

Condition Ref	Requirement	Independent Audit Finding	Recommendation
	<p>d. monitor and report on effectiveness of the waste minimisation and management measures each calendar year, to the satisfaction of the Secretary.</p>	<p>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. 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 storage bins and contamination present in some bins, such as the oily rags only bin.</p>	
<p>S3C45</p>	<p><b>Progressive Rehabilitation</b></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</p>	<p>Ensure plans are progressed for rehabilitation of the northern face and appropriate rehabilitation commences as soon as reasonably possible.</p>



Condition Ref	Requirement	Independent Audit Finding	Recommendation
		<p>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>S3C46</p>	<p><b>Rehabilitation Management Plan</b>                      The Applicant must prepare a Rehabilitation Management Plan for the development to the satisfaction of the DRG. This plan must:</p> <ul style="list-style-type: none"> <li>a. be submitted to the DRG for approval within 6 months of the date of this consent;</li> <li>b. be prepared in consultation with the Department, DoI, OEH, Council and the CCC;</li> <li>c. be prepared in accordance with relevant DRG guidelines;</li> <li>d. describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategy;</li> <li>e. 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);</li> <li>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;</li> <li>g. include interim rehabilitation where necessary to minimise the area exposed for dust generation;</li> <li>h. include a research program that seeks to improve the understanding and application of rehabilitation techniques and methods in the Hunter Valley;</li> <li>i. include a schedule for establishment of native vegetation corridors and habitat linkages across the site;</li> </ul>	<p>Topsoil Management and Rehabilitation under MOP 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"> <li>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).</li> <li>2. Failure to comply with the progressive rehabilitation schedule for</li> </ol>	<p>Corrective actions have been taken by BMC. No further action required.</p>


Condition Ref	Requirement	Independent Audit Finding	Recommendation
	<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"> <li>• detailed design specifications for the reinstatement of the creek;</li> <li>• a schedule of works describing how the reinstatement work would be staged and integrated with mining operations and the final landform;</li> <li>• a revegetation program;</li> <li>• hydrological, ecological and geomorphic performance and completion criteria for the reinstated creek based on the assessment of baseline conditions; and</li> <li>• a program to monitor, maintain and/or improve the hydrological and ecological function, quality and geomorphic stability of the reinstated creek;</li> </ul> <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>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>	<p>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>	

## 7 LIMITATIONS OF IEA REPORT

In preparing this IEA report, RPS has assessed all activities appropriate and necessary to evaluate the environmental status of the site and operations undertaken within the audit period. RPS has addressed all technical matters which might reasonably be considered to be relevant to such an assessment conducted to standards which apply in NSW. Based on observations of the site, interviews with appropriate staff and a review of available documentation, it is RPS's opinion that the potential critical environmental issues associated with the site and operations are those discussed in this report. However, RPS can only advise on the basis of the information available to them and therefore cannot dismiss absolutely the possibility that parts of the site, or adjacent properties, may give rise to additional issues. The conclusions presented in this report are professional opinions based solely upon RPS's visual observations of the site and the immediate site vicinity, and review of available documentation, interviews and conversations with personnel knowledgeable about the site and other available information, as referenced in this report. These conclusions are intended exclusively for the purposes stated herein, at the site listed, and for the project indicated.

Opinions presented in this report apply to the site's conditions and features as they existed at the time of RPS' site inspections on 5 July 2022 and 22 July 2022, and those areas accessible. They necessarily cannot apply to conditions and features which RPS is unaware of and has not had the opportunity to evaluate.

This report does not, and does not purport to, give legal advice on the actual or potential environmental liabilities of any individual or organisation, or to draw conclusions as to whether any circumstances constitute a breach of relevant legislation.



## Appendix A DPE Audit Team Approval

Craig White  
Environment Superintendent  
Bengalla Continuation Project  
Wonnarua Country  
Muswellbrook NSW 2333

31/01/2023

Dear Mr White

**Bengalla Continuation Project (SSD-5170) - Independent Environmental Audit proposal**

I refer to the curricula vitae and independent audit report declaration forms submitted to the Department of Planning and Environment (the department) on 28 September 2022 and 14 October 2022 (SSD-5170-PA-80) and 16 and 27 January 2023 (SSD-5170-PA-84) for the Secretary's approval of suitably qualified persons to prepare the 2022 Independent Environmental Audit (IEA) for the Bengalla Continuation Project.

The department has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Secretary approves the appointment of RPS AAP Consulting Pty Ltd to prepare the 2022 Independent Environmental Audit.

In accordance with Schedule 5 Condition 9 of the consent and the Independent Audit Post Approval Requirements (2020), the Secretary has agreed to the following audit team:

- Ian Richardson – lead auditor
- Sam Mitchell – alternate lead auditor
- Clayton Richards, Minesoils Land & Rehabilitation Specialists – auditor, biodiversity of rehabilitation and offset areas.
- Tara O'Brien, VGT Pty Ltd – auditor, mine water management.

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

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

Should you wish to discuss this matter, please contact Jennifer Sage, Senior Compliance Officer on 0400 245 170 or [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely



Heidi Watters  
Team Leader Northern  
Compliance

As nominee of the Planning Secretary



Craig White  
Environment Superintendent  
Bengalla Mining Company Pty Ltd  
Wonnaruah Country  
Bengalla Road  
Muswellbrook NSW 2333

15/05/2023

Dear Mr White

**Bengalla Continuation Project (SSD-5170) - 2022 Independent Environmental Audit Team**

I refer to the request from RPS AAP Consulting Pty Ltd (RPS) (SSD-5170-PA-90) for the Secretary's approval of a suitably qualified person to join the audit team previously approved on 31 January 2023 to conduct the 2022 Independent Environmental Audit for Bengalla Continuation Project.

The department has reviewed the nomination and information you provided on 15 April 2023 and 5 May 2023 and is satisfied that Luke Wiggins is suitably qualified and experienced. Consequently, I can advise that the Secretary approves the appointment of Luke Wiggins to prepare the 2022 Independent Environmental Audit.

In accordance with Schedule 5 Condition 9 of development consent SSD-5170 as modified (the consent) for Bengalla Continuation Project and the *Independent Audit Post Approval Requirements (2020)*, the Secretary has agreed to the following audit team:

- Ian Richardson – lead auditor
- Luke Wiggins – audit assistant
- Clayton Richards, Minesoils Land & Rehabilitation Specialists – auditor, biodiversity of rehabilitation and offset areas
- Tara O'Brien, VGT Pty Ltd – auditor, mine water management.

This correspondence replaces the letter from the department (SSD-5170-PA-80) dated 31 January 2023. Please ensure this correspondence is appended to the Independent Audit Report.

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


Should you wish to discuss this matter, please contact Jennifer Sage, Senior Compliance Officer on 0400 245 170 or [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely



Heidi Watters  
Team Leader Northern  
Compliance

As nominee of the Planning Secretary



## Appendix B Audit Checklists



## **B.1 SSD 5170 Audit Checklist**

# SSD-5170 AUDIT CHECKLIST – BENGALLA CONTINUATION PROJECT IEA 2022

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Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>SCHEDULE 2 – ADMINISTRATIVE CONDITIONS</b>				
<b>OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT</b>				
S2 C1	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 generally implemented reasonable and feasible measures to prevent or minimise material harm to the environment 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.	Non-compliant	Follow recommendations provided throughout this checklist and the audit report to remediate non-compliances as soon as possible.
<b>TERMS OF CONSENT</b>				
S2 C2	The Applicant must: <ul style="list-style-type: none"> <li>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</li> <li>b. comply with the conditions of this consent and the Development Layout.</li> </ul> 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. Non-compliances were identified against the following conditions of SSD5170: - S2C1 - S2C2 - S3C12 - S3C23 - S3C28 - S3C43 - S3C45 - S3C46 And therefore, this condition.	Non-compliant	Follow recommendations provided throughout this checklist and the audit report to remediate non-compliances as soon as possible.
S2 C3	Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to: <ul style="list-style-type: none"> <li>a. the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or</li> </ul>	Note.	Noted	NA

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and</p> <p>b. the implementation of any actions or measures contained in any such document referred to in paragraph 3(a) above.</p>			
S2 C4	The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition 2(a) above. In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 2(a) the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	Noted and acknowledged by BMC.	Noted	NA
<b>LIMITS OF CONSENT</b>				
S2 C5	<p><b>Mining Operations</b></p> <p>The Applicant may carry out mining operations on the site until 28 February 2039.</p> <p>Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of either the Secretary or the DRG. Consequently this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.</p>	Mining and rehabilitation operations are currently occurring on the site within the timing limits of the consent. Site communications confirmed BMC is aware of the time limit of its approval for mining operations.	Compliant	
S2 C6	<p><b>Coal Extraction</b></p> <p>The Applicant must not extract and/or process more than 15 million tonnes of ROM coal on site in any calendar year.</p>	<p>ROM coal extracted and/or processed during the audit period as per relevant annual reviews available on Bengalla website:</p> <ul style="list-style-type: none"> <li>• 2020 - 11.96 Mt</li> <li>• 2021 - 12.87 Mt</li> <li>• 2022 – 10.72 Mt</li> </ul>	Compliant	
S2 C7	<p><b>Coal Transport</b></p> <p>The Applicant must:</p> <p>a. only transport coal from the site by rail; and</p> <p>b. restrict train movements from the Bengalla load point to a maximum of 16 laden trains a day.</p>	<p>All coal was transported via rail to the Port of Newcastle during the audit period. Details contained in relevant annual reviews.</p> <ul style="list-style-type: none"> <li>• 2020 - 9,655,629 t maximum train movements 8 per day.</li> <li>• 2021 - 10,036,400 t maximum train movements 8 per day.</li> <li>• 2022 – 8,304,920 tonnes, max train movements 7 per day.</li> </ul>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
S2 C8	<p><b>Bengalla Link Road Construction Hours</b></p> <p>The Applicant must only construct the Bengalla Link Road between the hours of 7 am to 6 pm, Monday to Friday and 8 am to 1 pm on Saturdays.</p>	Not within the audit period.	Not triggered	
<b>NOTICE OF COMMENCEMENT</b>				
S2 C9	<p>Prior to carrying out any development under this consent, the Applicant must:</p> <ol style="list-style-type: none"> <li>a. certify that it has obtained all the necessary approvals required to commence development; and</li> <li>b. notify the Secretary in writing of the date of commencement of development under this consent.</li> </ol>	Notice of commencement occurred prior to the audit period.	Not triggered	
<b>SURRENDER OF EXISTING DEVELOPMENT CONSENT</b>				
S2 C10	<p>By the end of June 2016, unless the Secretary agrees otherwise, the Applicant must surrender the existing development consent for mining operations on site in accordance with Section 104A of the EP&amp;A Act. Prior to the surrender of this consent, the conditions of this consent (once operational) shall prevail to the extent of any inconsistency with the conditions of this consent.</p>	The 2017 IEA Report, dated 5/8/2017 (by Peter Horn) states that the Development Consent was surrendered on 22/12/2016 outside of the audit period.	Not triggered	
<b>STRUCTURAL ADEQUACY</b>				
S2 C11	<p>All new buildings and structures, and any alterations or additions to existing buildings and structure, are constructed in accordance with:</p> <ol style="list-style-type: none"> <li>a. the relevant requirements of the BCA; and</li> <li>b. any additional requirements of SA NSW where the building or structure is located on land within a declared Mine Subsidence District. <p>Notes:</p> <ul style="list-style-type: none"> <li>• Under Part 6 of the EP&amp;A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.</li> <li>• Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the development.</li> <li>• The development is located in the Muswellbrook Mine Subsidence District. Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of SA NSW's approval before carrying out certain development in a Mine Subsidence District.</li> </ul> </li></ol>	Section 4 of the annual reviews for the audit period state construction included a new reload facility and infrastructure removed from ML 1729 and ML1796 (2022), construction of new explosives magazine completed 2021 and construction of new maintenance pad and decommissioning of the Staged Discharge Dam (2020). None of these construction projects are defined as a building under the EP&A Act and therefore do not require approval. Explosives magazine constructed in accordance with Australian Standard (AS); AS 2187:1998 Explosives - Storage, Transport and Use – Storage. Section 21 of the <i>Coal Mine Subsidence Compensation Act 2017</i>	Not triggered	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		requires the approval of the Chief Executive for work on any building or infrastructure in an MSD. None of the works that occurred are defined as a building or infrastructure, hence not requiring approval.		
<b>DEMOLITION</b>				
S2 C12	The Applicant must ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	No demolition work has been reported within the audit period.	Not triggered	
<b>PROTECTION OF PUBLIC INFRASTRUCTURE</b>				
S2 C13	<p>Unless the Applicant and the applicable authority agree otherwise, the Applicant must:</p> <ul style="list-style-type: none"> <li>a. repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and</li> <li>b. relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.</li> </ul> <p>Note: This condition does not apply to any damage to roads caused as a result of general road usage.</p>	Cracking developed in the pavement of Wybong Road (Council road) adjacent and to the north of Bengalla Mine in March 2020. The cracking was reported to the DPIE and Muswellbrook Shire Council. A report on the matter was completed and submitted to Council. Repairs to Wybong Road were completed in 2020 and as documented in the Annual Review 2020. All surrounding roads were observed to be in good condition during the site inspection. Part of Bengalla Link Road east of the Hunter River was also resurfaced during 2022 under general maintenance. Auditors sighted the Traffic Management Plan for the works, as well as the plan for resealing pavement area and invoicing to BMC.	Compliant	
<b>OPERATION OF PLANT AND EQUIPMENT</b>				
S2 C14	The Applicant must ensure that all plant and equipment used on site, and any equipment used offsite to monitor the performance of the development, is:	Auditors sighted BMC's 52 Week Maintenance Schedule during the audit	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>a. maintained in a proper and efficient condition; and</p> <p>b. operated in a proper and efficient manner.</p>	<p>period, which confirmed regular servicing of plant and equipment.</p> <p>A range of procedures were observed, including 'PRO-0069 Tipping and Dumping of Materials', 'PRO-0263 Dragline operation', 'PRO-0266 Water Cart Operations', 'PRO-0273 Excavator Operation' and 'PRO-0576 Loading of Reject in Haul Trucks'. Upon review of the procedures, auditors found them adequate to ensure plant and equipment is maintained and operated safely. BMC's online training was also viewed, which contributes to proper operation of equipment by staff.</p>		
<b>UPDATING &amp; STAGING SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS</b>				
S2 C15	<p>The Applicant must regularly review the strategies, plans and programs required under this consent and ensure that these documents are updated to incorporate measures to improve the environmental performance of the development and reflect current best practice in the mining industry. To facilitate these updates, the Applicant may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.</p> <p>With the agreement of the Secretary, the Applicant may prepare a revision or stage of any strategy, plan or program required under this consent without undertaking consultation with all parties nominated under the applicable condition in this consent.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• While any strategy, plan or program may be submitted on a staged basis, the Applicant must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.</li> <li>• If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.</li> </ul>	<p>Environmental Management Strategy version 2 (condition 1 of Schedule 5) approved by Matthew Sprott as nominee of the Secretary on 03/04/2020.</p> <p>Noise Management Plan version 6 (condition 7 of Schedule 3) approved by Howard Reed as nominee of the Secretary on 27/05/2019.</p> <p>Waste Management Plan version 7 (condition 25 of Schedule 3) approved by Howard Reed as nominee of the Secretary on 01/02/2019.</p> <p>The Rehabilitation Management Plan (Condition 46 Schedule 3) was first revised 2 July 2022 and has since been revised outside the audit period.</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>The RMP has replaced the Mining Operations Plan (MOP).</p> <p>Management Plans below approved by Matthew Sprott as nominee of the Secretary on 18/08/2017.</p> <ul style="list-style-type: none"> <li>• Blast Management Plan version 5 (condition 15 of Schedule 3);</li> <li>• Air Quality Management Plan version 4 (condition 20 of Schedule 3);</li> <li>• Water Management Plan version 6 (condition 25 of Schedule 3);</li> <li>• Biodiversity Management Plan version 4 and Biodiversity Offset Management Plan version 6 (condition 29 of Schedule 3);</li> <li>• Aboriginal Cultural Heritage Management Plan version 7 (condition 31 of Schedule 3);</li> <li>• Historic Heritage Management Plan version 7 (condition 32 of Schedule 3); and</li> <li>• Mining Operation Plan version 4, which has since been replaced by the Rehabilitation Management Plan.</li> <li>• Visual Impact Mitigation Plan version 1 (condition 37-39 of Schedule 3) approved by Wayne Jones as nominee of the Secretary on 14/06/2016.</li> </ul>		



Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>VOLUNTARY PLANNING AGREEMENT</b>				
S2 C16	<p>By the end of December 2015, or as otherwise agreed by the Secretary, the Applicant must enter into a VPA for the development with Council in accordance with:</p> <ul style="list-style-type: none"> <li>a. Division 6 of Part 4 of the EP&amp;A Act; and</li> <li>b. the terms of the Applicant's offer in Appendix 3.</li> </ul>	Condition triggered outside the audit period.	Not triggered	
<b>EVIDENCE OF CONSULTATION</b>				
S2 C17	<p>Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <ul style="list-style-type: none"> <li>a. consult with the relevant party prior to submitting the subject document; and</li> <li>b. provide details of the consultation undertaken including: <ul style="list-style-type: none"> <li>i. the outcome of that consultation, matters resolved and unresolved; and</li> <li>ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</li> </ul> </li> </ul>	<p>Within management plans (Appendix A)</p> <p>BMC is still waiting on DPE approval for the Rehabilitation Objectives Statement. Stakeholder consultation will occur after this approval has been received.</p> <p>The Noise Management Plan provides satisfactory evidence of consultation in Appendix B.</p> <p>The Blast Management Plan provides satisfactory evidence of consultation in Appendix B.</p> <p>The Air Quality Management Plan provides satisfactory evidence of consultation in Appendix B.</p> <p>The Water Management Plan provides satisfactory evidence of consultation in Appendix B.</p> <p>The Biodiversity Management Plan provides satisfactory evidence of consultation in Appendix B.</p> <p>The Aboriginal Cultural Heritage Management Plan provides satisfactory evidence of consultation in Appendix B.</p> <p>The Historic Heritage Management Plan provides satisfactory evidence of consultation in Appendix B.</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations						
		Appendix A provides evidence of consultation on the Environmental Management Strategy.								
<b>COMPLIANCE</b>										
S2 C18	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	Bengalla Environmental Training PowerPoint presentation was observed during the audit. This is provided to employees quarterly at the U-Day as well as emailed to all staff annually.	Compliant							
<b>APPLICABILITY OF GUIDELINES</b>										
S2 C19	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	Review of available documentation management plans, procedures, and monitoring data indicated that BMC are utilising the most current guidelines, protocols, Standards and/or policies.	Noted							
<b>SCHEDULE 3 – ENVIRONMENTAL PERFORMANCE CONDITIONS</b>										
<b>ACQUISITION UPON REQUEST</b>										
S3 C1	<p>Upon receiving a written request for acquisition from the owner of the land listed in Table 1, the Applicant must acquire the land in accordance with the procedures in conditions 5 and 6 of schedule 4.</p> <p><i>Table 1: Land subject to acquisition upon request</i></p> <table border="1"> <thead> <tr> <th>Acquisition Basis</th> <th>Receiver No</th> </tr> </thead> <tbody> <tr> <td>Noise</td> <td>152, 153, 156E, 156S</td> </tr> <tr> <td>Noise and Air Quality</td> <td>154</td> </tr> </tbody> </table> <p><i>Note: To interpret the land referred to in Table 1, see the applicable figure in Appendix 4.</i></p>	Acquisition Basis	Receiver No	Noise	152, 153, 156E, 156S	Noise and Air Quality	154	<p>Acquisition request received 1 September 2022 for Lot 311 in DP 609634.</p> <p>BMC made offer for purchase of Lot 311 in Deposited Plan 609634 29 November 2022. Auditors sighted offer for acquisition made through Equilaw Solicitors dated 29 November 2022.</p>	Compliant	
Acquisition Basis	Receiver No									
Noise	152, 153, 156E, 156S									
Noise and Air Quality	154									
S3 C2	If the Applicant receives a written request for acquisition from the owner of the land listed in Table 2 and if that land is no longer subject to acquisition upon request under the relevant development consent or project approval	No requests for acquisition from landholders in Table 2 have occurred during the audit period.	Not triggered	NA						

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations													
	<p>shown in Table 2, then the Applicant must acquire the land in accordance with the procedures in conditions 5 and 6 of schedule 4.</p> <p><i>Table 2: Land subject to acquisition upon request</i></p> <table border="1"> <thead> <tr> <th>Acquisition Basis</th> <th>Receiver No</th> <th>Mine</th> </tr> </thead> <tbody> <tr> <td>Noise</td> <td>120</td> <td rowspan="2">Mt Arthur</td> </tr> <tr> <td>Noise and Air Quality</td> <td>112, 113, 114, 117, 118, 119, 155</td> </tr> <tr> <td>Noise</td> <td>166</td> <td rowspan="2">Mt Pleasant</td> </tr> <tr> <td>Noise and Air Quality</td> <td>168, 171</td> </tr> </tbody> </table> <p><i>Notes: To interpret the land referred to in Table 2, see the applicable figure in Appendix 4.</i></p>	Acquisition Basis	Receiver No	Mine	Noise	120	Mt Arthur	Noise and Air Quality	112, 113, 114, 117, 118, 119, 155	Noise	166	Mt Pleasant	Noise and Air Quality	168, 171			
Acquisition Basis	Receiver No	Mine															
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Noise	166	Mt Pleasant															
Noise and Air Quality	168, 171																
<b>ADDITIONAL MITIGATION UPON REQUEST</b>																	
S3 C3	<p>Upon receiving a written request from the owner of any residence on the land listed in Table 1 (unless the landowner of that land has requested acquisition), Table 2 (if acquisition or additional mitigation by the mine listed in Table 2 is no longer available for the landowner of that land) and on the land listed in Table 3, the Applicant must implement additional:</p> <ul style="list-style-type: none"> <li>a. noise mitigation measures (such as double-glazing, insulation and/or air conditioning); and/or</li> <li>b. air quality mitigation measures (such as air filters, a first flush roof water drainage system and/or air conditioning),</li> </ul> <p>at any residence in consultation with the owner.</p> <p>These measures must be reasonable and feasible, and directed towards reducing the noise and/or air quality impacts of the development on any residence. The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of mining operations.</p> <p>If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p>	<p>Mitigation requests were received from the owners of 4, 5 and 6 Sheppard Avenue.</p> <p>Auditors sighted quotes and invoices for mitigation works on all properties including replacement of guttering, pipes and posts at 4 Sheppard Avenue, guttering maintenance at 5 Sheppard Avenue and guttering maintenance at 6 Sheppard Avenue.</p> <p>Environment Superintendent Craig White confirmed all works had been completed and supplied supporting photographs.</p>	Compliant														

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																																																											
	<p><i>Table 3: Land subject to additional noise and/or air quality mitigation upon request</i></p> <table border="1"> <thead> <tr> <th>Mitigation Basis</th> <th>Receiver</th> </tr> </thead> <tbody> <tr> <td>Noise and Air Quality</td> <td>109<sup>3</sup></td> </tr> <tr> <td>Noise</td> <td>105, 106<sup>3</sup>, 108, 110<sup>3</sup>, 126N, 167, 169<sup>2</sup>, 180, 184</td> </tr> <tr> <td>Air Quality</td> <td>66<sup>3</sup>, 120<sup>3</sup>, 152, 156E, 156S</td> </tr> </tbody> </table> <p>Notes:  1. To interpret the land referred to in Table 3, see the applicable figure in Appendix 4.  2. The Applicant is only required to provide additional mitigation for this property if these rights are no longer available under the development consent for the Mt Pleasant mine.  3. The Applicant is only required to provide additional mitigation for this property if these rights are no longer available under the project approval for the Mt Arthur mine.</p>	Mitigation Basis	Receiver	Noise and Air Quality	109 <sup>3</sup>	Noise	105, 106 <sup>3</sup> , 108, 110 <sup>3</sup> , 126N, 167, 169 <sup>2</sup> , 180, 184	Air Quality	66 <sup>3</sup> , 120 <sup>3</sup> , 152, 156E, 156S																																																						
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<b>NOISE</b>																																																															
S3 C4	<p><b>Noise Criteria</b></p> <p>Except for the noise-affected land in Tables 1 and 2, the Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 4 at any residence on privately-owned land.</p> <p><i>Table 4: Noise Criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>Day</th> <th>Evening</th> <th colspan="2">Night</th> </tr> <tr> <th>L<sub>Aeq</sub> (15 min)</th> <th>L<sub>Aeq</sub> (15 min)</th> <th>L<sub>Aeq</sub> (15 min)</th> <th>L<sub>A1</sub> (15 min)</th> </tr> </thead> <tbody> <tr> <td>108, 109, 110</td> <td>40</td> <td>40</td> <td>40</td> <td>45</td> </tr> <tr> <td>106</td> <td>39</td> <td>39</td> <td>39</td> <td>45</td> </tr> <tr> <td>169</td> <td>39</td> <td>39</td> <td>36</td> <td>45</td> </tr> <tr> <td>105, 126N</td> <td>38</td> <td>38</td> <td>38</td> <td>45</td> </tr> <tr> <td>167, 180, 184,</td> <td>38</td> <td>38</td> <td>35</td> <td>45</td> </tr> <tr> <td>102, 126C, 148</td> <td>37</td> <td>37</td> <td>37</td> <td>45</td> </tr> <tr> <td>186N</td> <td>37</td> <td>37</td> <td>35</td> <td>45</td> </tr> <tr> <td>43, 44, 130, 145, 126S</td> <td>36</td> <td>36</td> <td>36</td> <td>45</td> </tr> <tr> <td>186S, 189</td> <td>36</td> <td>36</td> <td>35</td> <td>45</td> </tr> <tr> <td>All other privately-owned residences</td> <td>35</td> <td>35</td> <td>35</td> <td>45</td> </tr> </tbody> </table> <p>Note: To interpret the land referred to in Table 4, see the applicable figure in Appendix 4.</p> <p>However, these criteria do not apply if the Applicant has a written agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.</p> <p>Noise generated by the development is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy. Appendix 5 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.</p>	Location	Day	Evening	Night		L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>A1</sub> (15 min)	108, 109, 110	40	40	40	45	106	39	39	39	45	169	39	39	36	45	105, 126N	38	38	38	45	167, 180, 184,	38	38	35	45	102, 126C, 148	37	37	37	45	186N	37	37	35	45	43, 44, 130, 145, 126S	36	36	36	45	186S, 189	36	36	35	45	All other privately-owned residences	35	35	35	45	No exceedances occurred during the audit period according to the annual reviews for 2020, 2021 and 2022 and monthly monitoring data throughout the audit period, available on Bengalla website. Bengalla also supplied monthly noise compliance survey reports by Bridges Acoustics for auditors review.	Compliant	
Location	Day		Evening	Night																																																											
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S3 C5	<p><b>Construction Noise</b></p> <p>The Applicant must manage the noise associated with the construction of the Bengalla Road realignment and the Homestead Access Road in</p>	No construction works for Bengalla Road realignment or Homestead Access Road occurred during the audit period.	Not triggered																																																												

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	accordance with the noise management levels in Table 2 of the Interim Construction Noise Guideline.			
S3 C6	<p><b>Operating Conditions</b></p> <p><b>The Applicant must:</b></p> <ul style="list-style-type: none"> <li>a. implement best noise management practice, which includes implementing all reasonable and feasible noise mitigation measures to minimise the construction, operational, road and rail noise of the development;</li> <li>b. operate a comprehensive noise management system on site that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day-to-day planning of mining operations and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;</li> <li>c. minimise the noise impacts of the development during meteorological conditions when the noise criteria in this consent do not apply (see Appendix 5);</li> <li>d. co-ordinate noise management at the Bengalla mine with the noise management at the Mt Arthur and Mount Pleasant mines to minimise cumulative noise impacts; and</li> <li>e. carry out regular attended monitoring in accordance with Appendix 5 (unless otherwise agreed with the Secretary), to determine whether the development is complying with the relevant conditions of this consent,</li> </ul> <p>to the satisfaction of the Secretary.</p>	<p>The applicant has a comprehensive noise management system on site involving three methods of noise monitoring; compliance attended noise monitoring, supplementary attended monitoring and unattended real time monitoring. Noise monitoring stations were attended during the site inspection and dispatch staff were interviewed regarding noise monitoring and response. Karlie Goddard – Mine Monitoring Supervisor explained the two noise tests occurring continuously in real time at Bengalla. Although the continuous unattended tests are not used to assess compliance, they are considered every shift to inform operational decisions. Occasionally, the team would respond with reactionary shutdown of offensive vehicles, etc.</p> <p>Compliance attended noise monitoring is undertaken. This occurs once per month in three locations during night shift (between 10pm and 7am).</p> <p>Noise impacts are minimised through the noise management system. This noise management is coordinated with Mt Arthur and Mount Pleasant. Bengalla Mine, Mount Pleasant Mine, Mount Arthur Coal Mine and Mangoola Mine hold meetings quarterly to discuss environmental matters relative to each mine and cumulative impacts. Auditors sighted minutes from meeting held 30 August 2021 in which Mt Arthur, Mt Pleasant and Bengalla</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		discussed cumulative impact management. Auditors also sighted an email in which Bengalla shared inversion tower data with Mount Pleasant from 25 February 2020. Noise monitoring is logged and reported monthly as shown in Monthly Monitoring Summaries on New Hope Group website.		
S3 C7	<p><b>Noise Management Plan</b></p> <p>The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>a. be prepared in consultation with the EPA, and submitted to the Secretary for approval within 6 months of the date of this consent;</li> <li>b. describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent;</li> <li>c. describe the proposed noise management system in detail; and</li> <li>d. include a noise monitoring program that: <ul style="list-style-type: none"> <li>• evaluates and reports on: <ul style="list-style-type: none"> <li>i the effectiveness of the noise management system;</li> <li>ii compliance against the noise criteria in this consent; and</li> <li>iii compliance against the noise operating conditions;</li> </ul> </li> <li>• includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time (so the real-time noise monitoring program can be used as a trigger for further attended monitoring where there is a risk of non-compliance with the noise criteria in this consent); and</li> <li>• defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.</li> </ul> </li> </ul> <p>The Applicant must implement the management plan as approved by the Secretary.</p>	<p>Noise Management Plan version 6 (condition 7 of Schedule 3) approved by Howard Reed as nominee of the Secretary on 27/05/2019.</p> <p>BMC goes to extensive measures to ensure the Noise Management Plan is implemented effectively including employing noise specialists for monthly attended noise monitoring tests, monitoring continuous unattended noise monitors in multiple locations and communication of noise impacts across different teams to dispatch, environment and OCE with reactionary actions taken if required. Noise monitors were sighted during inspection and appear to be in good working condition.</p> <p>Review of the NMP by the auditors concluded it is satisfactory, confirmed by minimal noise non-compliances.</p>	Compliant	
<b>BLASTING</b>				
S3 C8	<b>Blasting Criteria</b>	Blast monitoring results spreadsheets were sighted during site inspection. Auditors also observed pre-blast	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations											
	<p>The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in Table 5.</p> <p><i>Table 5: Blasting criteria</i></p> <table border="1"> <thead> <tr> <th>Location</th> <th>Airblast overpressure (dB(Lin Peak))</th> <th>Ground vibration (mm/s)</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Residence on privately owned land<sup>3</sup></td> <td>120</td> <td>10</td> <td>0%</td> </tr> <tr> <td>115</td> <td>5</td> <td>5% of the total number of blasts over a period of 12 months</td> </tr> </tbody> </table> <p>However, these criteria do not apply if the Applicant has a written agreement with the relevant owner for higher levels, and has advised the Department in writing of the terms of this agreement.</p>	Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance	Residence on privately owned land <sup>3</sup>	120	10	0%	115	5	5% of the total number of blasts over a period of 12 months	<p>assessment and checklists, a blast occurring in the pit from a viewpoint outside of the pit, as well as post blast recording. Review of the Annual Reviews from 2020 – 2022 revealed no ground vibration or overpressure exceedances.</p> <p>BMC has not entered any agreements regarding blasting with private landholders.</p>		
Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance												
Residence on privately owned land <sup>3</sup>	120	10	0%												
	115	5	5% of the total number of blasts over a period of 12 months												
S3 C9	<p><b>Blasting Hours</b></p> <p>The Applicant must only carry out blasting on site between 7 am and 5 pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Secretary.</p>	<p>A review of the Annual Reviews from 2020 – 2022, monthly blast monitoring data available on the New Hope Group website and BMC's internal blast monitoring spreadsheet revealed blasting was undertaken only within the times specified in this condition from 7am – 5pm Mondays to Sundays.</p>	Compliant												
S3 C10	<p><b>Blasting Frequency</b></p> <p>The Applicant must only carry out a maximum of:</p> <ol style="list-style-type: none"> <li>2 blasts a day; and</li> <li>6 blasts a week, averaged over a calendar year, on the site.</li> </ol> <p>This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, blast misfires or blasts required to ensure the safety of the mine, its workers or the general public.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.</li> <li>For the avoidance of doubt, should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast.</li> <li>In circumstances of recurring unfavourable weather conditions (following planned but not completed blast events), to avoid excess explosive sleep times and minimise</li> </ul>	<p>Review of blasting data available on New Hope Group's website, Annual reviews from 2020-2022 and BMC's internal blast monitoring spreadsheet confirmed that BMC has not exceeded more than 2 blasts per day, nor 6 blasts per week during the audit period. The highest total amount of blasts in a year during the audit period was 198, averaging 3.58 blasts per week, according to analysis of the 2020-2022 annual reviews.</p>	Compliant												

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	any potential environmental impacts, the Applicant may seek agreement from the Secretary for additional blasts to be fired on a given day.			
S3 C11	<p><b>Property Inspections</b></p> <p>If the Applicant receives a written request from the owner of any privately-owned land within 3 kilometres of the approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the Applicant must:</p> <ol style="list-style-type: none"> <li>a. commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to: <ol style="list-style-type: none"> <li>i establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and</li> <li>ii identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and/or structures; and</li> </ol> </li> <li>b. give the landowner a copy of the new or updated property inspection report.</li> </ol> <p>If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Secretary for resolution.</p>	BMC has not received any written requests from private landowners within 3km of the approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated during the audit period.	Not triggered	
S3 C12	<p><b>Property Investigations</b></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"> <li>a. commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and</li> <li>b. give the landowner a copy of the property investigation report.</li> </ol> <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</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 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</p>	Non-compliant	Ensure that future requests for property investigations are actioned within the required 2-month timeframe.



Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution.	<p>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>		
S3 C13	<p><b>Operating Conditions</b></p> <p>During mining operations on site, the Applicant must:</p> <ol style="list-style-type: none"> <li>a. implement best management practice to: <ul style="list-style-type: none"> <li>• protect the safety of people and livestock in the surrounding area;</li> <li>• protect public or private infrastructure/property in the surrounding area from any damage; and</li> <li>• minimise the dust and fume emissions of any blasting;</li> </ul> </li> <li>b. ensure that blasting on site does not damage historic heritage sites (see the figure in Appendix 6);</li> <li>c. minimise the frequency and duration of any road closures, and avoid road closures for blasting during peak traffic periods;</li> <li>d. operate a suitable system to enable the public and Council to get up-to-date information on the proposed blasting schedule on site and associated road closures;</li> <li>e. co-ordinate the timing of blasting on site with the timing of blasting at the Mt Arthur and Mount Pleasant mines to minimise any cumulative blasting impacts; and</li> <li>f. monitor and report on compliance with the relevant blasting conditions in this consent,</li> </ol> <p>to the satisfaction of the Secretary.</p>	<p>Preblasting preparation, blasting methodology and post blast assessment and monitoring was observed by the auditors during the site inspection. A range of environmental conditions including wind speed and direction are considered in the hours leading up to the blast event.</p> <p>No blasting occurs within the vicinity of heritage listed items according to the 2017 Blast Management Plan. Blast monitoring occurs at heritage listed sites such as the Bengalla Homestead, which was sighted during the audit site inspection. Annual inspections and dilapidations surveys occur in line with the Blast Management Plan occur to ensure that blasting does not have any adverse effect on heritage sites. Dilapidation reports for Bengalla Homestead and Overdene Homestead from 2020, 2021 and 2022 were sighted by auditors, concluding no further major degradation had occurred in the audit period. Prescribed dams</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>are also monitored with blast monitors. Extensive risk assessments are undertaken prior to each blasting event considering the location of the blast and any environmental factors including heritage sites, dams, dust production, potential effect on neighbours and livestock, etc. No road closures have occurred as a result of blasting. Monthly EPL reports uploaded to the New Hope Group website contain all relevant blast monitoring data. Muswellbrook Shire Council website contains details on blasting activities and BMC updates the website for each blast.</p> <p>Publicly posting this data allows Mt Arthur and Mt Pleasant mines to minimise cumulative blasting impacts and keeps the community informed and safe.</p>		
S3 C14	<p>The Applicant must not undertake blasting on site within 500 metres of:</p> <ul style="list-style-type: none"> <li>a. any public road;</li> <li>b. the Ulan – Muswellbrook railway line; or</li> <li>c. any land outside the site that is not owned by the Applicant,</li> </ul> <p>unless:</p> <ul style="list-style-type: none"> <li>i the Applicant has a written agreement with the applicable infrastructure authority or landowner to allow blasting to be carried out closer to the infrastructure or land, and the Applicant has advised the Department in writing of the terms of this agreement; or</li> <li>ii the Applicant has: <ul style="list-style-type: none"> <li>• demonstrated to the satisfaction of the Secretary that the blasting can be carried out closer to the infrastructure or land without compromising the safety of people or livestock, or damaging buildings and/or structures; and</li> </ul> </li> </ul>	<p>BMC supplied the MACH Blasting Protocol prepared by Sparke Helmore Lawyers and an S138 Activity Permit request letter to Muswellbrook Shire Council dated 15 July 2016.</p> <p>Due to the western movement of the pit, it has become necessary for BMC to perform road closures, as blasts take place within 500m of Wybong Road.</p> <p>Blasts requiring road closure:</p> <ul style="list-style-type: none"> <li>• 2020 37 blasts of 191 blasts</li> <li>• 2021 37 blasts of 186 blasts</li> <li>• 2022 38 blasts of 163 blasts</li> </ul> <p>Muswellbrook Shire Council was consulted in the development of the</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> <li>updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the road or land.</li> </ul>	Blast Management Plan which includes a road closure plan for Wybong Road.		
S3 C15	<p><b>Blast Management Plan</b></p> <p>The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ol style="list-style-type: none"> <li>be prepared in consultation with the EPA and Council, and submitted to the Secretary for approval within 6 months of the date of this consent;</li> <li>describe the measures that would be implemented to ensure compliance with the blasting criteria and operating conditions of this consent;</li> <li>propose and justify any alternative ground vibration limits for any public infrastructure in the vicinity of the site (if relevant); and</li> <li>include a monitoring program for evaluating and reporting on compliance with the blasting criteria and operating conditions.</li> </ol> <p>The Applicant must implement the management plan as approved by the Secretary.</p>	<p>Blast Management Plan version 5 approved by Matthew Sprott as nominee of the Secretary on 18/08/2017.</p> <p>Appendix B of the Blast Management Plan demonstrates its preparation in consultation with the EPA and Muswellbrook Council (no comments were received) and the DPE.</p> <p>Constant blast monitoring is in place for reactive measures to non-compliances. However, BMC implements careful preventative measures, including consideration of environmental data from weather stations and thorough risk assessment in the hours leading up to any blast event. Blast management measures are included in Section 4 of the report.</p> <p>There is no public infrastructure in the vicinity of the site, therefore alternative ground vibration limits are not proposed.</p> <p>The Blast Monitoring Program is contained in Section 3.</p>	Compliant	
<b>AIR QUALITY</b>				
S3 C16	<p><b>Air Quality Criteria</b></p> <p>Except for the air-affected land in Tables 1 and 2, the Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that the particulate emissions generated by the development do not exceed the criteria listed in Tables 6, 7 and 8 at any residence on privately-owned land.</p>	<p>BMC's air quality monitoring system consists 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.</p> <p>Air quality is constantly monitored, and results are reported monthly on the</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																													
	<p><i>Table 6: Long term criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td><sup>a,d</sup> 90 µg/m<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>Annual</td> <td><sup>a,d</sup> 25 µg/m<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 2.5 µm (PM<sub>2.5</sub>)</td> <td>Annual</td> <td><sup>a,d</sup> 8 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 7: Short term criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>24 hour</td> <td><sup>b</sup> 50 µg/m<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 2.5 µm (PM<sub>2.5</sub>)</td> <td>24 hour</td> <td><sup>b</sup> 25 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 8: Long term criteria for deposited dust</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td><sup>c</sup> Deposited dust</td> <td>Annual</td> <td><sup>b</sup> 2 g/m<sup>2</sup>/month</td> <td><sup>a</sup> 4 g/m<sup>2</sup>/month</td> </tr> </tbody> </table> <p>Notes for Tables 6 to 8:</p> <ul style="list-style-type: none"> <li>• a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to other sources);</li> <li>• b Incremental impact (i.e. incremental increase in concentrations due to the development on its own);</li> <li>• c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and</li> <li>• d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed to by the Secretary.</li> </ul>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	<sup>a,d</sup> 90 µg/m <sup>3</sup>	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a,d</sup> 25 µg/m <sup>3</sup>	Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a,d</sup> 8 µg/m <sup>3</sup>	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>	Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month	<p>New Hope Group website. There were no air quality criteria exceedances recorded within the 2021 and 2022 reporting periods. Elevated annual average air quality measurements were recorded throughout 2020. BMC notified DPIE and an independent air quality expert was engaged, confirming BMC did not cause any exceedances, according to the 2020 Annual Review.</p>		
Pollutant	Averaging period	Criterion																															
Total suspended particulate (TSP) matter	Annual	<sup>a,d</sup> 90 µg/m <sup>3</sup>																															
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a,d</sup> 25 µg/m <sup>3</sup>																															
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<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month																														
S3 C17	<b>(Deleted)</b>		Noted																														
S3 C18	<p><b>Mine-owned Land</b></p> <p>The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Tables 6, 7 and 8 at any occupied residence on mine-owned land (including land owned by another mining company) unless:</p> <ol style="list-style-type: none"> <li>the tenant or landowner (if the residence is owned by another mining company) has been notified of any health risks associated with such exceedances in accordance with the notification requirements in schedule 4 of this consent;</li> </ol>	<p>There were no recorded exceedances during 2021/2022 at any of Bengalla's eight real time air quality monitors, nine high volume air samplers, 27 dust deposition gauges, strategically positioned to ensure BMC is aware of any potential exceedances at occupied residences on mine owned land.</p>	Compliant																														

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> <li>b. the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice;</li> <li>c. air quality monitoring is regularly undertaken to inform the tenant or landowner (if the residence is owned by another mining company) of the actual particulate emissions at the residence; and</li> <li>d. data from this monitoring is presented to the tenant or landowner (if the residence is owned by another mining company) in an appropriate format for a medical practitioner to assist the tenant or landowner in making informed decisions on the health risks associated with occupying the residence,</li> </ul> <p>to the satisfaction of the Secretary.</p>	Elevated air quality criteria were recorded in 2020, however an independent air quality expert confirmed BMC's compliance with Tables 6, 7 and 8, according to the 2020 scoping report.		
S3 C19	<p><b>Operating Conditions</b></p> <p>The Applicant must:</p> <ul style="list-style-type: none"> <li>a. implement all reasonable and feasible measures to minimise the: <ul style="list-style-type: none"> <li>iii odour, fume and dust emissions of the development; and</li> <li>iv release of greenhouse gas emissions from the site;</li> </ul> </li> <li>b. minimise any visible air pollution generated by the development;</li> <li>c. minimise the surface disturbance of the site;</li> <li>d. 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;</li> <li>e. minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d to Tables 6-8 above);</li> <li>f. 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</li> <li>g. monitor and report on compliance with the relevant air quality conditions in this consent,</li> </ul> <p>to the satisfaction of the Secretary.</p>	<p>BMC was observed to be employing dust mitigation measures during the site inspection, such as water truck spraying of tracks in the pit.</p> <p>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>During the site inspection it was observed that dust mitigation measures were on BMC's ROM hopper (consisting of internal water sprays), while operating, still permitted some fugitive dust emissions. These</p>	Compliant	Review the ROM hopper dust suppression system and ensure it is operating effectively to mitigate dust emissions.

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		dust emissions did not constitute visible off-site emissions, however it is recommended that the placement and/or operation of these sprays is reviewed to ensure they operate to minimise dust emissions as far as practicable.		
S3 C20	<p><b>Air Quality Management Plan</b></p> <p>The Applicant must prepare a detailed Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ol style="list-style-type: none"> <li>a. be prepared in consultation with the EPA and Council, and submitted to the Secretary for approval within 6 months of the date of this consent;</li> <li>b. describe the measures that would be implemented to ensure compliance with air quality criteria and operating conditions of this consent;</li> <li>c. describe the proposed air quality management system; and</li> <li>d. include an air quality monitoring program that: <ol style="list-style-type: none"> <li>v uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the development against the air quality criteria in this consent;</li> <li>vi adequately supports the proactive and reactive air quality management system;</li> <li>vii evaluates and reports on: <ul style="list-style-type: none"> <li>• the effectiveness of the air quality management system; and</li> <li>• compliance with the air quality operating conditions; and</li> </ul> </li> <li>viii defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents.</li> </ol> </li> </ol> <p>The Applicant must implement the management plan as approved by the Secretary.</p>	<p>Air Quality Management Plan version 4 approved by Matthew Sprott as nominee of the Secretary on 18/08/2017.</p> <p>The Air Quality Management Plan was prepared in consultation with the relevant regulators as seen in Appendix C.</p> <p>Air quality standard control measures are contained in Section 4.2.</p> <p>The air quality management system is described in Section 5.</p> <p>The air quality monitoring network is included in Section 6, with real time and supplementary monitors, supporting proactive and reactive air quality management. The Air Quality Management plan is adequate and compliant, however a non-compliance has been identified regarding implementation of the air quality management plan.</p> <p>Official Caution dated 24 September 2020 and Warning Letter dated 26 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 20 of SSD-5170. This condition relevantly</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>requires the approved AQMP to be implemented.</p> <p>DPIE determined that BMC failed to implement the approved AQMP (by failing to respond to high-risk wind alarms) on the following dates and times:</p> <ul style="list-style-type: none"> <li>• 12 May 2018 at 14:17</li> <li>• 7 August 2018 at 12:01 and 12:17</li> <li>• 30 March 2019 at 16:19</li> </ul> <p>It is noted that these events were recorded outside of the audit period with the official caution issued within the audit period.</p> <p>The Warning Letter related to the event on 30 March 2019 noted that “any impact on the surrounding community as a result of the identified single breach would have been minimal as equipment logs indicated that BMC were operating at a substantially reduced capacity at the time of the alarm”.</p>		
<b>METEOROLOGICAL MONITORING</b>				
S3 C21	<p>During the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that:</p> <ol style="list-style-type: none"> <li>complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline; and</li> <li>is capable of continuous real-time measurement of temperature lapse rate in accordance with the NSW Industrial Noise Policy, unless a suitable alternative is approved by the Secretary following consultation with the EPA.</li> </ol>	<p>Benchmark Monitoring produces monthly meteorological reports for Bengalla Mine, which validate meteorological data and confirm compliance with Sampling of Air Pollutants in New South Wales guideline. The relevant meteorological report for each month within the audit period was provided to auditors by BMC, along with monthly excel spreadsheets containing inversion tower data.</p> <p>BMC’s meteorological monitoring station was sighted by auditors during</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		the site inspection and appeared to be in good , working condition. The auditors also observed measurements recorded by the station in real time during pre-blast risk assessment by BMC's Environment team.		
<b>WATER</b>				
S3 C22	<p><b>Water Supply</b></p> <p>The Applicant must ensure that it has sufficient water during each stage of the development, and if necessary, adjust the scale of mining operations to match its available water supply.</p> <p>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain necessary water licences for the development.</p>	<p>Conditions related to surface water were assessed by the surface water specialist. The site generally operates in a water deficit. Water licences are held to draw water from the Hunter River to overcome the deficit when required.</p> <p>Water balances from the audit period are contained in the Annual Reviews for each year in Section 7.1.</p>	Compliant	
S3 C23	<p><b>Water Pollution</b></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>BMC has taken steps to monitor the river registers for the entirety of Block periods. EPA has closed out investigation.</p>	Non-compliant	<p>The recommendations from the surface water specialist are as follows:</p> <ul style="list-style-type: none"> <li>• Ensure evidence of EPA notification and official Caution letter to close out the noncompliance are included in the Independent Environmental Audit Report.</li> <li>• Ensure desilting of DW1 is undertaken.</li> </ul> <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>



Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		BMC provided evidence of appropriate EPA notification and the official caution letter to auditors.		
S3 C24	<p><b>Water Management Performance Measures</b></p> <p>The Applicant must ensure mining operations comply with the performance measures in Table 12 to the satisfaction of the Secretary.</p> <p>Table 12: Water management performance measures</p>	<p>Inspection indicates that the site generally complies with the performance measures in Table 12 (of the CoC). The site utilises a system of clean water diversions where possible and recycling of on-site water to meet water demands. Hunter River water is used to make up water deficits when required.</p> <p>Discharges from the site are controlled via the HRSTS to minimise cumulative impacts. Onsite roads appear stable and have drainage installed to convey surface water to the water management systems. No roads within the active pit were inspected during the site inspection.</p> <p>No new structures under construction by BMC in Dry Creek during inspection. Diversions of Dry Creek constructed during previous audit periods. Repairs to scouring noted in creek at the corner of Bengalla Road and Old Bengalla Road. Staff indicated that the repairs were approved by DPI-Water.</p> <p>Temporary creek crossing observed during inspection not revegetated.</p> <p>A reshaped access track below the rail culvert to permit infrastructure repairs access remains unstabilised below the rock armouring (see Photo 12). Grasses have not established</p>	Compliant	

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Dam levels were very low on the day of inspection and staff report that it is maintained at a very low level.</p> <p>The western Diversion Levee diverts clean water from the active pit and eventually into the Hunter River. Sediment dams are maintained at levels suitable to catch the design storm via on-site recycling. Mine water storage dams are recycled on-site and maintained at a level that uncontrolled discharge is unlikely.</p> <p>The West Facilities Dams were being de-silted during the inspection to maintain freeboard capacity. It was noted that there was excessive material tracked into the infrastructure parking area and other sealed areas which will contribute to the sediment load in the Facility Dams. This may assist in reducing the frequency of desilting.</p> <p>The Pit void was not inspected although the risk of uncontrolled discharge from the pit is considered</p>		
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Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>negligible.</p> <p>Staff advised that all water captured within the workshop/wash bay/infrastructure area is treated to separate hydrocarbons from surface water which is then transferred to the East and West Facilities Dams. The hydrocarbon waste is removed by a licenced contractor.</p> <p>Water Management Plan contains Water Quality Objectives.</p>		
S3 C25	<p><b>Water Management Plan</b></p> <p>The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>a. (a) be prepared in consultation with the EPA and DoI, and submitted to the Secretary for approval within 6 months of the date of this consent; and</li> <li>b. (b) in addition to the standard requirements for management plans (see condition 3 of schedule 5), include a: <ul style="list-style-type: none"> <li>i Site Water Balance that: <ul style="list-style-type: none"> <li>• includes details of: <ul style="list-style-type: none"> <li>○ sources and security of water supply, including contingency planning for future reporting periods;</li> <li>○ water use and management on site;</li> <li>○ any off-site water transfers and discharges;</li> <li>○ reporting procedures, including the preparation of a site water balance for each calendar year; and</li> </ul> </li> <li>• investigates and implements all reasonable and feasible measures to minimise water use on site;</li> </ul> </li> <li>ii Surface Water Management Plan, that includes: <ul style="list-style-type: none"> <li>• detailed baseline data on surface water flows and quality in the watercourses that could potentially be affected by the development;</li> <li>• a detailed description of the water management system on site, including the:</li> </ul> </li> </ul> </li> </ul>	<p>WMP has been prepared.</p> <p>Latest approved plan on the website approved on 1/2/2019.</p> <p>Contents of the WMP were in compliance with the consent conditions.</p> <p>Staff noted that an updated plan is currently under review.</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> <li>○ clean water diversion systems;</li> <li>○ erosion and sediment controls (mine water system); and</li> <li>○ mine water management systems;</li> <li>● detailed plans, including design objectives and performance criteria, for: <ul style="list-style-type: none"> <li>○ design and management of final voids;</li> <li>○ design and management for the emplacement of coal reject materials;</li> <li>○ design and management of the temporary Dry Creek diversion infrastructure and discharge points;</li> <li>○ reinstatement of drainage lines on the rehabilitated areas of the site; and</li> <li>○ control of any potential water pollution from the rehabilitated areas of the site;</li> </ul> </li> <li>● performance criteria for the following, including trigger levels for investigating any potentially adverse impacts associated with the development: <ul style="list-style-type: none"> <li>mine water management system;</li> <li>○ surface water quality of the Hunter River;</li> </ul> </li> <li>● a program to monitor and report on: <ul style="list-style-type: none"> <li>○ the effectiveness of the mine water management system; and</li> <li>○ surface water flows and quality, stream and riparian vegetation health in the Hunter River potentially affected by the development;</li> </ul> </li> <li>● a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the development; and</li> <li>iii Groundwater Management Plan, which includes: <ul style="list-style-type: none"> <li>● detailed baseline data on groundwater levels, yield and quality in the region, and privately-owned groundwater bores, that could be affected by the development;</li> <li>● groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;</li> <li>● a program to monitor and report on:</li> </ul> </li> </ul>			

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	<ul style="list-style-type: none"> <li>o the seepage/leachate from water storages, emplacements, backfilled voids, and final voids;</li> <li>o the impacts of the development on:</li> <li>o groundwater inflows to the open cut pits;</li> <li>o regional aquifers;</li> <li>o groundwater supply of potentially affected landowners;</li> <li>o the Hunter River alluvial aquifer; and</li> <li>o any groundwater dependent ecosystems and riparian vegetation; and</li> <li>o base flows to the Hunter River;</li> <li>• a program to validate the groundwater model for the development, including an independent review of the model with every independent environmental audit, and compare the monitoring results with modelled predictions; and</li> <li>• a plan to respond to any exceedances of the groundwater assessment criteria.</li> </ul> <p>The Applicant must implement the management plan as approved by the Secretary.</p>																		
<b>BIODIVERSITY</b>																			
S3 C26	<p><b>Biodiversity Offset Strategy</b></p> <p>The Applicant must implement the biodiversity offset strategy as outlined in Table 13 and as generally described in the EIS (and shown in Appendix 7), to the satisfaction of the Secretary.</p> <p><i>Table 13: Biodiversity Offset Strategy</i></p> <table border="1"> <thead> <tr> <th>Area</th> <th>Offset Type</th> <th>Minimum Size (hectares)</th> </tr> </thead> <tbody> <tr> <td>Kenalea Properties Offset Area</td> <td>Existing vegetation to be managed and enhanced</td> <td>4,096</td> </tr> <tr> <td>Black Mountain Offset Area</td> <td>Existing vegetation to be managed and enhanced</td> <td>1,222</td> </tr> <tr> <td>Merriwa River Offset Area</td> <td>Existing vegetation to be managed and enhanced</td> <td>897</td> </tr> <tr> <td><b>Total</b></td> <td></td> <td><b>6,215</b></td> </tr> </tbody> </table> <p><i>Note: To identify the areas referred to in Table 13 refer to the applicable figures in Appendix 7.</i></p>	Area	Offset Type	Minimum Size (hectares)	Kenalea Properties Offset Area	Existing vegetation to be managed and enhanced	4,096	Black Mountain Offset Area	Existing vegetation to be managed and enhanced	1,222	Merriwa River Offset Area	Existing vegetation to be managed and enhanced	897	<b>Total</b>		<b>6,215</b>	<p>The Biodiversity Offset Management Plan (BOMP) was implemented in 2017 and approved by DoEE 8/3/2017. It is noted that the BOMP has not been updated within the current audit period to reflect recent MOD's.</p>	Compliant	
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S3 C27	<p>The Applicant must ensure that the offset strategy and/or rehabilitation strategy is focused on the establishment of:</p> <ul style="list-style-type: none"> <li>a. significant and/or threatened plant communities, including: <ul style="list-style-type: none"> <li>• Box Gum Woodland;</li> </ul> </li> </ul>	<p>The Annual Reviews 2020-2022 (Section 6.11) indicate management activities on the Biodiversity Offset areas to include:</p>	Compliant																

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> <li>Central Hunter Ironbark – Spotted Gum – Grey Box Woodland;</li> <li>Hunter Floodplain Red Gum Woodland;</li> </ul> <p>b. significant and/or threatened plant species, including the:</p> <ul style="list-style-type: none"> <li>Tiger Orchid (<i>Cymbidium canaliculatum</i>);</li> <li>Pine Donkey Orchid (<i>Diuris tricolor</i>);</li> <li>Weeping Myall (<i>Acacia pendula</i>);</li> <li>River Red Gum (<i>Eucalyptus camaldulensis</i>);</li> <li>Austral Toadflax (<i>Thesium australe</i>); and</li> </ul> <p>c. habitat for significant and/or threatened fauna species, including the:</p> <ul style="list-style-type: none"> <li>Brown Treecreeper;</li> <li>Speckled Warbler;</li> <li>Black-chinned Honeyeater;</li> <li>Grey-crowned Babbler;</li> <li>Squirrel Glider; and</li> <li>Yellow-bellied Sheathtail-bat.</li> </ul>	<ul style="list-style-type: none"> <li>Weed inspections and spraying;</li> <li>Dog baiting and trapping;</li> <li>Feral pig management;</li> <li>Fire trail maintenance at Kenelea; and</li> <li>Summer and winter ecological surveys.</li> </ul> <p>The ecological surveys and management actions indicate the focus continues to be on the establishment/maintenance of the plant communities, threatened flora and threatened fauna.</p>		
S3 C28	<p><b>Long Term Security of Offsets</b></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</p>	Non-compliant	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.

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		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.		
S3 C29	<p><b>Biodiversity Management Plan</b></p> <p>The Applicant must prepare a Biodiversity Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ol style="list-style-type: none"> <li>a. be prepared in consultation with OEH, and submitted to the Secretary for approval within 6 months of the date of this consent;</li> <li>b. describe how the implementation of the offset strategy would be integrated with the overall rehabilitation of the site;</li> <li>c. establish baseline data for the existing habitat in the biodiversity offset areas and on the site;</li> <li>d. include: <ol style="list-style-type: none"> <li>i a description of the short, medium, and long term measures that would be implemented to: <ul style="list-style-type: none"> <li>• implement the biodiversity offset strategy; and</li> <li>• manage the remnant vegetation and habitat on the site;</li> </ul> </li> <li>ii include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy and triggering remedial action (if necessary);</li> <li>iii a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for: <ul style="list-style-type: none"> <li>• enhancing the quality of existing vegetation and fauna habitat in the biodiversity offset areas;</li> <li>• restoring native vegetation and fauna habitat on the biodiversity offset areas and rehabilitation areas through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features (where necessary);</li> <li>• collecting and propagating seed;</li> </ul> </li> </ol> </li> </ol>	<p>The preparation of the BMP was detailed and compliant during previous audit period.</p> <p>Annual Reviews 2020-2022 indicate weed management work undertaken during the audit period. This was also observed during site inspection. Salvaged materials (trees, logs etc) were observed on site and stockpiled during pre-clearing works. Pre-Clearance and Clearance surveys noted during 2020-2022. Ground Disturbance Permits noted during 2020-2022.</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> <li>• protecting vegetation outside the disturbance area;</li> <li>• managing salinity;</li> <li>• undertaking pre-clearance surveys;</li> <li>• managing impacts on fauna;</li> <li>• salvaging and reusing material from the site for habitat enhancement;</li> <li>• translocation of threatened flora from the site in accordance with the Guidelines for the Translocation of Threatened Plants in Australia (Vallee et al., 2004);</li> <li>• controlling weeds and feral pests;</li> <li>• managing grazing and agriculture;</li> <li>• controlling access; and</li> <li>• bushfire management;</li> </ul> <p>iv include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;</p> <p>v identify the potential risks to the successful implementation of the biodiversity offset strategy, and include a description of the contingency measures that would be implemented to mitigate these risks; and</p> <p>vi include details of who would be responsible for monitoring, reviewing, and implementing the plan.</p> <p>The Applicant must implement the management plan as approved by the Secretary.</p>			
S3 C29A	During construction and maintenance of the Northern Diversion Levee, the Applicant must ensure that impacts to native vegetation (particularly EECs) are minimised as far as is reasonable and feasible, to the satisfaction of the Secretary.	Construction of the levees occurred prior to the audit period. No maintenance has occurred within the audit period.	Not triggered	
S3 C30	<p><b>Conservation Bond</b></p> <p>Within 6 months of the approval of the Biodiversity Management Plan, the Applicant must lodge a conservation bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond shall be determined by:</p>	Condition required lodgement of Conservation Bond prior to the audit period. This condition was noted as an administrative non-compliance in the previous audit due to BMC missing the due date for the payment of the bond. It was noted however that BMC has paid the bond based on email from	Compliant	



Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>a. calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and</p> <p>b. employing a suitably qualified quantity surveyor to verify the calculated costs,</p> <p>to the satisfaction of the Secretary.</p> <p>The calculation of the conservation bond must be submitted to the Department for approval at least 1 month prior to lodgement of the final bond.</p> <p>If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will release the bond.</p> <p>If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Secretary will call in all, or part of, the conservation bond, and arrange for the satisfactory completion of the relevant works.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• Alternative funding arrangements for long term management of the biodiversity offset strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement or transfer to conservation reserve estate (or any other mechanism agreed with OEH) can be used to reduce the liability of the conservation bond.</li> <li>• The sum of the bond may be reviewed in conjunction with any revision to the biodiversity offset strategy or the completion of major milestones within the approved plan.</li> </ul>	<p>BMC to DPIE dated 29/11/2018 showing the conservation bond had been paid.</p> <p>The current ownership of Bengalla is:</p> <ul style="list-style-type: none"> <li>-New Hope Corporation Ltd (ABN 38 010 653 844) and its subsidiary company New Hope Bengalla Pty Ltd (ABN 33 607 197 811) for and on behalf of Bengalla Mining Company Pty Ltd (ABN 32 053 909 470) at 80%.</li> <li>-Taipower Bengalla Pty Ltd (CAN 075 407 617).</li> </ul> <p>Auditors sighted bank guarantees provided by BMC.</p>		
<b>HERITAGE</b>				
S3 C31	<p><b>Aboriginal Heritage Management Plan</b></p> <p>The Applicant must prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <p>a. be prepared in consultation with OEH and the relevant Registered Aboriginal Parties, and submitted to the Secretary for approval within 6 months of the date of this consent;</p> <p>b. include a program/procedures for:</p> <ul style="list-style-type: none"> <li>• salvage, excavation and/or management of Aboriginal sites and potential archaeological deposits within the project disturbance area;</li> <li>• assessment and removal of scarred trees;</li> </ul>	<p>Aboriginal Cultural Heritage Management Plan version 7 approved by Matthew Sprott as nominee of the Secretary on 18/08/2017.</p> <p>BMC salvaged the site following approval of the Management Plan. Subsequently GDP process manages unexpected finds.</p> <p>A local representative from Wonnarua LALC is on the CCC.</p> <p>The appendices of the management plan demonstrate extensive consultation with government</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> <li>• protection and monitoring of Aboriginal sites outside the project disturbance area;</li> <li>• managing the discovery of any new Aboriginal objects or skeletal remains during the development;</li> <li>• maintaining and managing access to archaeological sites by the Registered Aboriginal Parties; and</li> <li>• ongoing consultation and involvement of the Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.</li> </ul> <p>The Applicant must implement the management plan as approved by the Secretary.</p>	<p>departments and Registered Aboriginal Parties.</p> <p>All known artefacts were salvaged prior to the audit period within the mining leases relative to State Significant Development consent 5170. There has been one salvage during the audit period on 26 February 2020 that occurred in accordance with the Aboriginal Cultural Heritage Management Plan (ACHMP) Section 7 Procedure for Previously Unrecorded Aboriginal Artefacts. The artifact was assessed as low significance by the archaeologist so under the AHCMP the artifact was salvaged by the archaeologist. The artifact was registered with AHIMS according to email dated 28 February 2020.</p> <p>There has been no further requirement to have ongoing consultation with Registered Aboriginal Parties as there have been no other artifacts identified during the audit period. Ground Disturbance Permit 2201 was sighted by auditors.</p>		
S3 C32	<p><b>Historic Heritage Management Plan</b></p> <p>The Applicant must prepare a Historic Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>a. be prepared in consultation with the Heritage Branch and Council, and submitted to the Secretary for approval within 6 months of the date of this consent;</li> <li>b. include the following for the management of other historic heritage on site: <ul style="list-style-type: none"> <li>• conservation management plans for the Bengalla and Overdene homesteads;</li> </ul> </li> </ul>	<p>Historic Heritage Management Plan version 7 approved by Matthew Sprott as nominee of the Secretary on 18/08/2017.</p> <p>Revisions of the plan have occurred since its creation to allow for Heritage branch and DPE input, observable in Section 3.1 and Appendix A. Conservation Management Plans for Bengalla Homestead and Overdene Homestead are included as Appendices C and D.</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> <li>• measures to minimise the visual impacts of the development on the Edinglassie and Rous Lench Homesteads; and</li> <li>• a program/procedures for:               <ul style="list-style-type: none"> <li>○ photographic and archival recording of potentially affected historic heritage items;</li> <li>○ protection and monitoring of historic heritage items outside the project disturbance area;</li> <li>○ monitoring, notifying and managing the effects of blasting on potentially affected historic heritage items; and</li> <li>○ additional archival recording of any significant historic heritage items requiring demolition (including the Stockyard).</li> </ul> </li> </ul> <p>The Applicant must implement the management plan as approved by the Secretary.</p>	<p>Measures to minimise the visual impacts of the development on the Edinglassie and Rous Lench Homesteads can be found in Section 6.2.1.</p> <p>A program/procedures for: Photographic and archival recording of potentially affected historic heritage items is contained in Section 6.7, protection and monitoring of historic heritage items outside the project disturbance area is found in Section 6.0 and Table 5, Monitoring, notifying and managing the effects of blasting on potentially affected historic heritage items in Section 6.2.2 and additional archival recording of any significant historic heritage items requiring demolition (including the Stockyard) found in Section 6.7.</p> <p>Auditors confirmed effective implementation of the Historic Heritage Management Plan during the audit site inspection. Bengalla Homestead was observed during the site inspection and was in very good, adequately restored and conserved condition. Further restoration works were occurring at the time of the audit.</p> <p>House Site 3 was located in the Mount Pleasant Mine rail corridor and was destroyed in 2021 as part of MACH Energy Australia Pty Limited construction of its approved new railway. No further inspections were able to be undertaken.</p>		

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>TRANSPORT</b>				
S3 C33	<p><b>Monitoring of Coal Transport</b></p> <p>The Applicant must keep records of the:</p> <ol style="list-style-type: none"> <li>amount of coal transported from the site in each calendar year;</li> <li>number of coal haulage train movements generated by the development (on a daily basis); and</li> <li>make these records available on its website at the end of each calendar year.</li> </ol>	<p>The amount of coal transported from the site and the amount of coal haulage train movements generated by the development are recorded in the yearly Coal Transport Reports, which were sighted by auditors. Information is made publicly available in the Annual Reviews each year, which are available on the New Hope Group website. See S2C6 and S2C7.</p>	Compliant	
S3 C34	<p><b>Road Works</b></p> <p>Prior to mining within 200 metres of the Bengalla Link Road, the Applicant must design and construct the realigned road and associated intersections as shown conceptually in Appendix 8 (unless otherwise agreed by Council) to the satisfaction of Council.</p>	<p>Design of the realigned road is being considered, including necessary supporting studies. Not triggered within this audit period. Subject to production rate, it is estimated the southern end of the pre-strip of Bengalla Mine will be around 200m from Bengalla Link Road around 2026/2027.</p>	Not triggered	
S3 C35	<p><b>Road Upgrades and Maintenance</b></p> <p>The Applicant must contribute to the upgrade and maintenance of Thomas Mitchell Drive and its intersections with Denman Road and the New England Highway, proportionate to its impact (based on usage) on that infrastructure, in accordance with the Contributions Study prepared by GHD titled, "Thomas Mitchell Drive Contributions Study, December 2013" (or its latest version), unless otherwise agreed by the Secretary.</p> <p>The road or intersection upgrades referred to in this condition may be satisfied through funding the required upgrades, subject to the agreement of the applicable roads authority, and subject to providing the funding such that the upgrades can be completed within the stated timeframe.</p> <p>For Thomas Mitchell Drive, the contributions must be paid to Council in accordance with the upgrade and maintenance schedule established in accordance with the Contributions Study during the life of the development, unless otherwise agreed with Council.</p> <p>If there is any dispute between the Applicant and Council or the RMS in relation to the funding or completion of the upgrades, then any of the parties may refer the matter to the Secretary for resolution.</p>	<p>Receipt for payment of \$1,436,310.95 dated 30 April 2023 was provided by BMC.</p> <p>Auditors also reviewed the Thomas Mitchell Road Contributions Study 2021 prepared by GHD.</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	Note: In making a determination about the applicable maintenance contributions for Thomas Mitchell Drive, the Secretary shall take into account the contributions already paid and currently required to be paid towards the maintenance of the local road network surrounding Muswellbrook under this consent and the voluntary planning agreement summarised in Appendix 3.			
<b>VISUAL</b>				
S3 C36	<p><b>Visual Amenity and Lighting</b></p> <p>The Applicant must:</p> <ul style="list-style-type: none"> <li>a. implement all reasonable and feasible measures to mitigate the visual and off-site lighting impacts of the development;</li> <li>b. ensure no outdoor lights shine above the horizontal; and</li> <li>c. ensure that all external lighting associated with the development complies with relevant Australian Standards, including Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting,</li> </ul> <p>to the satisfaction of the Secretary.</p>	<p>Lighting at Bengalla is managed through procedure PRO-0365 Management of Lighting Impacts from Operations dated effective from 10 May 2022. Auditors reviewed the document which contained clear and effective instructions for mitigating lighting impacts, in line with relevant Australian Standards.</p> <p>Visual mitigations measures observed during the site inspection were satisfactory, including planted tree screening at Roxburgh Road and bund wall adjacent to CHPP.</p> <p>BMC OCE Night Shift reports were also reviewed by auditors post site inspection. Night shift reports require inspection of lighting sets and assurance that lighting is positioned to eliminate/minimise community impact. Bengalla PRO-0365 is consistent with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting.</p>	Compliant	
S3 C37	<p><b>Additional Visual Impact Mitigation</b></p> <p>Within 6 months of the commencement of development under this consent, the Applicant must prepare a Visual Impact Mitigation Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>a. identify the visual receptors within the western and southern view sectors that are likely to have significant direct views of the development;</li> </ul>	<p>This condition required action prior to the audit period. Previous audit confirmed compliant action was taken.</p>	Not triggered	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations		
	<p>b. include a site specific visual impact assessment of each of the visual receptors identified in Table 14, and any other receptors identified during the site verification process, to determine the severity of the visual impact;</p> <p>c. describe the additional mitigation measures that could be implemented to reduce the visual impacts of the development on these visual receptors.</p> <p><i>Table 14: Visual receptors</i></p> <table border="1"> <thead> <tr> <th>Receiver</th> </tr> </thead> <tbody> <tr> <td>106, 105, 109, 112S, 113, 114, 117, 118, 119, 120, 108, 152, 153, 154, 155, 156E, 156S, 168</td> </tr> </tbody> </table> <p><i>Note: To interpret the land referred to in Table 14, see the applicable figure in Appendix 4.</i></p>	Receiver	106, 105, 109, 112S, 113, 114, 117, 118, 119, 120, 108, 152, 153, 154, 155, 156E, 156S, 168			
Receiver						
106, 105, 109, 112S, 113, 114, 117, 118, 119, 120, 108, 152, 153, 154, 155, 156E, 156S, 168						
S3 C38	Within 1 month of the approval of the Visual Impact Mitigation Plan, the Applicant must advise the owners of the visual receptors identified in the plan that they are entitled to additional mitigation measures to reduce the visibility of the development from these visual receptors.	Condition not relevant to audit period.	Not triggered			
S3 C39	<p>Upon receiving a written request from the owner of a visual receptor identified in this plan, the Applicant must implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) at the visual receptor in consultation with the landowner, and to the satisfaction of the Secretary.</p> <p>These mitigation measures must be reasonable and feasible.</p> <p>If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p>Note: The additional visual impact mitigation measures must be aimed at reducing the visibility of the development from the identified affected receptors and do not necessarily require measures to reduce visibility of the development from other locations on the affected properties. The additional visual impact mitigation measures do not necessarily have to include measures on the affected property itself (i.e. the additional measures may consist of measures outside the affected property boundary that provide an effective reduction in visual impacts).</p>	No visual impact mitigation measures were requested by residents during the audit period.	Not triggered			
S3 C40	<p><b>Tree Plantings Along Public Roads</b></p> <p>Within 2 years of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant must plant tree screening along those sections of Denman Road, Roxburgh Road and Wybong Road that will have direct views of mining operations on site. This screening must be planted, in consultation with Council (and where relevant the RMS), and maintained to the satisfaction of the Secretary.</p>	<p>Tree screens were observed during the site inspection. It was noted some trees were being removed from the Bengalla Link Road to widen the road to meet current road design standards.</p> <p>Various reports were provided to auditors outlining progress on the</p>	Compliant			

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		screening and extensions of time from the Department of Planning and Environment the latest to 31 December 2022 by letter dated 2 December 2021. Auditors deem BMC's tree screening progress to be fair considering conditions.		
S3 C41	At least five years prior to construction of the Bengalla Link Road realignment, or as otherwise agreed by the Secretary, the Applicant must plant tree screening along the proposed Bengalla Link Road realignment. This screening must be planted in consultation with Council and maintained to the satisfaction of the Secretary. Note: The planting of tree screening in areas of constructed fill embankments associated with the road realignment shall be undertaken as soon as practicable after completion of the constructed landform	As part of State Significant Development 5170 Modification 5 application (Mod 5) lodged 21 November 2021 BMC sought flexibility regarding conditions 40 and 41 of schedule 3. Mod 5 was determined 24 February 2023 where flexibility was incorporated into the conditions 40,41 and 41A of schedule 3.	Not triggered	
<b>BUSHFIRE MANAGEMENT</b>				
S3 C42	The Applicant must: <ul style="list-style-type: none"> <li>a. ensure that the development is suitably equipped to respond to any fires on site; and</li> <li>b. assist the Rural Fire Service and emergency services as much as possible if there is a fire in the surrounding area.</li> </ul>	Auditors sighted BMC's 'PRO-0684 Bengalla Bushfire Management' procedure. The document contains clearly defined actions to ensure Bengalla is as prepared as possible to respond to fires on and around the site. The procedure provides passive and active controls across the identified bushfire management zones. The procedure feeds into the Emergency Response Plan should a fire reach a point where it is beyond the control of BMC staff. The Pollution Incident Response Management Plan also identifies bushfire as a key risk requiring action under the plan. Further preparation for bushfire incidents is evident through BMC's fire	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		hydrant placement, fire truck setup and broader water infrastructure design. Auditors also sighted correspondence between BMC and the Hunter Valley RFS providing fire truck hydrant access routes, descriptions of fire truck setup on site and images of fire hydrants and mobile plant.		
<b>WASTE</b>				
S3 C43	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>a. implement all reasonable and feasible measures to minimise the waste (including coal reject) generated by the development;</li> <li>b. ensure that the waste generated by the development is appropriately stored, handled and disposed of;</li> <li>c. manage on-site sewage treatment and disposal in accordance with the requirements of Council; and</li> <li>d. monitor and report on effectiveness of the waste minimisation and management measures each calendar year,</li> </ul> <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.</p> <p>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</p>	Non-compliant	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.



Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>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>		
<b>REHABILITATION</b>				
S3 C44	<p><b>Rehabilitation Objectives</b></p> <p>The Applicant must rehabilitate the site to the satisfaction of the DRG. The rehabilitation must comply with the objectives in Table 15 and be consistent with the conceptual final landform plan shown in Appendix 9.</p>	<p>Rehabilitation ongoing however the final requirement for the Resources Regulator (RR Secretary) to be satisfied is not yet triggered. Ongoing progress towards satisfaction is factored into conditions below. The Annual Reviews provide rehabilitation details for the previous year. This is reviewed by the Secretary and approved as a reporting document, however this is not signed off under this condition.</p> <p>The site is currently considered safe, stable and non-polluting under active management during mining.</p> <ul style="list-style-type: none"> <li>- The landform appears stable with only a few areas of gully erosion on rehabilitation were observed, typically along access tracks on the rehabilitation.</li> <li>- There is good coverage of vegetation holding soil material and growth media secure.</li> <li>- Soil stockpiles were observed to be within required parameters and sign posted and grassed for stabilisation.</li> </ul>	Not triggered	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																		
	<p><i>Table 15: Rehabilitation Objectives</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>Mine site (as a whole)</td> <td> <ul style="list-style-type: none"> <li>Safe, stable and non-polluting</li> <li>Final landforms designed to incorporate natural micro-relief and natural drainage lines, which, where reasonable and feasible, further avoid straight run drainage drop structures, to integrate with surrounding landforms</li> </ul> </td> </tr> <tr> <td>Overburden Emplacement Area – exposed to Muswellbrook and Denman</td> <td> <ul style="list-style-type: none"> <li>Rehabilitate the entire face with high density woody vegetation as soon as practicable following the completion of mining operations</li> </ul> </td> </tr> <tr> <td>Final void</td> <td> <ul style="list-style-type: none"> <li>Designed as a long term groundwater sink and to maximise groundwater flows across back-filled pits to the final void</li> <li>Minimise to the greatest extent practicable:               <ul style="list-style-type: none"> <li>the size and depth of the final void</li> <li>the drainage catchment of the final void</li> <li>any high wall instability risk</li> <li>risk of flood interaction (flows in and out of the void)</li> </ul> </li> <li>Maximise to the greatest extent practicable the final void landform to be in keeping with the natural terrain features of the surrounding landscape</li> </ul> </td> </tr> <tr> <td>Agricultural land</td> <td> <ul style="list-style-type: none"> <li>Restore or maintain land capability generally as described in the EIS and shown conceptually in Appendix 9</li> </ul> </td> </tr> <tr> <td>Revegetation areas</td> <td> <ul style="list-style-type: none"> <li>Restore a minimum 10% treed coverage at the mine site</li> <li>Higher density planting along the riparian zone of the Dry Creek reinstatement, and around the final void</li> </ul> </td> </tr> <tr> <td>Dry Creek reinstatement</td> <td> <ul 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effects associated with mine closure</li> </ul>	<p>- Geofluv design being implemented well and appears stable after approximately 3 years.</p> <p>- Existing rock lined drains appear stable with competent rock.</p> <p>- Tree screens are implemented and effective.</p> <p>- Groundcover on rehabilitation areas is thick and healthy with obvious success from weed management practices to reduce the occurrence of most weeds.</p> <p>- The last three years has seen the implementation of dense woody vegetation under a program to change from a woodland/ pasture target outcome to dense woody vegetation. There have been a few different approaches noted, 1. For areas of good pasture establishment, supplemental tree planting has been applied through contour rip lines, pre-emergent herbicide treatment and tubestock planting. 2. Areas of poor pasture establishment were treated with herbicide, ripped and seeded (with helicopter last year, due to wetness of land surface).</p> <p>Existing well treed areas of rehabilitation are being maintained and contribute to the diversity of species and tree age/height of the overall dump face.</p> <p>Final Void - Not Triggered.</p> <p>Agricultural Land - The land capability classes on the rehabilitation appear to</p>		
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Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>be consistent with the EIS, however the Rural Land Capability Scheme is a subjective assessment and will require Certified Professional Soil Scientist (CPSS) to verify the achievement of required classes for the Resources Regulator (RR) satisfaction of this condition. The area of Class 3 rehabilitation was assessed in 2017 and was verified Class 3 land, and there appears no change to this area.</p> <p>Dry Creek Re-instatement – Whilst not yet triggered, the site inspection observed the degree of detailed soil assessment and testing for appropriate salvage of suitable materials.</p> <p>Surface Infrastructure - Not Triggered.</p> <p>Community - Not Triggered, however the site is currently well fenced and signposted.</p>		
S3 C45	<p><b>Progressive Rehabilitation</b></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</p>	Non-compliant	<p>Ensure plans are progressed for rehabilitation of the northern face and appropriate rehabilitation commences as soon as reasonably possible.</p>

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		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.		
S3 C46	<p><b>Rehabilitation Management Plan</b></p> <p>The Applicant must prepare a Rehabilitation Management Plan for the development to the satisfaction of the DRG. This plan must:</p> <ul style="list-style-type: none"> <li>a. be submitted to the DRG for approval within 6 months of the date of this consent;</li> <li>b. be prepared in consultation with the Department, DoI, OEH, Council and the CCC;</li> <li>c. be prepared in accordance with relevant DRG guidelines;</li> <li>d. describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategy;</li> <li>e. 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);</li> <li>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;</li> <li>g. include interim rehabilitation where necessary to minimise the area exposed for dust generation;</li> </ul>	<p><b>Non-compliance</b></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 (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"> <li>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</li> </ol>	Non-compliant	Corrective actions have been taken by BMC. No further action required.

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<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"> <li>• detailed design specifications for the reinstatement of the creek;</li> <li>• a schedule of works describing how the reinstatement work would be staged and integrated with mining operations and the final landform;</li> <li>• a revegetation program;</li> <li>• hydrological, ecological and geomorphic performance and completion criteria for the reinstated creek based on the assessment of baseline conditions; and</li> <li>• a program to monitor, maintain and/or improve the hydrological and ecological function, quality and geomorphic stability of the reinstated creek;</li> </ul> <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>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>	<p>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><b>Non-compliance</b></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>		
<b>SCHEDULE 4 – ADDITIONAL PROCEDURES</b>				
<b>NOTIFICATION OF LANDOWNERS/TENANTS</b>				
S4 C1	<p>Within 1 month of the date of this consent, the Applicant must:</p> <p>a. notify in writing the owners of:</p> <ul style="list-style-type: none"> <li>• the land listed in Table 1 of schedule 3 that they have the right to require the Applicant to acquire their land at any stage during the development and/or request the Applicant to ask for additional noise and/or air quality mitigation measures (whichever is relevant) to be installed at their residence at any</li> </ul>	Outside audit period.	Not triggered	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>stage during the development (if they have not requested acquisition);</p> <ul style="list-style-type: none"> <li>• the land listed in Table 2 of schedule 3 that, if they no longer have an acquisition right for that land under the mining approval of the mine listed in Table 2, they have the right to require the Applicant to acquire their land at any stage during the development and/or request the Applicant to ask for additional noise and/or air quality mitigation measures (whichever is relevant) to be installed at their residence at any stage during the development (if they have not requested acquisition from any mine, or the installation of mitigation measures by another mine);</li> <li>• any residence on the land listed in Table 3 of schedule 3 that they have the right to request the Applicant to ask for additional noise and/or air quality mitigation measures (whichever is relevant) to be installed at their residence at any stage during the development (if they have not requested the installation of mitigation measures by another mine); and</li> <li>• any privately-owned land within 3 kilometres of the approved open cut mining pit/s that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated;</li> </ul> <p>b. notify the tenants of any mine-owned land of their rights under this consent (see condition 18 of schedule 3); and</p> <p>c. send a copy of the NSW Health fact sheet entitled “Mine Dust and You” (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EIS identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria in schedule 3 at any time during the life of the development.</p>			
S4 C2	<p>Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, or for any of the land listed in condition 1 that is subsequently purchased by the Applicant, the Applicant must:</p> <p>a. advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of</p>	<p>Auditors sighted Licence Agreements and Residential Tenancy Agreements between BMC and tenants.</p> <p>Licence Agreements were observed to contain a clause regarding air quality (clause 9 or 10 depending on LA) and</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and</p> <p>b. advise the prospective tenants of the rights they would have under this consent.</p>	<p>the Mine Dust and You Fact Sheet in Schedule 2.</p> <p>The RTAs on the Audit Trail page contain reference to provision of the Mine Dust and You Fact Sheet to the tenant.</p>		
S4 C3	<p>As soon as practicable after obtaining monitoring results showing:</p> <p>a. an exceedance of any relevant criteria in schedule 3, the Applicant must notify the affected landowners in writing of the exceedance, and provide regular monitoring results to these landowners until the development is again complying with the relevant criteria; and</p> <p>b. an exceedance of any relevant air quality criteria in schedule 3, the Applicant must send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).</p>	<p>There were no exceedances of any criteria in Schedule 3 in the audit period.</p>	Not triggered	
<b>INDEPENDENT REVIEWNA</b>				
S4 C4	<p>If an owner of privately-owned land considers the development to be exceeding the relevant criteria in schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land.</p> <p>If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision the Applicant must:</p> <p>a. commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:</p> <ul style="list-style-type: none"> <li>• consult with the landowner to determine his/her concerns;</li> <li>• conduct monitoring to determine whether the development is complying with the relevant criteria in schedule 3;</li> <li>• if the development is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and</li> <li>• in cases where there is an exceedance of any air quality criteria, and more than one mine is responsible for the exceedance, determine the relative share of each mine regarding the impact of the development;</li> </ul>	<p>Independent reviews for air quality were conducted at the properties 7 Andrews Avenue Muswellbrook and 10 Racecourse Road Muswellbrook during the audit period.</p> <p>Auditors sighted both reviews conducted by Jacobs and dated 18 August 2021.</p> <p>The independent reviewer (Jacobs) concluded for both properties Bengalla Mine was compliant with air quality criteria.</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>b. give the Secretary and landowner a copy of the independent review with a plan which details the proposed measures to be implemented in response to the independent review; and</p> <p>c. implement the necessary measures as directed by the Secretary.</p>			
<b>LAND ACQUISITION</b>				
S4 C5	<p>Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant must make a binding written offer to the landowner based on:</p> <p>a. the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the:</p> <ul style="list-style-type: none"> <li>existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and</li> <li>presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise and/or air quality mitigation measures in condition 2 of schedule 3;</li> </ul> <p>b. the reasonable costs associated with:</p> <ul style="list-style-type: none"> <li>relocating within the Muswellbrook, Cessnock or Singleton local government area, or to any other local government area determined by the Secretary; and</li> <li>obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and</li> </ul> <p>c. reasonable compensation for any disturbance caused by the land acquisition process.</p> <p>However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.</p> <p>Upon receiving such a request, the Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p>	<p>One request for acquisition was made within the audit period. The request for acquisition of property at 305 Roxburgh Road Muswellbrook NSW 2333 dated 1 September 2022 was sighted by auditors, along with the property valuation conducted by Brorson Hill Valuations following site inspection on 21 October 2022.</p> <p>BMC provided an offer for acquisition of the property dated 29 November 2022. The offer included the market value of the property, reasonable costs and disturbance compensation costs determined by a registered valuer.</p>	Compliant	



Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> <li>• consider submissions from both parties;</li> <li>• determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;</li> <li>• prepare a detailed report setting out the reasons for any determination; and</li> <li>• provide a copy of the report to both parties.</li> </ul> <p>Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.</p> <p>However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.</p> <p>Within 14 days of this determination, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination.</p> <p>If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Secretary determines otherwise.</p>			
S4 C6	The Applicant must pay all reasonable costs associated with the land acquisition process described in condition 5 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.	BMC provided an offer for acquisition of the abovementioned property dated 29 November 2022. The offer included the market value of the property, reasonable costs and disturbance compensation costs determined by Brorson Hill Valuations.	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>SCHEDULE 5 – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b>				
<b>ENVIRONMENTAL MANAGEMENT</b>				
S5 C1	<p><b>Environmental Management Strategy</b></p> <p>The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:</p> <ol style="list-style-type: none"> <li>be submitted to the Secretary for approval within 6 months of the date of this consent;</li> <li>provide the strategic framework for environmental management of the development;</li> <li>identify the statutory approvals that apply to the development;</li> <li>describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</li> <li>describe the procedures that would be implemented to: <ul style="list-style-type: none"> <li>keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>receive, handle, respond to, and record complaints;</li> <li>resolve any disputes that may arise during the course of the development;</li> <li>respond to any non-compliance;</li> <li>respond to emergencies; and</li> </ul> </li> <li>include: <ul style="list-style-type: none"> <li>references to any strategies, plans and programs approved under the conditions of this consent; and</li> <li>a clear plan depicting all the monitoring required to be carried out in relation to the development.</li> </ul> </li> </ol> <p>The Applicant must implement the approved strategy as approved from time to time by the Secretary.</p>	<p>Approved EMS is available on Bengalla website. Most recent version of the EMS approved is Revision 2, approved on 3/4/2020.</p> <p>(a) Outside audit period. The DPIE approved the original EMS on 5/9/2017.</p> <p>(b) Strategic framework for environmental management of the development is contained in Section 2</p> <p>(c) Statutory approvals that apply to the development are identified in Section 2.</p> <p>(d) The role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development is contained in Section 4.1.</p> <p>(e) Procedures to:</p> <ul style="list-style-type: none"> <li>* Keep the local community and relevant agencies informed are found in Section 4.3.2.</li> <li>* Receive, handle, respond to, and record complaints, found in Section 4.3.3.</li> <li>* Resolve any disputes - Section 4.3.4.</li> <li>* Respond to any non-compliance - Section 4.3.5.</li> <li>* Respond to emergencies - Section 4.3.6.</li> </ul> <p>(f)</p> <p>*References to any strategies, plans and programs are contained in Section 3.</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>* A clear plan depicting all the monitoring required is found in Appendix B.</p> <p>CCC meeting notes found on New Hope Group website show community is informed. Site inspection revealed Bengalla operations are generally conducted in accordance with the EMS.</p>		
S5 C2	<p><b>Adaptive Management</b></p> <p>The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&amp;A Act or EP&amp;A Regulation.</p> <p>Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <ol style="list-style-type: none"> <li>take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;</li> <li>consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and</li> <li>implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary.</li> </ol>	<p>BMC has been observed to be sufficiently reactive to incidents and exceedances that have been brought to attention through monitoring or external sources. A record of all incidents and exceedances can be found in each Annual Review available on the New Hope Group website. Ten air quality exceedances were recorded during the 2020 reporting period. All exceedances were notified to the DPIE. BMC employed an independent air quality expert to investigate each case. It was determined that exceedances were not related to Bengalla operations. There were also 8 air quality related incidents reported in 2021, all of which were reported to DPIE and concluded by an independent expert to be unrelated to Bengalla operations. Four air quality exceedances occurred in 2022, with none being attributable to Bengalla. In each case Bengalla took action to notify the correct authorities and employ independent experts for investigation of the matters in a reasonable time period.</p> <p>Exceedances regarding condition 23 of schedule 3 for Total Suspended Solids have occurred within the audit period. BMC is conducting a desilting program</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		the includes the discharge dam Dirty Water Dam 1. No noise or blasting exceedances have occurred.		
S5 C3	<p><b>Management Plan Requirements</b></p> <p>The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:</p> <ul style="list-style-type: none"> <li>a. a summary of baseline data;</li> <li>b. a description of: <ul style="list-style-type: none"> <li>• the relevant statutory requirements (including any relevant approval, licence or lease conditions);</li> <li>• any relevant limits or performance measures/criteria;</li> <li>• the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;</li> </ul> </li> <li>c. a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</li> <li>d. a program to monitor and report on the: <ul style="list-style-type: none"> <li>• impacts and environmental performance of the development;</li> <li>• effectiveness of any management measures (see c above);</li> </ul> </li> <li>e. a contingency plan to manage any unpredicted impacts and their consequences;</li> <li>f. a program to investigate and implement ways to improve the environmental performance of the development over time;</li> <li>g. a protocol for managing and reporting any: <ul style="list-style-type: none"> <li>• incidents;</li> <li>• complaints;</li> <li>• non-compliances with statutory requirements; and</li> <li>• exceedances of the impact assessment criteria and/or performance criteria; and</li> </ul> </li> <li>h. a protocol for periodic review of the plan.</li> </ul> <p>Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</p>	<p>The auditors performed a comprehensive review of each management plan prior to attending the site inspection.</p> <p>Generally, baseline data can be found in the Existing Environment Section, e.g. Section 3 of the Biodiversity Management Plan. There is generally a section title Statutory Requirements, detailing approvals, leases, etc as demonstrated by Section 2 of the Air Quality Management Plan. Limits, performance indicators and criteria can normally be found under the approvals section. For example, PM10 and PM2.5 limits are found in Table 2 of the Air Quality Management Plan, as provided by SSD5170.</p> <p>Management measures are generally provided as a separate section, as evident in Section 4 of the Blast Management Plan. There is also a section for monitoring and reporting provisions, Section 3 and Section 6 of the Blast Management Plan. The plans contain Contingency Plans to deal with unpredicted impacts, as shown in Section 6.4.2 of the Blast Management Plan, as well as continuous improvement sections, evident in Section 6.7 of the BMP.</p> <p>Protocols for managing incidents, complaints, non-compliances and exceedances have their own section,</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>as evident in Section 8 of the Water Management Plan.</p> <p>Each management plan has a requirement to be reviewed periodically. This can be seen as addressed in Section 8.3 of the Water Management Plan.</p>		
S5 C4	<p><b>Annual Review</b></p> <p>By the end of March each year (or as otherwise agreed by the Secretary), the Applicant must review the environmental performance of the development for the previous calendar year to the satisfaction of the Secretary. This review must:</p> <ol style="list-style-type: none"> <li>describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current calendar year;</li> <li>include a comprehensive review of the monitoring results and complaints records of the development over the past year, which includes a comparison of these results against the: <ul style="list-style-type: none"> <li>relevant statutory requirements, limits or performance measures/criteria;</li> <li>monitoring results of previous years; and</li> <li>relevant predictions in the EIS;</li> </ul> </li> <li>identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</li> <li>identify any trends in the monitoring data over the life of the development;</li> <li>identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</li> <li>describe what measures will be implemented over the next year to improve the environmental performance of the development.</li> </ol>	<p>All annual reviews for the audit period were found by the auditors on the Bengalla section of the New Hope Group website.</p> <p>A description of the development that occurred within the reporting period and what is proposed for the next year is found in Section 4. These descriptions were all found to be satisfactory.</p> <p>Monitoring results can be found from Sections 6 through to 8 with a breakdown of each environmental factor required to be monitored, limits, requirements and a comparison to previous years and EIS predictions. For example the noise section of the 2022 Annual Review provides a table with 2022 trends in three monitoring locations, stating a general increasing trend but compliance with conditions. It also compares to the EIS stating that noise produced was generally consistent with EIS predictions.</p> <p>Any identified non-compliances are stated up front in Section 1 'Statement of Compliance'. Section 11 then elaborates and describes reactive action that was taken or is being taken to resolve issues and ensure compliance. For example, BMC identified non-compliance with S3 C23</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>due to a discharge event with elevated Total Suspended Solids recorded. BMC detailed the event and stated actions to be taken to ensure compliance included review of the operation of the discharge dam and procedures, as well as implementing a desilting program.</p> <p>Trends in monitoring data are identified as previously mentioned.</p> <p>Discrepancies between predicted and actual impact of the development are identified alongside monitoring trends, where monitoring data is compared to predictions in the EIS. For example, Page 52 details Greenhouse Gas emissions compared to predictions made in the original Air Quality and Greenhouse Gas Impact Assessment. Overall, Scope 1 and 2 GHG emissions were lower than predicted due to reduced materials movement compared to EIS predictions.</p> <p>Measures taken for improvement are also included in the Environmental Management and Performance sections. For example, BMC state in Section 6.9.3 of 2022 Annual Review "Should any amendments to the ACHMP be required, BMC will lodge the revised plan with the relevant regulatory agencies and stakeholders for comment and then for approval by DPE."</p> <p>Auditors sighted an extension granted by the DPE to submit the Annual Review for 2022 until 28 April 2023. An email confirming submission of the document prior to the extended due</p>		

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		date was also sighted. An email was sighted confirming submission of the 2021 Annual Review on 15 April 2022, meeting the approved extension date. The extended due date for the 2020 Annual Review was 30 April 2021. An email from DPE confirming 'The Department has reviewed the Annual Review and considers it to generally satisfy the reporting requirements of the consent and the Department's Annual Review Guideline'.		
S5 C5	<p><b>Revision of Strategies, Plans and Programs</b></p> <p>Within 3 months of the submission of:</p> <ul style="list-style-type: none"> <li>a. an annual review under Condition 4 above;</li> <li>b. an incident report under Condition 7 below;</li> <li>c. an audit report under Condition 9 below; or</li> <li>d. any modification to the conditions of this consent (unless the conditions require otherwise),</li> </ul> <p>the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.</p> <p>Where this review leads to revisions in any such document, then within 4 weeks of the review, unless the Secretary agrees otherwise, the revised document must be submitted to the Secretary for approval.</p> <p>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.</p>	Auditors sighted BMC's Mod 5 Management Plan Review following determination of State Significant development 5170 Modification 5. The review was deemed comprehensive and timely. BMC also provided an amendment to the Environmental Management Strategy at Sch 5 Cond 1 and an example of a review of various procedures including the Ground Disturbance Procedure, Community Consultative Committee Operation procedure, Community Complaints Procedure, NPI and NGER Reporting Procedure, Bioremediation Facility Management Procedure and Bengalla Mine Water Discharge Management Procedure. All provided procedures contain the date they became effective and the date the next review is planned for.	Compliant	
S5 C6	<p><b>Community Consultative Committee</b></p> <p>The Applicant must operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. This CCC must be operated in general accordance with the Community Consultative Committee Guidelines: State Significant Projects (2016).</p>	BMC has a Community Consultative Committee (CCC) that monitors compliance with conditions of consent and provides a forum for important community discussion. Community representatives act as the point of	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>Notes:</p> <ul style="list-style-type: none"> <li>• The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.</li> <li>• In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, affected councils and the local community.</li> </ul>	<p>contact to provide feedback between the mine and the community. Conversation with Craig White Environmental Superintendent revealed that nearby neighbours and members of a Registered Aboriginal Party are members of the CCC. BMC holds regular meetings with the CCC, with minute meetings posted on the Bengalla website. CCC newsletters are also posted with contact details provided. Auditors reviewed BMC's PRO-0585 Community Consultative Committee Operation procedure. The document was deemed adequate and has been competently reviewed at required time periods. Auditors also reviewed the CCC Chairperson's Annual Reports for 2020 and 2021 with 2022 yet to be completed. The reports present a general overview of the CCC, along with a summary of CCC operations, key issues and a focus for the coming year.</p>		
S5 C7	<p><b>Incident Notification</b></p> <p>The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> and identify the development (including the development application number and name) and set out the location and nature of the incident.</p>	<p>BMC has shown compliance with this condition reporting a potential incident regarding dam discharge, two days after the potential non-compliance occurred and another incident which occurred 23 March 2021 the following day (both non-compliances were exceedances of TSS regarding water pollution).</p> <p>BMC have also shown that other relevant agencies are notified in a timely manner, including the EPA and</p>	Compliant	



Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		DCCEW. Auditors sighted emails from BMC to the EPA regarding discharge incidents on 7 July 2022 (same day as incident) and on the 22 August 2022 (6 days after the separate discharge incident).		
S5 C7A	<p>Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.</p> <p>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</p>	<p>BMC failed to notify the department of a non-compliance with Schedule 3 Condition 20 of SSD-5170 in the prior audit period. The Department investigated the incident and issued an official caution on 24 September 2020. The caution stated that BMC failed to implement the AQMP on the following dates:</p> <ul style="list-style-type: none"> <li>• 12 May 2018 at 14:17</li> <li>• 7 August 2018 at 12:01 and 12:17</li> <li>• 30 March 2019 at 16:19</li> </ul> <p>It is noted that the incident occurred during the previous audit period, however, it was not reported in the previous audit.</p> <p>BMC has since implemented measures to ensure compliance with this condition, reporting two potential non-compliances related to TSS exceedances (23 March 2021 and 23 March 2021) in accordance with this condition during this audit period.</p>	Compliant	
S5 C7B	<p><b>Monitoring and Environmental Audits</b></p> <p>Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&amp;A Act. This includes conditions in respect of incident notification, reporting and</p>	This condition was considered when assessing compliance regarding monitoring, MPs and auditing.	Noted	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>response, non-compliance notification, compliance report and independent audit.</p> <p>Note: For the purposes of this condition, as set out in the EP&amp;A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</p>			
S5 C8	<p><b>Regular Reporting</b></p> <p>The Applicant must provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.</p>	BMC uploads all monthly EPL monitoring reports to the Bengalla website, along with further environmental performance reporting in the annual reviews for 2020, 2021 and 2022.	Compliant	
<b>INDEPENDENT ENVIRONMENTAL AUDIT</b>				
S5 C9	<p>Within 1 year of the commencement of development under this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:</p> <ol style="list-style-type: none"> <li>be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</li> <li>include consultation with the relevant agencies and CCC;</li> <li>assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);</li> <li>review the adequacy of strategies, plans or programs required under the abovementioned approvals; and</li> <li>recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under the abovementioned approvals.</li> </ol> <p>Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Secretary.</p>	<p>This Independent Environmental Audit has been undertaken to satisfy this condition.</p> <p>The DPE provided a letter of approval of experts to undertake the audit dated 15/05/2023.</p> <p>The audit team sent letters of consultation to the relevant agencies and CCC on 17/11/2022. Consultation was considered and resulted in the appointment of a surface water and rehabilitation specialist due to raised issues and concerns from agencies. The NSW Resources Regulator requested that the audit note observations where rehabilitation practices represent best industry practice. This has been addressed in the audit report.</p> <p>Management plan adequacy has been assessed under this checklist and the audit report and was considered during site inspection.</p>	Compliant	Continue to commission IEAs in a timely manner in future.

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations						
		Management measures and opportunities for improvement are detailed in the audit report.								
S5 C10	Within 6 weeks of the completion of this audit, unless the Secretary agrees otherwise, the Applicant must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.	<p>BMC communicated with DPIE regarding the submission date for the IEA Report. In an email dated 26 March 2020, DPIE approved for the report submission date to be extended to 17 April 2020. A further extension was then granted until 30 April, which was also sighted by auditors. Auditors sighted confirmation of lodgement of the 2019 IEA by BMC to the Department. The IEA was lodged 29 April 2020.</p> <p>Date Lodged 29/04/2020</p> <p>Document Name Independent Environmental Audit</p> <p>Description of Document Bengalla Mine Independent Environmental Audit 2019 report and BMC response.</p> <table border="1"> <thead> <tr> <th colspan="2">Applicable Conditions</th> </tr> <tr> <th>Schedule</th> <th>Condition</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>9</td> </tr> </tbody> </table>	Applicable Conditions		Schedule	Condition	5	9	Compliant	
Applicable Conditions										
Schedule	Condition									
5	9									
<b>ACCESS TO INFORMATION</b>										
S5 C11	<p>From the commencement of development under this consent, the Applicant must:</p> <p>(a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> <li>the documents listed in condition 2(a) of Schedule 2;</li> <li>current statutory approvals for the development;</li> <li>approved strategies, plans and programs required under the conditions of this consent;</li> <li>a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;</li> <li>a complaints register, which is to be updated monthly;</li> </ul>	<p>Auditors checked the Bengalla website on multiple occasions while conducting the audit. As of 07/07/23 the following required documents were found on the website:</p> <ul style="list-style-type: none"> <li>The documents listed in condition 2(a) of Schedule 2: - EIS, SEE (Mod 1), SEE (Mod 2), SEE (Mod 3) and SEE (Mod 4);</li> <li>The consolidated consent.</li> <li>All approved strategies and plans required under the conditions of this consent</li> </ul>	Compliant							

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> <li>minutes of CCC meetings;</li> <li>the annual reviews of the development (for the last 5 years, if applicable);</li> <li>any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit;</li> <li>any other matter required by the Secretary; and</li> </ul> (b) keep this information up-to-date, to the satisfaction of the Secretary.	<ul style="list-style-type: none"> <li>Monthly Monitoring Data Summaries for all months within the audit period</li> <li>2020, 2021 and 2022 Complaints Registers.</li> <li>All CCC meeting minutes.</li> <li>The annual reviews of the development for the last 5 years and further back.</li> <li>2017 and 2019 IEA reports and BMC responses.</li> </ul> Based on the review on 07/07/23, all information appeared to have been kept up to date.		

### APPENDIX 3 - TERMS OF THE VOLUNTARY PLANNING AGREEMENT

APP3 1	<b>Funding Component</b>		<b>Applicant Contribution</b>	Auditors sighted receipts provided by BMC showing payment of required funds to Muswellbrook Shire Council within the audit period.	Compliant	
	Bengalla Coal Community Fund		\$400,000 per annum			
	Road maintenance requirements within the Muswellbrook LGA		\$125,000 per annum			
	Council Environmental Officer position		\$20,000 per annum			
	A commitment from the Applicant to seek to engage four apprentices per annum for the life of the mine sourced from residents within the local area.		N/A			
General		\$0.065 cents per tonne of product coal produced in excess of 8.5 Mt of product coal from the mine in any one calendar year.				

### APPENDIX 5 - NOISE COMPLIANCE ASSESSMENT

APP5 1	<b>Applicable Meteorological Conditions</b> The noise criteria in Table 4 of schedule 3 are to apply under all meteorological conditions except the following: <ol style="list-style-type: none"> <li>wind speeds greater than 3 m/s measured at 10 m above ground level; or</li> <li>temperature inversion conditions between 1.5°C and 3°C/100 m and wind speeds greater than 2 m/s at 10 m above ground level; or</li> <li>temperature inversion conditions greater than 3°C/100 m.</li> </ol>	Review of monthly noise monitoring reports and annual reviews for the audit period confirmed compliance with Table 4 of Schedule 3.	Compliant	
APP5 2	<b>Determination of Meteorological Conditions</b>	Assessment of mine operational noise is conducted in accordance with	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station located on the site.	applicable meteorological conditions obtained from the Bengalla weather station and inversion tower. Consideration of meteorological conditions by Environment and Dispatch teams was observed during site inspection.		
APP5 3	<b>Compliance Monitoring</b> Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.	Attended monitoring is performed during night shift at three locations which represent the nearest sensitive receivers. This attended monitoring occurs once per month, between 10pm and 7am by a suitably qualified noise specialist.	Compliant	
APP5 4	This monitoring must be carried out at least once a month (but at least two weeks apart) unless the Secretary directs otherwise.	Review of annual reviews for the audit period and monthly EPL monitoring reports confirms that attended noise monitoring tests are performed each month at least two weeks apart.	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
APP5 5	<p>Unless otherwise agreed with the Secretary, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the NSW Industrial Noise Policy (as amended from time to time), in particular the requirements relating to:</p> <ul style="list-style-type: none"> <li>a. monitoring locations for the collection of representative noise data;</li> <li>b. meteorological conditions during which collection of noise data is not appropriate;</li> <li>c. equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and</li> <li>d. modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.</li> </ul>	<p>Attended noise monitoring is conducted at three locations determined by noise experts to be most representative of sensitive receivers. Assessment of mine only noise is conducted where audible/measurable.</p> <p>Meteorological conditions ascertained from the Bengalla weather station and inversion tower are considered when determining Bengalla operational noise.</p> <p>Calibration certificates supplied with monthly monitoring reports indicate that all sound level meters and calibrators comply with the appropriate standards. Noise monitoring stations, the meteorological station and inversion tower were inspected during the site visit and were observed to be in good condition.</p> <p>Extraneous noise is excluded where appropriate and only mine noise is reported against the criteria. An example can be found in Table 10: 2019-2021 Noise Trends. Asterisks mark average of readings within meteorological range. Information is presented below and within the table regarding the number of readings within meteorological range and number of readings inaudible.</p>	Compliant	

## B.2 Mining and Exploration Lease Audit Checklists

# ML1397 AUDIT CHECKLIST – BENGALLA CONTINUATION PROJECT IEA 2022

**ML1397 AUDIT CHECKLIST – BENGALLA CONTINUATION PROJECT IEA 2022.....1**

- General conditions .....2
  - 1. Notice to Landholders .....2
  - 2. Group Security .....2
  - 3. Cooperation Agreement .....3
  - 4. Assessable Prospecting Operations .....4
- Special conditions.....5
  - 5. Petroleum (Mining Operations By-Product Only).....5
  - 6. Dams Safety – Mining Leases .....5
  - Exploration Reporting.....6



Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																		
<b>General conditions</b>																						
<b>1. Notice to Landholders</b>																						
1	<p>a. Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:</p> <ul style="list-style-type: none"> <li>i. that this mining lease has been granted or renewed; and</li> <li>ii. whether the lease includes the surface.</li> </ul> <p>The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area.</p> <p>b. If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.</p>	Not renewed in audit period.	Not triggered																			
<b>2. Group Security</b>																						
2	<p>The security deposit to be provided and maintained for this mining lease is part of a group security deposit.</p> <p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security deposit has been assessed at <b>\$108,159,000</b>.</p> <p>The leases covered by the group security include this <b>ML 1397 (Act 1992)</b> and:</p> <table border="1"> <thead> <tr> <th>Lease type</th> <th>Lease Number</th> <th>Act Year</th> </tr> </thead> <tbody> <tr> <td>ML</td> <td>1450</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1469</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1711</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1728</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1729</td> <td>1992</td> </tr> </tbody> </table>	Lease type	Lease Number	Act Year	ML	1450	1992	ML	1469	1992	ML	1711	1992	ML	1728	1992	ML	1729	1992	Auditors sighted a 'Summary of Authorities Under the Mining Act 1992 NSW' prepared by Sparke Helmore Lawyers, along with email correspondence showing BMC's payment of the security deposit, along with a reassessment of the Group Security by the Department of Regional NSW. This reassessment occurred after the audit period, however, evidence of BMC's payment of the difference between the original group security and the assessed group security was also observed.	Compliant	
Lease type	Lease Number	Act Year																				
ML	1450	1992																				
ML	1469	1992																				
ML	1711	1992																				
ML	1728	1992																				
ML	1729	1992																				

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>3. Cooperation Agreement</b>				
3	<p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the Mining Act 1992 and petroleum titles issued under the Petroleum (Onshore) Act 1991. The cooperation agreement should address but not be limited to:</p> <ul style="list-style-type: none"> <li>• access arrangements</li> <li>• operational interaction procedures</li> <li>• dispute resolution</li> <li>• information exchange</li> <li>• well location</li> <li>• timing of drilling</li> <li>• potential resource extraction conflicts; and</li> <li>• rehabilitation issues.</li> </ul>	<p>All subleases with MACH have been terminated. Most access agreements entered by MACH and BMC have also been terminated or expired. A summary of access agreements is provided below:</p> <ol style="list-style-type: none"> <li>1. BMC and MACH entered into various access agreements, most of which have now expired or terminated.</li> <li>2. The Licence Agreement for the ML 1711 Long Term Rail Corridor dated 20.11.20 between BMC and MACH relates to MACH's construction of the Mount Pleasant overland conveyor and associated infrastructure within ML 1711 held by BMC and terminates on the earlier of certain events including execution and registration of the ML 1711 Sublease to MACH. BMC has applied for Minister's approval to the ML 1711 sublease.</li> <li>3. The Access and Indemnity Deed dated 12.12.22 between BMC and MACH/JCD relates to BMC's access to land/mining leases held by MACH and JCD for Water Diversion Infrastructure (surface water diversion channels, surface water diversion levees and CW1 pipeline located within the Access Area). The Deed has effect until the earlier of the date on which CW1 is decommissioned or transferred to MACH/JCD in accordance with the Dry Creek Interaction Agreement or notice from BMC to MACH/JCD that it no longer requires the Deed. We</li> </ol>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>suggest that the Deed is registered as an interest in ML 1645 under section 161 of the Mining Act.</p> <p>4. MACH has granted easements (benefitting BJV land) for the access track and powerlines on MACH owned land north of Wybong Road that are outside ML 1711 held by BMC (or inside the proposed ML 1711 sublease to MACH/JCD).</p> <p>5. The Access and Indemnity Deed dated 3.1.23 between BMC and MACH/JCD relates to MACH/JCD access to land/mining leases held by BJV/BMC for surface water diversion structures and a pipeline used in connection with the operation and maintenance of the Mount Pleasant mine water dam. The Deed has effect until the earlier of certain events (refer to clause 3 and definition of 'Term').</p> <p>No other cooperation agreements have been required.</p>		
<b>4. Assessable Prospecting Operations</b>				
4	<p>a. The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:</p> <ul style="list-style-type: none"> <li>i. it is carried out in accordance with any necessary development consent; or</li> <li>ii. if development consent is not required, the prior written approval of the Minister has been obtained.</li> </ul> <p>b. The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval.</p> <p>c. An approval granted by the Minister under this condition may be granted subject to terms.</p>	<p>Development Consent SSD 5170 (as modified) authorises exploration drilling in mining leases for coal. This has been reflected in the Bengalla Mine Mining Operations Plan 2017 – 2022 Amendment D (MOP D) Section 2.3.1 Geology and Exploration approved 6 December 2021. Exploration activities are described in the 'Description of Surface Disturbance Activities' section of the Bengalla Mine Forward Program Monday 27 June 2022 to Thursday 26 June 2025 (Forward Program).</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	d. The lease holder must comply with the approval granted to the holder under this condition.			
<b>Special conditions</b>				
<b>5. Petroleum (Mining Operations By-Product Only)</b>				
5	For the purposes of this lease, petroleum is limited to coal bed methane that is captured or extracted as a by-product in the course of carrying out mining operations.		Noted	
<b>6. Dams Safety – Mining Leases</b>				
6	<p>a. The lease holder must not mine within any part of the lease area which is within the notification area of the <b>Bengalla Stage Discharge Dam, Bengalla Clean Water 1 Dam, Mount Pleasant Mine Water Dam Notification Area, Mount Pleasant Environmental Dam Notification Area, Bengalla Stage Discharge Dam 1 Notification Area, Bengalla Dirty Water Dam Notification Area, Bengalla Clean Water Dam 1 Notification Area</b> without the prior written approval of the Minister and subject to any conditions the Minister may stipulate.</p> <p>b. Where the lease holder desires to mine within the notification area, the lease holder must:</p> <ol style="list-style-type: none"> <li>i. at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and</li> <li>ii. provide such information as the Minister may direct.</li> </ol> <p>c. The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with.</p> <ol style="list-style-type: none"> <li>i. This sub-paragraph is complied with if: <ol style="list-style-type: none"> <li>a. Dams Safety NSW as constituted by section 6 of the Dams Safety Act 2015 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b).</li> <li>b. the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.</li> </ol> </li> </ol>	<p>Auditors sighted Dams Safety NSW approvals for coal extraction within the prescribed areas for Bengalla Mine Clean Water Dam 1 and Mount Pleasant Mine ED3.</p> <p>No unapproved mining was observed to have occurred within the notification areas of any relevant dams.</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> <li>c. the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal.</li> <li>d. Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and</li> <li>e. where Dams Safety NSW has made recommendations the approval is in terms that are: <ul style="list-style-type: none"> <li>- in accordance with those recommendations; or</li> <li>- where the Minister does not accept those recommendations or any of them -in accordance with a determination under sub-paragraph (ii) of this paragraph.</li> </ul> </li> <li>ii. (Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: <ul style="list-style-type: none"> <li>- as determined by agreement between the Minister and the Minister administering the Dams Safety Act 2015; or</li> <li>- in the event of failure to reach such agreement - as determined by the Premier.</li> </ul> </li> <li>d. The Minister, on notice from Dams Safety NSW, may at any time or times: <ul style="list-style-type: none"> <li>i. cancel any approval given where a notice pursuant to section 19 of the Dams Safety Act 2015 is given.</li> <li>ii. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.</li> </ul> </li> </ul>			
<b>Exploration Reporting</b>				
Note:	<u>Exploration Reports (Geological and Geophysical)</u> The lease holder must lodge reports in accordance with the requirements in section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016 as well as any further requirements issued by the Secretary under clause 62 of the Mining Regulation.	BMC provided the annual Exploration Reports for each year during the audit period for auditor sighting. The Exploration Reports were found to be in accordance with section 163C of the Mining Act 1992 and clauses 59, 60	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	Guidelines for the structure, content and data format requirements for reports are set out in the Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.	and 61 of the Mining Regulation 2016, as well as recommendations from 'Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.'		

# ML1450 AUDIT CHECKLIST – BENGALLA CONTINUATION PROJECT IEA 2022

<b>ML1450 AUDIT CHECKLIST – BENGALLA CONTINUATION PROJECT IEA 2022</b> .....	<b>1</b>
General conditions .....	2
1. Notice to Landholders .....	2
2. Group Security .....	2
3. Cooperation Agreement .....	3
4. Assessable Prospecting Operations .....	4
Special conditions.....	5
5. Petroleum (Mining Operations By-Product Only).....	5
6. Dams Safety – Mining Leases .....	5
Exploration Reporting.....	6

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																		
<b>General conditions</b>																						
<b>1. Notice to Landholders</b>																						
1	<p>a. Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:</p> <ul style="list-style-type: none"> <li>i. that this mining lease has been granted or renewed; and</li> <li>ii. whether the lease includes the surface.</li> </ul> <p>The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area.</p> <p>b. If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.</p>	<p>Auditors sighted BMC's (the leaseholder) email renewal notices to Taipower and New Hope Group (the landholders). The renewal application was lodged 6 June 2019 and the lease was renewed 28 April 2023.</p> <p>Landholders were notified in a timely manner and notices were observed to fulfil requirements, containing a plan identifying lease area and a suitable description of the lease/renewal.</p>	Compliant																			
<b>2. Group Security</b>																						
2	<p>The security deposit to be provided and maintained for this mining lease is part of a group security deposit.</p> <p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security deposit has been assessed at <b>\$108,159,000</b>.</p> <p>The leases covered by the group security include this <b>ML 1450 (Act 1992)</b> and:</p> <table border="1"> <thead> <tr> <th>Lease type</th> <th>Lease Number</th> <th>Act Year</th> </tr> </thead> <tbody> <tr> <td>ML</td> <td>1397</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1469</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1711</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1728</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1729</td> <td>1992</td> </tr> </tbody> </table>	Lease type	Lease Number	Act Year	ML	1397	1992	ML	1469	1992	ML	1711	1992	ML	1728	1992	ML	1729	1992	<p>Auditors sighted a 'Summary of Authorities Under the Mining Act 1992 NSW' prepared by Sparke Helmore Lawyers, along with email correspondence showing BMC's payment of the security deposit, along with a reassessment of the Group Security by the Department of Regional NSW. This reassessment occurred after the audit period, however, evidence of BMC's payment of the difference between the original group security and the assessed group security was also observed.</p>	Compliant	
Lease type	Lease Number	Act Year																				
ML	1397	1992																				
ML	1469	1992																				
ML	1711	1992																				
ML	1728	1992																				
ML	1729	1992																				



Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>3. Cooperation Agreement</b>				
3	<p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the Mining Act 1992 and petroleum titles issued under the Petroleum (Onshore) Act 1991. The cooperation agreement should address but not be limited to:</p> <ul style="list-style-type: none"> <li>• access arrangements</li> <li>• operational interaction procedures</li> <li>• dispute resolution</li> <li>• information exchange</li> <li>• well location</li> <li>• timing of drilling</li> <li>• potential resource extraction conflicts; and</li> <li>• rehabilitation issues.</li> </ul>	<p>All subleases with MACH have been terminated. Most access agreements entered by MACH and BMC have also been terminated or expired. A summary of access agreements is provided below:</p> <ol style="list-style-type: none"> <li>1. BMC and MACH entered into various access agreements, most of which have now expired or terminated.</li> <li>2. The Licence Agreement for the ML 1711 Long Term Rail Corridor dated 20.11.20 between BMC and MACH relates to MACH's construction of the Mount Pleasant overland conveyor and associated infrastructure within ML 1711 held by BMC and terminates on the earlier of certain events including execution and registration of the ML 1711 Sublease to MACH. BMC has applied for Minister's approval to the ML 1711 sublease.</li> <li>3. The Access and Indemnity Deed dated 12.12.22 between BMC and MACH/JCD relates to BMC's access to land/mining leases held by MACH and JCD for Water Diversion Infrastructure (surface water diversion channels, surface water diversion levees and CW1 pipeline located within the Access Area). The Deed has effect until the earlier of the date on which CW1 is decommissioned or transferred to MACH/JCD in accordance with the Dry Creek Interaction Agreement or notice from BMC to MACH/JCD that it no longer requires the Deed. We</li> </ol>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>suggest that the Deed is registered as an interest in ML 1645 under section 161 of the Mining Act.</p> <p>4. MACH has granted easements (benefitting BJV land) for the access track and powerlines on MACH owned land north of Wybong Road that are outside ML 1711 held by BMC (or inside the proposed ML 1711 sublease to MACH/JCD).</p> <p>5. The Access and Indemnity Deed dated 3.1.23 between BMC and MACH/JCD relates to MACH/JCD access to land/mining leases held by BJV/BMC for surface water diversion structures and a pipeline used in connection with the operation and maintenance of the Mount Pleasant mine water dam. The Deed has effect until the earlier of certain events (refer to clause 3 and definition of 'Term').</p> <p>No other cooperation agreements have been required.</p>		
<b>4. Assessable Prospecting Operations</b>				
4	<p>a. The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:</p> <ul style="list-style-type: none"> <li>i. it is carried out in accordance with any necessary development consent; or</li> <li>ii. if development consent is not required, the prior written approval of the Minister has been obtained.</li> </ul> <p>b. The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval.</p> <p>c. An approval granted by the Minister under this condition may be granted subject to terms.</p>	<p>Development Consent SSD 5170 (as modified) authorises exploration drilling in mining leases for coal. This has been reflected in the Bengalla Mine Mining Operations Plan 2017 – 2022 Amendment D (MOP D) Section 2.3.1 Geology and Exploration approved 6 December 2021. Exploration activities are described in the 'Description of Surface Disturbance Activities' section of the Bengalla Mine Forward Program Monday 27 June 2022 to Thursday 26 June 2025 (Forward Program).</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	d. The lease holder must comply with the approval granted to the holder under this condition.			
<b>Special conditions</b>				
<b>5. Petroleum (Mining Operations By-Product Only)</b>				
5	For the purposes of this lease, petroleum is limited to coal bed methane that is captured or extracted as a by-product in the course of carrying out mining operations.		Noted	
<b>6. Dams Safety – Mining Leases</b>				
6	<p>a. The lease holder must not mine within any part of the lease area which is within the notification area of the <b>Bengalla Stage Discharge Dam Notification Area</b> without the prior written approval of the Minister and subject to any conditions the Minister may stipulate.</p> <p>b. Where the lease holder desires to mine within the notification area, the lease holder must:</p> <ol style="list-style-type: none"> <li>i. at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and</li> <li>ii. provide such information as the Minister may direct.</li> </ol> <p>c. The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with.</p> <ol style="list-style-type: none"> <li>i. This sub-paragraph is complied with if: <ol style="list-style-type: none"> <li>a. Dams Safety NSW as constituted by section 6 of the Dams Safety Act 2015 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b).</li> <li>b. the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.</li> <li>c. the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal.</li> </ol> </li> </ol>	<p>Auditors sighted Dams Safety NSW approvals for coal extraction within the prescribed areas for Bengalla Mine Clean Water Dam 1 and Mount Pleasant Mine ED3.</p> <p>No unapproved mining was observed to have occurred within the notification areas of any relevant dams.</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>d. Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and</p> <p>e. where Dams Safety NSW has made recommendations the approval is in terms that are:</p> <ul style="list-style-type: none"> <li>- in accordance with those recommendations; or</li> <li>- where the Minister does not accept those recommendations or any of them -in accordance with a determination under sub-paragraph (ii) of this paragraph.</li> </ul> <p>ii. Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam:</p> <ul style="list-style-type: none"> <li>- as determined by agreement between the Minister and the Minister administering the Dams Safety Act 2015; or</li> <li>- in the event of failure to reach such agreement - as determined by the Premier.</li> </ul> <p>d. The Minister, on notice from Dams Safety NSW, may at any time or times:</p> <ul style="list-style-type: none"> <li>i. cancel any approval given where a notice pursuant to section 19 of the Dams Safety Act 2015 is given.</li> <li>ii. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.</li> </ul>			
<b>Exploration Reporting</b>				
Note:	<p><u>Exploration Reports (Geological and Geophysical)</u></p> <p>The lease holder must lodge reports in accordance with the requirements in section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016 as well as any further requirements issued by the Secretary under clause 62 of the Mining Regulation.</p> <p>Guidelines for the structure, content and data format requirements for reports are set out in the Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.</p>	BMC provided the annual Exploration Reports for each year during the audit period for auditor sighting. The Exploration Reports were found to be in accordance with section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016, as well as recommendations from 'Exploration Reporting: A guide for	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		reporting on exploration and prospecting in New South Wales.'		

# ML1469 AUDIT CHECKLIST – BENGALLA CONTINUATION PROJECT IEA 2022

**ML1728 AUDIT CHECKLIST – BENGALLA CONTINUATION PROJECT IEA 2022.....1**

- General conditions .....2
  - 1. Notice to Landholders .....2
  - 2. Group Security .....2
  - 3. Cooperation Agreement .....3
  - 4. Assessable Prospecting Operations .....4
- Special conditions.....5
  - 5. Aboriginal Place or Relic.....5
  - 6. Petroleum (Mining Operations By-Product Only).....5
  - 7. Dams Safety – Mining Leases .....6
  - Exploration Reporting.....7

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>General conditions</b>				
<b>1. Notice to Landholders</b>				
1	<p>a. Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:</p> <ul style="list-style-type: none"> <li>i. that this mining lease has been granted or renewed; and</li> <li>ii. whether the lease includes the surface.</li> </ul> <p>The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area.</p> <p>b. If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.</p>	<p>The renewal application for ML1469 was lodged 30 May 2019 and subsequently renewed on 15 May 2023.</p> <p>Auditors sighted BMC's (the leaseholder) email renewal notices to Taipower and New Hope Group (the landholders). Landholders were notified within the required time period and notices were observed to fulfil requirements, containing a plan identifying lease area and a suitable description of the lease/renewal.</p>	Compliant	
<b>2. Group Security</b>				
2	<p>The security deposit to be provided and maintained for this mining lease is part of a group security deposit.</p> <p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security deposit has been assessed at <b>\$108,159,000</b>.</p> <p>The leases covered by the group security include this <b>ML 1469 (Act 1992)</b> and:</p>	<p>Auditors sighted a 'Summary of Authorities Under the Mining Act 1992 NSW' prepared by Sparke Helmore Lawyers, along with email correspondence showing BMC's payment of the security deposit, along with a reassessment of the Group Security by the Department of Regional NSW. This reassessment occurred after the audit period, however, evidence of BMC's payment of the difference between the original group security and the assessed group security was also observed.</p>	Compliant	

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<b>3. Cooperation Agreement</b>																						
3	<p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the Mining Act 1992 and petroleum titles issued under the Petroleum (Onshore) Act 1991. The cooperation agreement should address but not be limited to:</p> <ul style="list-style-type: none"> <li>• access arrangements</li> <li>• operational interaction procedures</li> <li>• dispute resolution</li> <li>• information exchange</li> <li>• well location</li> <li>• timing of drilling</li> <li>• potential resource extraction conflicts; and</li> <li>• rehabilitation issues.</li> </ul>	<p>All subleases with MACH have been terminated. Most access agreements entered by MACH and BMC have also been terminated or expired. A summary of access agreements is provided below:</p> <ol style="list-style-type: none"> <li>1. BMC and MACH entered into various access agreements, most of which have now expired or terminated.</li> <li>2. The Licence Agreement for the ML 1711 Long Term Rail Corridor dated 20.11.20 between BMC and MACH relates to MACH's construction of the Mount Pleasant overland conveyor and associated infrastructure within ML 1711 held by BMC and terminates on the earlier of certain events including execution and registration of the ML 1711 Sublease to MACH. BMC has applied for Minister's approval to the ML 1711 sublease.</li> <li>3. The Access and Indemnity Deed dated 12.12.22 between BMC and MACH/JCD relates to BMC's access to land/mining leases held by MACH and JCD for Water Diversion Infrastructure</li> </ol>	Compliant																			



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		<p>(surface water diversion channels, surface water diversion levees and CW1 pipeline located within the Access Area). The Deed has effect until the earlier of the date on which CW1 is decommissioned or transferred to MACH/JCD in accordance with the Dry Creek Interaction Agreement or notice from BMC to MACH/JCD that it no longer requires the Deed. We suggest that the Deed is registered as an interest in ML 1645 under section 161 of the Mining Act.</p> <p>4. MACH has granted easements (benefitting BJV land) for the access track and powerlines on MACH owned land north of Wybong Road that are outside ML 1711 held by BMC (or inside the proposed ML 1711 sublease to MACH/JCD).</p> <p>5. The Access and Indemnity Deed dated 3.1.23 between BMC and MACH/JCD relates to MACH/JCD access to land/mining leases held by BJV/BMC for surface water diversion structures and a pipeline used in connection with the operation and maintenance of the Mount Pleasant mine water dam. The Deed has effect until the earlier of certain events (refer to clause 3 and definition of 'Term').</p> <p>No other cooperation agreements have been required.</p>		
<b>4. Assessable Prospecting Operations</b>				
4	a. The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:	Development Consent SSD 5170 (as modified) authorises exploration drilling in mining leases for coal. This has	Compliant	

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	<ul style="list-style-type: none"> <li>i. it is carried out in accordance with any necessary development consent; or</li> <li>ii. if development consent is not required, the prior written approval of the Minister has been obtained.</li> <li>b. The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval.</li> <li>c. An approval granted by the Minister under this condition may be granted subject to terms.</li> <li>d. The lease holder must comply with the approval granted to the holder under this condition.</li> </ul>	<p>been reflected in the Bengalla Mine Mining Operations Plan 2017 – 2022 Amendment D (MOP D) Section 2.3.1 Geology and Exploration approved 6 December 2021. Exploration activities are described in the 'Description of Surface Disturbance Activities' section of the Bengalla Mine Forward Program Monday 27 June 2022 to Thursday 26 June 2025 (Forward Program).</p>		
<b>Special conditions</b>				
<b>5. Aboriginal Place or Relic</b>				
5	<p>The lease holder shall not knowingly destroy, deface or damage any aboriginal place or relic within the subject area except in accordance with an authority issued under the National Parks and Wildlife Act 1974, and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.</p>	<p>All known artefacts were salvaged prior to the audit period within the mining leases relative to SSD 5170. There has been one salvage during the audit period on 26 February 2020 that occurred in accordance with the Aboriginal Cultural Heritage Management Plan (ACHMP) Section 7 'Procedure for Previously Unrecorded Aboriginal Artefacts.' The artifact was assessed as low significance and salvaged by an archaeologist according to the ACHMP and the Ground Disturbance Permit 'GDP 2201' for control of disturbance of aboriginal artifacts. An email was sighted which provided evidence of the recording of the site in AHIMS.</p>	Compliant	
<b>6. Petroleum (Mining Operations By-Product Only)</b>				
6	<p>For the purposes of this lease, petroleum is limited to coal bed methane that is captured or extracted as a by-product in the course of carrying out mining operations.</p>		Noted	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>7. Dams Safety – Mining Leases</b>				
7	<p>a. The lease holder must not mine within any part of the lease area which is within the notification area of the <b>Bengalla Stage Discharge Dam</b> without the prior written approval of the Minister and subject to any conditions the Minister may stipulate.</p> <p>b. Where the lease holder desires to mine within the notification area, the lease holder must:</p> <ul style="list-style-type: none"> <li>i. at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and</li> <li>ii. provide such information as the Minister may direct.</li> </ul> <p>c. The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with.</p> <ul style="list-style-type: none"> <li>i. This sub-paragraph is complied with if: <ul style="list-style-type: none"> <li>a. Dams Safety NSW as constituted by section 6 of the Dams Safety Act 2015 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b).</li> <li>b. the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.</li> <li>c. the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal.</li> <li>d. Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and</li> <li>e. where Dams Safety NSW has made recommendations the approval is in terms that are: <ul style="list-style-type: none"> <li>- in accordance with those recommendations; or</li> <li>- where the Minister does not accept those recommendations or any of them -in accordance with a determination under sub-paragraph (ii) of this paragraph.</li> </ul> </li> </ul> </li> </ul>	<p>Auditors sighted Dams Safety NSW approvals for coal extraction within the prescribed areas for Bengalla Mine Clean Water Dam 1 and Mount Pleasant Mine ED3.</p> <p>No unapproved mining was observed to have occurred within the notification areas of any relevant dams.</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> <li>ii. Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: <ul style="list-style-type: none"> <li>- as determined by agreement between the Minister and the Minister administering the Dams Safety Act 2015; or</li> <li>- in the event of failure to reach such agreement - as determined by the Premier.</li> </ul> </li> <li>d. The Minister, on notice from Dams Safety NSW, may at any time or times: <ul style="list-style-type: none"> <li>i. cancel any approval given where a notice pursuant to section 19 of the Dams Safety Act 2015 is given.</li> <li>ii. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.</li> </ul> </li> </ul>			
<b>Exploration Reporting</b>				
Note:	<p><u>Exploration Reports (Geological and Geophysical)</u></p> <p>The lease holder must lodge reports in accordance with the requirements in section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016 as well as any further requirements issued by the Secretary under clause 62 of the Mining Regulation.</p> <p>Guidelines for the structure, content and data format requirements for reports are set out in the Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.</p>	<p>BMC provided the annual Exploration Reports for each year during the audit period for auditor sighting. The Exploration Reports were found to be in accordance with section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016, as well as recommendations from 'Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.'</p>	Compliant	

## **ML1711 AUDIT CHECKLIST – BENGALLA CONTINUATION PROJECT IEA 2022**

<b>ML1711 AUDIT CHECKLIST – BENGALLA CONTINUATION PROJECT IEA 2022.....</b>	<b>1</b>
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1. Notice to Landholders .....	2
2. Group Security .....	2
3. Cooperation Agreement .....	3
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1	<p>a. Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:</p> <ul style="list-style-type: none"> <li>i. that this mining lease has been granted or renewed; and</li> <li>ii. whether the lease includes the surface.</li> </ul> <p>The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area.</p> <p>b. If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.</p>	Not renewed within the audit period.	Not triggered																			
<b>2. Group Security</b>																						
2	<p>The security deposit to be provided and maintained for this mining lease is part of a group security deposit.</p> <p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security deposit has been assessed at <b>\$108,159,000</b>.</p> <p>The leases covered by the group security include this <b>ML 1711 (Act 1992)</b> and:</p> <table border="1"> <thead> <tr> <th>Lease type</th> <th>Lease Number</th> <th>Act Year</th> </tr> </thead> <tbody> <tr> <td>ML</td> <td>1397</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1450</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1469</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1728</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1729</td> <td>1992</td> </tr> </tbody> </table>	Lease type	Lease Number	Act Year	ML	1397	1992	ML	1450	1992	ML	1469	1992	ML	1728	1992	ML	1729	1992	Auditors sighted a 'Summary of Authorities Under the Mining Act 1992 NSW' prepared by Sparke Helmore Lawyers, along with email correspondence showing BMC's payment of the security deposit, along with a reassessment of the Group Security by the Department of Regional NSW. This reassessment occurred after the audit period, however, evidence of BMC's payment of the difference between the original group security and the assessed group security was also observed.	Compliant	
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<b>3. Cooperation Agreement</b>				
3	<p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the Mining Act 1992 and petroleum titles issued under the Petroleum (Onshore) Act 1991. The cooperation agreement should address but not be limited to:</p> <ul style="list-style-type: none"> <li>• access arrangements</li> <li>• operational interaction procedures</li> <li>• dispute resolution</li> <li>• information exchange</li> <li>• well location</li> <li>• timing of drilling</li> <li>• potential resource extraction conflicts; and</li> <li>• rehabilitation issues.</li> </ul>	<p>All subleases with MACH have been terminated. Most access agreements entered by MACH and BMC have also been terminated or expired. A summary of access agreements is provided below:</p> <ol style="list-style-type: none"> <li>1. BMC and MACH entered into various access agreements, most of which have now expired or terminated.</li> <li>2. The Licence Agreement for the ML 1711 Long Term Rail Corridor dated 20.11.20 between BMC and MACH relates to MACH's construction of the Mount Pleasant overland conveyor and associated infrastructure within ML 1711 held by BMC and terminates on the earlier of certain events including execution and registration of the ML 1711 Sublease to MACH. BMC has applied for Minister's approval to the ML 1711 sublease.</li> <li>3. The Access and Indemnity Deed dated 12.12.22 between BMC and MACH/JCD relates to BMC's access to land/mining leases held by MACH and JCD for Water Diversion Infrastructure (surface water diversion channels, surface water diversion levees and CW1 pipeline located within the Access Area). The Deed has effect until the earlier of the date on which CW1 is decommissioned or transferred to MACH/JCD in accordance with the Dry Creek Interaction Agreement or notice from BMC to MACH/JCD that it no longer requires the Deed. We</li> </ol>	Compliant	

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		<p>suggest that the Deed is registered as an interest in ML 1645 under section 161 of the Mining Act.</p> <p>4. MACH has granted easements (benefitting BJV land) for the access track and powerlines on MACH owned land north of Wybong Road that are outside ML 1711 held by BMC (or inside the proposed ML 1711 sublease to MACH/JCD).</p> <p>5. The Access and Indemnity Deed dated 3.1.23 between BMC and MACH/JCD relates to MACH/JCD access to land/mining leases held by BJV/BMC for surface water diversion structures and a pipeline used in connection with the operation and maintenance of the Mount Pleasant mine water dam. The Deed has effect until the earlier of certain events (refer to clause 3 and definition of 'Term').</p> <p>No other cooperation agreements have been required.</p>		
<b>4. Assessable Prospecting Operations</b>				
4	<p>a. The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:</p> <ul style="list-style-type: none"> <li>i. it is carried out in accordance with any necessary development consent; or</li> <li>ii. if development consent is not required, the prior written approval of the Minister has been obtained.</li> </ul> <p>b. The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval.</p> <p>c. An approval granted by the Minister under this condition may be granted subject to terms.</p>	<p>Development Consent SSD 5170 (as modified) authorises exploration drilling in mining leases for coal. This has been reflected in the Bengalla Mine Mining Operations Plan 2017 – 2022 Amendment D (MOP D) Section 2.3.1 Geology and Exploration approved 6 December 2021. Exploration activities are described in the 'Description of Surface Disturbance Activities' section of the Bengalla Mine Forward Program Monday 27 June 2022 to Thursday 26 June 2025 (Forward Program).</p>	Compliant	



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	d. The lease holder must comply with the approval granted to the holder under this condition.			
<b>Special conditions</b>				
-	Nil		Not triggered	
<b>Exploration Reporting</b>				
Note:	<p><u>Exploration Reports (Geological and Geophysical)</u></p> <p>The lease holder must lodge reports in accordance with the requirements in section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016 as well as any further requirements issued by the Secretary under clause 62 of the Mining Regulation.</p> <p>Guidelines for the structure, content and data format requirements for reports are set out in the Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.</p>	<p>BMC provided the annual Exploration Reports for each year during the audit period for auditor sighting. The Exploration Reports were found to be in accordance with section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016, as well as recommendations from 'Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.'</p>	Compliant	

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<b>Special conditions</b>				
<b>4. Dams Safety – Mining Leases</b>				
4	<p>a. The lease holder must not mine within any part of the lease area which is within the notification area of the <b>Bengalla Dirty Water Dam 1 and the Bengalla Dirty Water Dam 1 Notification Area</b> without the prior written approval of the Minister and subject to any conditions the Minister may stipulate.</p> <p>b. Where the lease holder desires to mine within the notification area, the lease holder must:</p> <p>i. at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and</p>	<p>Auditors sighted Dams Safety NSW approvals for coal extraction within the prescribed areas for Bengalla Mine Clean Water Dam 1 and Mount Pleasant Mine ED3.</p> <p>No unapproved mining was observed to have occurred within the notification areas of any relevant dams.</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> <li>ii. provide such information as the Minister may direct.</li> <li>c. The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. <ul style="list-style-type: none"> <li>i. This sub-paragraph is complied with if: <ul style="list-style-type: none"> <li>a. Dams Safety NSW as constituted by section 6 of the Dams Safety Act 2015 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b).</li> <li>b. the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.</li> <li>c. the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal.</li> <li>d. Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and</li> <li>e. where Dams Safety NSW has made recommendations the approval is in terms that are: <ul style="list-style-type: none"> <li>- in accordance with those recommendations; or</li> <li>- where the Minister does not accept those recommendations or any of them -in accordance with a determination under sub-paragraph (ii) of this paragraph.</li> </ul> </li> </ul> </li> <li>ii. Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: <ul style="list-style-type: none"> <li>- as determined by agreement between the Minister and the Minister administering the Dams Safety Act 2015; or</li> <li>- in the event of failure to reach such agreement - as determined by the Premier.</li> </ul> </li> </ul> </li> <li>d. The Minister, on notice from Dams Safety NSW, may at any time or times:</li> </ul>			

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> <li data-bbox="394 280 1093 336">i. cancel any approval given where a notice pursuant to section 19 of the Dams Safety Act 2015 is given.</li> <li data-bbox="394 341 1093 399">ii. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.</li> </ul>			

# ML1729 AUDIT CHECKLIST – BENGALLA CONTINUATION PROJECT IEA 2022

**ML1729 AUDIT CHECKLIST – BENGALLA CONTINUATION PROJECT IEA 2022.....1**

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  - Exploration Reporting.....6



Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																		
<b>General conditions</b>																						
<b>1. Notice to Landholders</b>																						
1	<p>a. Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:</p> <ul style="list-style-type: none"> <li>i. that this mining lease has been granted or renewed; and</li> <li>ii. whether the lease includes the surface.</li> </ul> <p>The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area.</p> <p>b. If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.</p>	Not renewed within the audit period.	Not triggered																			
<b>2. Group Security</b>																						
2	<p>The security deposit to be provided and maintained for this mining lease is part of a group security deposit.</p> <p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security deposit has been assessed at <b>\$108,159,000</b>.</p> <p>The leases covered by the group security include this <b>ML 1729 (Act 1992)</b> and:</p> <table border="1"> <thead> <tr> <th>Lease type</th> <th>Lease Number</th> <th>Act Year</th> </tr> </thead> <tbody> <tr> <td>ML</td> <td>1397</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1450</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1469</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1728</td> <td>1992</td> </tr> <tr> <td>ML</td> <td>1711</td> <td>1992</td> </tr> </tbody> </table>	Lease type	Lease Number	Act Year	ML	1397	1992	ML	1450	1992	ML	1469	1992	ML	1728	1992	ML	1711	1992	Auditors sighted a 'Summary of Authorities Under the Mining Act 1992 NSW' prepared by Sparke Helmore Lawyers, along with email correspondence showing BMC's payment of the security deposit, along with a reassessment of the Group Security by the Department of Regional NSW. This reassessment occurred after the audit period, however, evidence of BMC's payment of the difference between the original group security and the assessed group security was also observed.	Compliant	
Lease type	Lease Number	Act Year																				
ML	1397	1992																				
ML	1450	1992																				
ML	1469	1992																				
ML	1728	1992																				
ML	1711	1992																				

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>3. Cooperation Agreement</b>				
3	<p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the Mining Act 1992 and petroleum titles issued under the Petroleum (Onshore) Act 1991. The cooperation agreement should address but not be limited to:</p> <ul style="list-style-type: none"> <li>• access arrangements</li> <li>• operational interaction procedures</li> <li>• dispute resolution</li> <li>• information exchange</li> <li>• well location</li> <li>• timing of drilling</li> <li>• potential resource extraction conflicts; and</li> <li>• rehabilitation issues.</li> </ul>	<p>All subleases with MACH have been terminated. Most access agreements entered by MACH and BMC have also been terminated or expired. A summary of access agreements is provided below:</p> <ol style="list-style-type: none"> <li>1. BMC and MACH entered into various access agreements, most of which have now expired or terminated.</li> <li>2. The Licence Agreement for the ML 1711 Long Term Rail Corridor dated 20.11.20 between BMC and MACH relates to MACH's construction of the Mount Pleasant overland conveyor and associated infrastructure within ML 1711 held by BMC and terminates on the earlier of certain events including execution and registration of the ML 1711 Sublease to MACH. BMC has applied for Minister's approval to the ML 1711 sublease.</li> <li>3. The Access and Indemnity Deed dated 12.12.22 between BMC and MACH/JCD relates to BMC's access to land/mining leases held by MACH and JCD for Water Diversion Infrastructure (surface water diversion channels, surface water diversion levees and CW1 pipeline located within the Access Area). The Deed has effect until the earlier of the date on which CW1 is decommissioned or transferred to MACH/JCD in accordance with the Dry Creek Interaction Agreement or notice from BMC to MACH/JCD that it no longer requires the Deed. We</li> </ol>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>suggest that the Deed is registered as an interest in ML 1645 under section 161 of the Mining Act.</p> <p>4. MACH has granted easements (benefitting BJV land) for the access track and powerlines on MACH owned land north of Wybong Road that are outside ML 1711 held by BMC (or inside the proposed ML 1711 sublease to MACH/JCD).</p> <p>5. The Access and Indemnity Deed dated 3.1.23 between BMC and MACH/JCD relates to MACH/JCD access to land/mining leases held by BJV/BMC for surface water diversion structures and a pipeline used in connection with the operation and maintenance of the Mount Pleasant mine water dam. The Deed has effect until the earlier of certain events (refer to clause 3 and definition of 'Term').</p> <p>No other cooperation agreements have been required.</p>		
<b>4. Assessable Prospecting Operations</b>				
4	<p>a. The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:</p> <ul style="list-style-type: none"> <li>i. it is carried out in accordance with any necessary development consent; or</li> <li>ii. if development consent is not required, the prior written approval of the Minister has been obtained.</li> </ul> <p>b. The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval.</p> <p>c. An approval granted by the Minister under this condition may be granted subject to terms.</p>	<p>Development Consent SSD 5170 (as modified) authorises exploration drilling in mining leases for coal. This has been reflected in the Bengalla Mine Mining Operations Plan 2017 – 2022 Amendment D (MOP D) Section 2.3.1 Geology and Exploration approved 6 December 2021. Exploration activities are described in the 'Description of Surface Disturbance Activities' section of the Bengalla Mine Forward Program Monday 27 June 2022 to Thursday 26 June 2025 (Forward Program).</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	d. The lease holder must comply with the approval granted to the holder under this condition.			
<b>Special conditions</b>				
<b>5. Dams Safety – Mining Leases</b>				
5	<p>a. The lease holder must not mine within any part of the lease area which is within the notification area of the <b>Bengalla Stage Discharge Dam, Mount Pleasant Mine Water Dam Notification Area, Mount Pleasant Environmental Dam 3 Notification Area, Bengalla Stage Discharge Dam Notification Area, Bengalla Dirty Water Dam 1 Notification Area and the Bengalla Clean Water Dam 1 Notification Area</b> without the prior written approval of the Minister and subject to any conditions the Minister may stipulate.</p> <p>b. Where the lease holder desires to mine within the notification area, the lease holder must:</p> <ol style="list-style-type: none"> <li>i. at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and</li> <li>ii. provide such information as the Minister may direct.</li> </ol> <p>c. The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with.</p> <ol style="list-style-type: none"> <li>i. This sub-paragraph is complied with if: <ol style="list-style-type: none"> <li>a. Dams Safety NSW as constituted by section 6 of the Dams Safety Act 2015 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b).</li> <li>b. the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.</li> <li>c. the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal.</li> <li>d. Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the</li> </ol> </li> </ol>	<p>Auditors sighted Dams Safety NSW approvals for coal extraction within the prescribed areas for Bengalla Mine Clean Water Dam 1 and Mount Pleasant Mine ED3.</p> <p>No unapproved mining was observed to have occurred within the notification areas of any relevant dams.</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>Minister in writing that it does not propose to make any such recommendations; and</p> <p>e. where Dams Safety NSW has made recommendations the approval is in terms that are:</p> <ul style="list-style-type: none"> <li>- in accordance with those recommendations; or</li> <li>- where the Minister does not accept those recommendations or any of them -in accordance with a determination under sub-paragraph (ii) of this paragraph.</li> </ul> <p>ii. Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam:</p> <ul style="list-style-type: none"> <li>- as determined by agreement between the Minister and the Minister administering the Dams Safety Act 2015; or</li> <li>- in the event of failure to reach such agreement - as determined by the Premier.</li> </ul> <p>d. The Minister, on notice from Dams Safety NSW, may at any time or times:</p> <ul style="list-style-type: none"> <li>i. cancel any approval given where a notice pursuant to section 19 of the Dams Safety Act 2015 is given.</li> <li>ii. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.</li> </ul>			
<b>Exploration Reporting</b>				
Note:	<p><u>Exploration Reports (Geological and Geophysical)</u></p> <p>The lease holder must lodge reports in accordance with the requirements in section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016 as well as any further requirements issued by the Secretary under clause 62 of the Mining Regulation.</p> <p>Guidelines for the structure, content and data format requirements for reports are set out in the Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.</p>	<p>BMC provided the annual Exploration Reports for each year during the audit period for auditor sighting. The Exploration Reports were found to be in accordance with section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016, as well as recommendations from 'Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.'</p>	Compliant	

## **B.3 Mining Regulation 2016 - Schedule 8A Standard Conditions of Mining Leases Checklist**

# **MINING REGULATION 2016 - SCHEDULE 8A STANDARD CONDITIONS OF MINING LEASES - AUDIT CHECKLIST – BENGALLA MINING COMPANY IEA 2022**

<b>MINING REGULATION 2016 - SCHEDULE 8A STANDARD CONDITIONS OF MINING LEASES - AUDIT CHECKLIST – BENGALLA MINING COMPANY IEA 2022 .....</b>	<b>1</b>
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Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>Part 2 Standard conditions</b>				
<b>Division 1 Protection of the environment and rehabilitation</b>				
4	<p><b>4 Must prevent or minimise harm to environment</b></p> <p>(1) The holder of a mining lease must take all reasonable measures to prevent, or if that is not reasonably practicable, to minimise, harm to the environment caused by activities under the mining lease.</p> <p>(2) In this clause—  <b>harm</b> to the environment has the same meaning as in the Protection of the Environment Operations Act 1997.</p>	BMC has been generally found to conduct operations in a manner that minimises harm to the environment caused by activities under the mining lease. See Section 4 Environmental Performance of the Independent Environmental Audit Report.	Compliant	
5	<p><b>5 Rehabilitation to occur as soon as reasonably practicable after disturbance</b></p> <p>The holder of a mining lease must rehabilitate land and water in the mining area that is disturbed by activities under the mining lease as soon as reasonably practicable after the disturbance occurs.</p>	BMC has maintained efforts to rehabilitate areas disturbed under mining leases as soon as reasonably practicable. The Rehabilitation Specialist was generally satisfied with BMC's efforts in areas that had been disturbed. It is noted that a dormant area on the northern face had not been rehabilitated, however this was not disturbed by mining activities. See S3 C45 of SSD 5170 Audit Checklist.	Compliant	
6	<p><b>6 Rehabilitation must achieve final land use</b></p> <p>(1) The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area.</p> <p>(2) The holder of the mining lease must ensure any planning approval has been obtained that is necessary to enable the holder to comply with subclause (1).</p> <p>(3) The holder of the mining lease must identify and record any reasonably foreseeable hazard that presents a risk to the holder's ability to comply with subclause (1).</p> <p><b>Note—</b>  Clause 7 requires a rehabilitation risk assessment to be conducted whenever a hazard is identified under this subclause.</p> <p>(4) In this clause—  final land use for the mining area means the final landform and land uses to be achieved for the mining area—</p>	The Rehabilitation Specialist was satisfied that the rehabilitation efforts would achieve the final land use for the mining area. It is noted that rehabilitation is not yet complete and future assessment will be required.	Compliant	



Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>(a) as set out in the rehabilitation objectives statement and rehabilitation completion criteria statement, and</p> <p>(b) for a large mine—as spatially depicted in the final landform and rehabilitation plan, and</p> <p>(c) if the final land use for the mining area is required by a condition of development consent for activities under the mining lease—as stated in the condition.</p> <p><b>planning approval means—</b></p> <p>(a) a development consent within the meaning of the Environmental Planning and Assessment Act 1979, or</p> <p>(b) an approval under that Act, Division 5.1.</p>			
<b>Division 2 Risk assessment</b>				
7	<p><b>7 Rehabilitation risk assessment</b></p> <p>(1) The holder of a mining lease must conduct a risk assessment (a rehabilitation risk assessment) that—</p> <p>(a) identifies, assesses and evaluates the risks that need to be addressed to achieve the following in relation to the mining lease—</p> <p>(i) the rehabilitation objectives,</p> <p>(ii) the rehabilitation completion criteria,</p> <p>(iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan, and</p> <p>(b) identifies the measures that need to be implemented to eliminate, minimise or mitigate the risks.</p> <p>(2) The holder of the mining lease must implement the measures identified.</p> <p>(3) The holder of a mining lease must conduct a rehabilitation risk assessment—</p> <p>(a) for a large mine—before preparing a rehabilitation management plan, and</p> <p>(b) for a small mine—before preparing the rehabilitation outcome documents for the mine, and</p> <p>(c) whenever a hazard is identified under clause 6(3)—as soon as reasonably practicable after it is identified, and</p> <p>(d) whenever given a written direction to do so by the Secretary.</p>	<p>In accordance with clause 7 of Schedule 8A of the Mining Regulation, BMC completed a Rehabilitation Risk Assessment (Risk Assessment) in March 2022 to:</p> <ul style="list-style-type: none"> <li>• identify, assess and evaluate the rehabilitation related risks to the Rehabilitation Objectives, Rehabilitation Completion Criteria and Final Land Use; and</li> <li>• identify the measures to be implemented to eliminate, minimise or mitigate those risks.</li> </ul> <p>Details of the risk assessment can be found in the Rehabilitation Management Plan. Relevant sections include Section 6.2, which lays out phases of rehabilitation and general methodologies.</p> <p>Table 8 sets out a list of the risks identified and how each risk and associated control is addressed in the RMP. Individual Bow Tie risk assessment sessions conducted at the workshop included:</p>	Compliant	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>• Integration of Rehabilitation into Life of Mine Planning;</li> <li>• Final Landform;</li> <li>• Growth Media Development;</li> <li>• Rehabilitation Materials &amp; Biological Resources; and</li> <li>• Ecosystem Establishment and Ecosystem Development.</li> </ul> <p>An ongoing assessment of the effectiveness of risk controls, as well as the emergence of any new risks to rehabilitation, is incorporated into the rehabilitation quality assurance process (Part 7) and rehabilitation monitoring program (Part 8).</p> <p>Controls identified during the Risk Assessment have been incorporated into the Trigger Action Response Plan (TARP) in Part 10. The Risk Assessment contains references to the TARP actions.</p> <p>Part 10 also includes appropriate management responses in the event that rehabilitation monitoring indicates that risk controls are ineffective or identifies the emergence of previously unidentified risks.</p> <p>The Risk Assessment will be reviewed and updated as needed in accordance with the triggers listed in Part 11 or as otherwise required.</p>		
<b>Division 3 Rehabilitation documents</b>				
	<p><b>8 Application of Division</b> This Division does not apply to a mining lease unless—</p>	Division 3 is not triggered.	Not triggered	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>(a) the security deposit required under the mining lease is greater than the minimum deposit prescribed under the Act, section 261BF in relation to that type of mining lease, or</p> <p>(b) the Secretary gives a written direction to the holder of the mining lease that this Division, or a provision of this Division, applies to the mining lease.</p>			
	<p><b>9 General requirements for documents</b></p> <p>A document required to be prepared under this Division must—</p> <p>(a) be in a form approved by the Secretary, and</p> <p><b>Note—</b></p> <p>The approved forms are available on the Department’s website.</p> <p>(b) include any matter required to be included by the form, and</p> <p>(c) if required to be given to the Secretary—be given in a way approved by the Secretary.</p>		Not triggered	
	<p><b>10 Rehabilitation management plans for large mines</b></p> <p>(1) The holder of a mining lease relating to a large mine must prepare a plan (a rehabilitation management plan) for the mining lease that includes the following—</p> <p>(a) a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area,</p> <p>(b) a description of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation,</p> <p>(c) a summary of rehabilitation risk assessments conducted by the holder,</p> <p>(d) the risk control measures identified in the rehabilitation risk assessments,</p> <p>(e) the rehabilitation outcome documents for the mining lease,</p> <p>(f) a statement of the performance outcomes for the matters addressed by the rehabilitation outcome documents and the ways in which those outcomes are to be measured and monitored.</p> <p>(2) If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must include a proposed version of the document.</p> <p>(3) A rehabilitation management plan is not required to be given to the Secretary for approval.</p>		Not triggered	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>(4) The holder of the mining lease—</p> <p>(a) must implement the matters set out in the rehabilitation management plan, and</p> <p>(b) if the forward program specifies timeframes for the implementation of the matters—must implement the matters within those timeframes.</p>			
	<p><b>11 Amendment of rehabilitation management plans</b></p> <p>The holder of a mining lease must amend the rehabilitation management plan for the mining lease as follows—</p> <p>(a) to substitute the proposed version of a rehabilitation outcome document with the version approved by the Secretary—within 30 days after the document is approved,</p> <p>(b) as a consequence of an amendment made under clause 14 to a rehabilitation outcome document—within 30 days after the amendment is made,</p> <p>(c) to reflect any changes to the risk control measures in the prepared plan that are identified in a rehabilitation risk assessment—as soon as practicable after the rehabilitation risk assessment is conducted,</p> <p>(d) whenever given a written direction to do so by the Secretary—in accordance with the direction.</p>		Not triggered	
	<p><b>12 Rehabilitation outcome documents</b></p> <p>(1) The holder of a mining lease must prepare the following documents (the rehabilitation outcome documents) for the mining lease and give them to the Secretary for approval—</p> <p>(a) the rehabilitation objectives statement, which sets out the rehabilitation objectives required to achieve the final land use for the mining area,</p> <p>(b) the rehabilitation completion criteria statement, which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives,</p> <p>(c) for a large mine, the final landform and rehabilitation plan, showing a spatial depiction of the final land use.</p> <p>(2) If the final land use for the mining area is required by a condition of development consent for activities under the mining lease, the holder of the mining lease must ensure the rehabilitation outcome documents are consistent with that condition.</p>		Not triggered	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p><b>13 Forward program and annual rehabilitation report</b></p> <p>(1) The holder of a mining lease must prepare a program (a forward program) for the mining lease that includes the following—</p> <ul style="list-style-type: none"> <li>(a) a schedule of mining activities for the mining area for the next 3 years,</li> <li>(b) a summary of the spatial progression of rehabilitation through its various phases for the next 3 years,</li> <li>(c) a requirement that the rehabilitation of land and water disturbed by mining activities under the mining lease must occur as soon as reasonably practicable after the disturbance occurs.</li> </ul> <p>(2) The holder of a mining lease must prepare a report (an annual rehabilitation report) for the mining lease that includes—</p> <ul style="list-style-type: none"> <li>(a) a description of the rehabilitation undertaken over the annual reporting period,</li> <li>(b) a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period,</li> <li>(c) a report demonstrating progress made towards the achievement of the following— <ul style="list-style-type: none"> <li>(i) the objectives set out in the rehabilitation objectives statement,</li> <li>(ii) the criteria set out in the rehabilitation completion criteria statement,</li> <li>(iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan.</li> </ul> </li> </ul> <p>(3) If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must rely on a proposed version of the document.</p> <p>(4) The holder of the mining lease must give the forward program and annual rehabilitation report to the Secretary.</p> <p>(5) In this clause—</p> <p>annual reporting period means each period of 12 months commencing on—</p> <ul style="list-style-type: none"> <li>(a) the date on which the mining lease is granted, or</li> <li>(b) if the Secretary approves another date in relation to the mining lease—the other date.</li> </ul>		Not triggered	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p><b>14 Amendment of rehabilitation outcome documents and forward program</b></p> <p>(1) This clause applies to—</p> <ul style="list-style-type: none"> <li>(a) a rehabilitation outcome document if it has been approved by the Secretary, and</li> <li>(b) a forward program if it has been given to the Secretary.</li> </ul> <p>(2) The holder of a mining lease must not amend a document to which this clause applies that relates to the mining lease unless—</p> <ul style="list-style-type: none"> <li>(a) the Secretary gives the holder a written direction to do so, or</li> <li>(b) the Secretary, on written application by the holder, gives a written approval of the amendment.</li> </ul> <p>(3) The holder of the mining lease must amend the document in accordance with the Secretary's direction or approval.</p> <p>(4) Nothing in this clause prevents the holder of a mining lease preparing a draft amendment for submission to the Secretary for approval.</p>		Not triggered	
	<p><b>15 Times at which documents must be prepared and given</b></p> <p>(1) The holder of a mining lease must do the following before the end of the initial period—</p> <ul style="list-style-type: none"> <li>(a) prepare a rehabilitation management plan, and</li> <li>(b) prepare rehabilitation outcome documents and give them, other than the rehabilitation completion criteria statement, to the Secretary for approval, and</li> <li>(c) prepare a forward program and give it to the Secretary.</li> </ul> <p>(2) The holder of the mining lease must prepare a forward program and annual rehabilitation report and give them to the Secretary before—</p> <ul style="list-style-type: none"> <li>(a) 60 days after the last day of each annual reporting period, commencing with the annual reporting period in which the forward program was given to Secretary under subclause (1)(c), or</li> <li>(b) a later date approved by the Secretary.</li> </ul> <p>(3) A rehabilitation completion criteria statement relating to completion of rehabilitation during a period covered by a forward program must be given to the Secretary for approval when the forward program is required to be given to the Secretary.</p> <p>(4) The holder of the mining lease must prepare updated rehabilitation outcome documents for the mining lease and give them to the Secretary for approval before—</p>		Not triggered	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>(a) 60 days after a development consent is modified following an application referred to in clause 20(1)(b), or</p> <p>(b) a later date approved by the Secretary.</p> <p>(5) A rehabilitation completion criteria statement is not required to be given to the Secretary under subclause (4) unless a rehabilitation completion criteria statement has already been given to the Secretary under subclause (3).</p> <p>(6) The Secretary may, by written notice, direct the holder of a mining lease to prepare, or give to the Secretary, a document required to be prepared under this Division at a time other than that specified in this clause.</p> <p>(7) The holder of the mining lease must comply with the direction.</p> <p>(8) In this clause— initial period means the period commencing when the mining lease is granted and ending—</p> <p>(a) 30 days, or other period approved by the Secretary, after this Division first applies to the mining lease, or</p> <p>(b) if this Division applies to the mining lease because of an increase in the required security deposit—</p> <p>(i) when the surface of the mining area is disturbed by activities under the mining lease, or</p> <p>(ii) at a later date approved by the Secretary.</p>			
	<p><b>16 Certain documents to be publicly available</b></p> <p>(1) This clause applies to the following documents—</p> <p>(a) a rehabilitation management plan,</p> <p>(b) a forward program,</p> <p>(c) an annual rehabilitation report.</p> <p>(2) The holder of a mining lease must make a document to which this clause applies publicly available by—</p> <p>(a) publishing it on its website in a prominent position, or</p> <p>(b) if the holder does not have a website— providing a copy of it to a person—</p> <p>(i) on the written request of a person, and</p> <p>(ii) without charge, and</p> <p>(iii) within 14 days after the request is received.</p>		Not triggered	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>(3) If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published—</p> <p>(a) for a rehabilitation management plan—within 14 days after it is prepared or amended, or</p> <p>(b) for a forward program or an annual rehabilitation report—within 14 days after it is given to the Secretary or amended,</p> <p>(4) Personal information within the meaning of the Privacy and Personal Information Protection Act 1998 is not required to be included in a document made available to a person under this clause.</p>			
<b>Division 4 Records, reporting and notification</b>				
	<p><b>17 Records demonstrating compliance</b></p> <p>The holder of a mining lease must create and maintain records of all actions taken that demonstrate compliance with each of the conditions set out in this Part.</p> <p><b>Note—</b></p> <p>The Act, sections 163D and 163E provide for the form in which records must be kept and the period for which they must be retained.</p>	<p>BMC reports compliances and non-compliances in annual reviews. Records were found to be legible and stored for at least the 4 year minimum period.</p>	Compliant	
	<p><b>18 Report on non-compliance</b></p> <p>(1) The holder of a mining lease must provide the Minister with a written report detailing any non-compliance with—</p> <p>(a) a condition of the mining lease, or</p> <p><b>Note—</b></p> <p>The Act, section 364A contains provisions relating to the use and disclosure of information provided under this condition.</p> <p>(b) a requirement of the Act or this Regulation relating to activities under the mining lease.</p> <p>(2) The holder of the mining lease must provide the report within 7 days after becoming aware of the non-compliance.</p> <p>(3) The holder of the mining lease must ensure the report—</p> <p>(a) identifies the condition of the mining lease, or the requirement of the Act or this Regulation, to which the non-compliance relates, and</p> <p>(b) describes the non-compliance and specifies the date or dates on which, or the period during which, the non-compliance occurred, and</p>	<p>BMC has not experienced any non-compliances with Mining Leases or the Act to report within the audit period.</p>	Not triggered	



Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>(c) describes the causes or likely causes of the non-compliance, and</p> <p>(d) describes the action that has been taken, or will be taken, to mitigate the effects, and to prevent any recurrence, of the non-compliance.</p>			
	<p><b>19 Nominated contact person</b></p> <p>(1) The holder of a mining lease must nominate a natural person to be the contact person with whom the Secretary can communicate in relation to the mining lease for the purposes of the Act.</p> <p><b>Note—</b> The Act, section 383 sets out the ways in which notices or other documents may be issued or given to, or served on, a person for the purposes of the Act.</p> <p>(2) The holder of the mining lease must give written notice to the Secretary of—</p> <p>(a) the full name and contact details of the nominated person—within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation, and</p> <p>(b) any change in nomination or in the nominated person's contact details—within 28 days after the change occurs.</p> <p>(3) The holder of the mining lease must ensure that the contact details for the nominated person include the person's phone number and postal and email addresses.</p>	<p>Craig White, Environment Superintendent, is the nominated contact person.</p>	<p>Compliant</p>	
<b>Division 5 Applications relating to development consent</b>				
	<p><b>20 Additional requirements—application for or to modify development consent</b></p> <p>(1) The holder of a mining lease must give written notice to the Secretary within 10 days after—</p> <p>(a) making an application for development consent that relates to the mining area, or</p> <p>(b) making an application for modification of a development consent—</p> <p>(i) under the Environmental Planning and Assessment Act 1979, section 4.55(2), and</p> <p>(ii) that proposes to modify a condition of the consent that relates to rehabilitation of the mining area in a way that may</p>	<p>Not triggered due to SSD status.</p>	<p>Not triggered</p>	

Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>affect an obligation under the mining lease relating to rehabilitation of the mining area.</p> <p>(2) This clause does not apply if the development is State significant development.</p>			

## **B.4 Stakeholder Consultation Checklist**

# STAKEHOLDER CONSULTATION CHECKLIST – BENGALLA IEA 2022

<b>STAKEHOLDER CONSULTATION CHECKLIST – BENGALLA IEA 2022</b> .....	<b>1</b>
NSW Resources Regulator .....	2
Muswellbrook Shire Council .....	2
NSW EPA .....	4
Community Consultative Committee .....	4

IEA No.	Stakeholder Comment	Comments & Evidence	Recommendations
<b>NSW Resources Regulator</b>			
SC01	The independent environmental audit is required to assess compliance against the relevant environmental management conditions of the mining leases up to 1 July 2022, including the mining operations plan.	The following relevant mining leases and exploration licences as agreed with Resources Regulator: ML 1397 ML1450 ML1469 ML1711 ML1728 ML1729 ML1769	
SC02	From 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016.	Noted. A separate checklist for assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016, is provided in the audit report.	
SC03	The audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice.	It is noted that BMC demonstrated an example of best industry rehabilitation practice by adaptively implementing aerial seeding application by helicopter when La Nina conditions made rehabilitation areas too wet to directly seed from the ground. BMC managed to complete High Density Woody Vegetation across 41.4 ha of land with this method that would otherwise not have been possible.	
SC04	It would be appreciated if a copy of the final audit report could be sent to the Regulator at nswresourcesregulator@service-now.com upon completion of the audit.	Noted. The report will be sent to the requested address.	
<b>Muswellbrook Shire Council</b>			
SC10	Could you please review the following during the IEA: Tracking spreadsheet for burial of off-the-road includes serial number, type/make and quantity, disposal date, surveyed coordinates of the	Bengalla Mining Company provided the 'Bengalla Disposal Audit Trail' tracking spreadsheet for burial of off the road tyres for 1 Jan 2020 to 1 Jan 2023. It was noted upon review that the tracking spreadsheet contained	Update tracking spreadsheet to ensure surveyed coordinates are included for all location headings, i.e. Bengalla Tyre Pad.

IEA No.	Stakeholder Comment	Comments & Evidence	Recommendations
	disposal site area (Easting, Northing, RL), and summary description of the disposal area;	adequate information including serial numbers, manufacturer, size, pattern and extended description and disposal date under headings which show the location of disposal. It was noted that some headings did not include surveyed coordinates.	
SC11	Status of tree screen plantings on Wybong Road due for completion Dec 2022;	Schedule 3, Condition 40 of SSD-5170 requires BMC to plant trees along sections of Denman Road, Roxburgh Road and Wybong Road that will have direct views of Bengalla in consultation with Council (and where relevant the RMS (now TfNSW)). This condition was modified on 24 February 2023 (Mod 5) so as to require the tree screening (or alternative visual screening measure such as visual bunding) to be completed within 12 months of approval of Mod 5. Condition 41A of Schedule 3 (inserted by Mod 5) provides that tree screening may not be required where BMC can demonstrate, to the satisfaction of the Planning Secretary, that the screening works are not possible due to constraints. Trees along Wybong Road have been planted and maintained throughout the audit period, with photographic evidence included in plates 39 through 42.	Continue to plant and maintain tree screening alongside MOD 5 where possible.
SC12	Section 4.1 of the 2019 IEA states “that an Independent Review of the Bengalla Mine and other mines in the area was to commence at a similar time to the IEA and focus on air quality and dust management. The audit was to be commissioned under Condition 4; Schedule 4 of the Development Consent.” Could you please confirm whether the independent review occurred, if not why not, and if it did, please provide a summary of key outcomes.	Independent reviews for air quality were conducted at the properties 7 Andrews Avenue Muswellbrook and 10 Racecourse Road Muswellbrook during the audit period. The independent reviewer concluded BMC was compliant with air quality criteria at both properties. Both Independent Air Quality Reviews, prepared by Jacobs Group Australia Pty Ltd, were reviewed by auditors and deemed adequate.	NA
SC13	Section 7.4 of the Bengalla Homestead Conservation Management Plan outlines medium term goals to be completed between 2021 and 2039.	The 2022 Annual Review reports only short term maintenance goals. It will be	Commence medium term goals from Table 9 of the Bengalla Homestead Conservation

IEA No.	Stakeholder Comment	Comments & Evidence	Recommendations
	<p>Could you please confirm whether these maintenance works have commenced and or provide a recommendation for commencement as soon as possible. Please also review medium term maintenance for the Overdeen Homestead outlined Section 6.5 of the Overdene Homestead Conservation Management Plan. Note that the HHMP is dated 2017 and due for review “every five years”.</p>	<p>recommended that BMC begins undertaking medium term maintenance goals immediately. It is noted that the Bengalla Homestead was inspected at the audit site inspection and was observed to be in very good condition.</p> <p>Medium term goals are not reported for Overdene Homestead in the latest annual review. It will be recommended that medium term actions from Table 21 of the Overdene Homestead Conservation Management Plan are commenced immediately.</p>	<p>Management Plan immediately if they have not been commenced already.</p> <p>Commence medium term goals from Table 21 of the Overdene Homestead Conservation Management Plan immediately if they have not been commenced already.</p>
<b>NSW EPA</b>			
SC14	The NSW EPA does not provide specific input to Independent Environmental Audits.	NA	NA
<b>Community Consultative Committee</b>			
SC15	Malcolm Ogg provided general praise for BMC’s community relationship and its CCC, but not direct requests for the audit.	NA	NA



## Appendix C Stakeholder Consultation





AREQ0034325

Mr Sam Mitchell  
RPS Australia East Pty Ltd  
Unit 2A, 45 Fitzroy Street  
Carrington NSW 2294

By email: [sam.mitchell@rpsgroup.com.au](mailto:sam.mitchell@rpsgroup.com.au)

Dear Mr Mitchell

**Subject: Bengalla Mine – Independent Environmental Audit**

Thank you for your email dated 17 November 2022 requesting consultation on the independent environmental audit to be undertaken of the Bengalla Mine which is covered by the following mining leases:

- ML1397 (1992)
- ML1450 (1992)
- ML1469 (1992)
- ML1711 (1992)
- ML1728 (1992)
- ML1729 (1992)
- ML1796 (1992)

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

From 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016.

The audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice.

It would be appreciated if a copy of the final audit report could be sent to the Regulator at [nswresourcesregulator@service-now.com](mailto:nswresourcesregulator@service-now.com) upon completion of the audit.

Yours sincerely

**Jenny Ehmsen**  
Principal Compliance Auditor  
22 November 2022

**From:** [Karen Gallagher](#)  
**To:** [Ian Richardson](#)  
**Subject:** RE: Request for Consultation - Bengalla Mining Company Independent Environmental Audit (SSD-5170) [ref:\_00D7F6iTix.\_5007F1LF3Ey:ref ]  
**Date:** Monday, 28 November 2022 3:01:44 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

**CAUTION:** This email originated from outside of RPS.

Good afternoon Ian

Thank you for your email dated 17 November 2022 inviting comment from the Environment Protection Authority (EPA) in regard to RPS AAP Consulting's independent environmental audit of the Bengalla Continuation Project required by Schedule 5, Condition 9 of Development Consent SSD-5170 (as modified). The EPA encourages the undertaking of independent audits as a useful tool for industry to ensure it is meeting its environmental objectives and environment protection licences requirements.

The EPA does not provide specific input to independent audits and I thank you for your request.

Kind regards  
Karen

**Karen Gallagher**  
Acting Unit Head  
Regulatory Operations Metro North  
NSW Environment Protection Authority  
D 02 4808 6822 | M 0437 443 419



[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) @NSW EPA

*The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.*

I work on Awabakal Country



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

----- Forwarded Message -----

**From:** Sam Mitchell [sam.mitchell@rpsgroup.com.au]  
**Sent:** 17/11/2022 11:07  
**To:** [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au)  
**Cc:** [ian.richardson@rpsgroup.com.au](mailto:ian.richardson@rpsgroup.com.au)  
**Subject:** Request for Consultation - Bengalla Mining Company Independent Environmental Audit (SSD-5170)

## ATTENTION NSW Department of Planning, Biodiversity Conservation Division

Dear Sir/Madam,

RPS AAP Consulting Pty Ltd (RPS) have been engaged by Bengalla Mining Company Pty Limited (Bengalla) to undertake an Independent Environmental Audit (IEA) of the Bengalla Continuation Project required by Schedule 5, Condition 9 of Development Consent SSD-5170 (as modified).

The Department of Planning and Environment (DPE) approved RPS as the independent auditor on 23 March 2022.

As per Schedule 5, Condition 9 of SSD-5170 as modified (<https://newhopegroup.com.au/licensing-and-compliance/>), the audit is required to include consultation with relevant agencies and CCC to obtain their feedback and draw the auditor's attention to any key issues, within the agreed scope of the audit.

RPS are formally requesting consultation. Could you please provide comment on the site that is relevant to the audit. This could include any compliance issues; environmental performance issues, complaints received, or any matter considered appropriate.

We would appreciate comment by **9 December 2022**, if possible, to enable us to consider this as part of the audit site inspection.

Thank you for your time and attention to this. Should you wish to discuss any further and provide comments, please contact the undersigned.

Kind Regards,

RPS AAP Consulting Pty Ltd

**Ian Richardson** (He/Him)

General Manager, Newcastle – P&E

RPS | Australia Asia Pacific

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Senior Environmental Scientist / Planner

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and community. We pay our respect to them and their cultures and to Elders past and present.

[Click here](#) to find out more about our Reconciliation Action Plan.

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**From:** [Theresa Folpp](#)  
**To:** [Sam Mitchell](#)  
**Cc:** [Jan Richardson](#)  
**Subject:** RE: [EXTERNAL]Request for Consultation - Bengalla Mining Company Independent Environmental Audit (SSD-5170)  
**Date:** Friday, 23 December 2022 11:20:23 AM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)

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Hi Sam,

Thank you for the opportunity to provide input to the IEA of SSD-5170 for the Bengalla Coal Mine.

Could you please review the following during the IEA:

1. Tracking spreadsheet for burial of off-the-road includes serial number, type/make and quantity, disposal date, surveyed coordinates of the disposal site area (Easting, Northing, RL), and summary description of the disposal area;
2. Status of tree screen plantings on Wybong Road due for completion Dec 2022;
3. Section 4.1 of the 2019 IEA states “that an Independent Review of the Bengalla Mine and other mines in the area was to commence at a similar time to the IEA and focus on air quality and dust management. The audit was to be commissioned under Condition 4; Schedule 4 of the Development Consent.” Could you please confirm whether the independent review occurred, if not why not, and if it did, please provide a summary of key outcomes.
4. Section 7.4 of the Bengalla Homestead Conservation Management Plan outlines medium term goals to be completed between 2021 and 2039. Could you please confirm whether these maintenance works have commenced and or provide a recommendation for commencement as soon as possible. Please also review medium term maintenance for the Overdeen Homestead outlined Section 6.5 of the Overdene Homestead Conservation Management Plan. Note that the HHMP is dated 2017 and due for review “every five years”.

If you require any additional information, please don't hesitate to contact the undersigned.

Regards,  
Theresa



**Muswellbrook Shire Council | Theresa Folpp | Development Compliance Officer | Administration Building**

**T:** (02) 6549 3700 | **E:** [Theresa.Folpp@muswellbrook.nsw.gov.au](mailto:Theresa.Folpp@muswellbrook.nsw.gov.au) | **W:** [www.muswellbrook.nsw.gov.au](http://www.muswellbrook.nsw.gov.au)

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Muswellbrook Shire Council ABN 86 864 180 944

**From:** Sam Mitchell <[Sam.Mitchell@rpsgroup.com.au](mailto:Sam.Mitchell@rpsgroup.com.au)>

**Sent:** Thursday, 17 November 2022 11:09 AM

**To:** Muswellbrook Shire Council <[MuswellbrookShireCouncil@muswellbrook.nsw.gov.au](mailto:MuswellbrookShireCouncil@muswellbrook.nsw.gov.au)>

**Cc:** Ian Richardson <[Ian.Richardson@rpsgroup.com.au](mailto:Ian.Richardson@rpsgroup.com.au)>

**Subject:** [EXTERNAL]Request for Consultation - Bengalla Mining Company Independent Environmental Audit (SSD-5170)

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Dear Sir/Madam,

RPS AAP Consulting Pty Ltd (RPS) have been engaged by Bengalla Mining Company Pty Limited (Bengalla) to undertake an Independent Environmental Audit (IEA) of the Bengalla Continuation Project required by Schedule 5, Condition 9 of Development Consent SSD-5170 (as modified).

The Department of Planning and Environment (DPE) approved RPS as the independent auditor on 23 March 2022.

As per Schedule 5, Condition 9 of SSD-5170 as modified (<https://newhopegroup.com.au/licensing-and-compliance/>), the audit is required to include consultation with relevant agencies and CCC to obtain their feedback and draw the auditor's attention to any key issues, within the agreed scope of the audit.

RPS are formally requesting consultation. Could you please provide comment on the site that is relevant to the audit. This could include any compliance issues; environmental performance issues, complaints received, or any matter considered appropriate.

We would appreciate comment by **9 December 2022**, if possible, to enable us to consider this as part of the audit site inspection.

Thank you for your time and attention to this. Should you wish to discuss any further and provide comments, please contact the undersigned.

Kind Regards,

RPS AAP Consulting Pty Ltd

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**E** [ian.richardson@rpsgroup.com.au](mailto:ian.richardson@rpsgroup.com.au)

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and community. We pay our respect to them and their cultures and to Elders past and present.

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## Request for Consultation.

Thank you for your contact in respect of your proposed Independent environmental Audit. By way of introduction, I commenced my involvement in consultative processes in the late 90's as part of a working party establishing consultative processes throughout TAFE NSW. Once established I played a part in the Hunter Institute of Technology (TAFE) Consultative Committee. In 2000 I commenced duties with the NSW Teachers Federation as a TAFE organiser covering four TAFE Institutes, including quarterly workplace consultative committee meetings, these duties concluded in 2010. In 2000 I was also elected to Muswellbrook Shire Council. As a councillor, I had the responsibility for reviewing a range of minutes from the various Consultative Committees (CCC) and questioning when required. In mid 2000 I was elected to the Community Consultative committees of Muswellbrook Coal and the Bengalla Mining CCC's. On my retirement from Council in 2016 I nominated to continue my involvement in both mining companies CCC's.

## Committee Composition

Name	Affiliation
Malcolm Ogg	Chair
Llewellyn Bates	Community Consultative (CCC) Member
Theresa Folpp	Muswellbrook Shire Council (MSC)
Jennifer Lecky	MSC (Councillor)
Jeff Drayton	MSC (Councillor)
De-Anne Douglas	MSC (Councillor)
Jonathan Moore	CCC Member
Cam Halfpenny	Bengalla Mining Company Pty Limited (BMC) (General Manager)
Craig White	BMC (Environment Superintendent)
Fiona Hartin	BMC (Community Relations Specialist)
Glenn Meyn	BMC (Mine Manager)

The BMCCC is very well balanced in the way it operates, following closely the instructions for the CCC's operation. Each member of the committee shows clear respect to the operation of the committee and a strong willingness to work as a group.

Meetings are formal in structure but relaxed in the manner of communication. During meetings formal explanation of actions or activities contained in the business paper are given by BMC staff in detail with adequate explanation too questions.

Each CCC member is given the opportunity to report on issues of concern from within the community. A verbal response to such issues may be provided but in some cases where an investigation may be required a detailed response is contained in the minutes arriving from the meeting.

A report on Bengalla's current operation is provided along with any current mine application approvals in addition to a briefing of the mines current and proposed land management. Having a more direct impact on the community, environmental monitoring results for the quarter generally and frequently are shown as being compliant. The hard copy of this section provides graphical evidence of the mines activities. The visual display in addition to the verbal explanation enhances the report.

The BMC has since its commencement of operation has had an exceptional working relationship with the community. The community relations work contained in the quarterly CCC business paper shows the strong links between the community and the BMC. This is further extended in various areas of the media.



Throughout the year CCC members are invited to participate in a number of site visits which enhance the understanding of the mines operation by the members. The visits are exceptionally detailed and instructional. Also giving members a broad understanding of the safety applied within the mine.



## Appendix D Site Inspection Photographs



**Plate 1 - Racecourse Blast and Noise Monitor**



**Plate 2 - Roxburgh Tree Screen**



**Plate 3 - Meteorological Station**



**Plate 4 - Bengalla Homestead Blast Monitor**



Plate 5 - CHPP Reject Bin



Plate 6 - Train Load Out



**Plate 7 - Water Cart on Haul Road**



**Plate 8 - View Over Pit with Reject Cells**



Plate 9 - Waste Coolant Tanks



Plate 10 - End Wall Dam



Plate 11 - End Wall Dam



Plate 12 - End Wall Dam





**Plate 13 - ROM Dam**



**Plate 14 - Dry Creek East Dam**



**Plate 15 - East Facilities**



**Plate 16 - East Facilities**



**Plate 17 - West Facilities**



**Plate 18 - ROM Hopper**



**Plate 19 - ROM Hopper**



**Plate 20 - Roxburgh Real Time Noise Monitor**



**Plate 21 - View Over Pit with Dragline**



**Plate 22 - Racecourse Air Quality Monitoring Station**



**Plate 23 - Inside Bengalla Homestead**



**Plate 24 - Inversion Tower**



**Plate 25 - Outside Bengalla Homestead**



**Plate 26 - Waste Rock Dumping on Reject Cells**

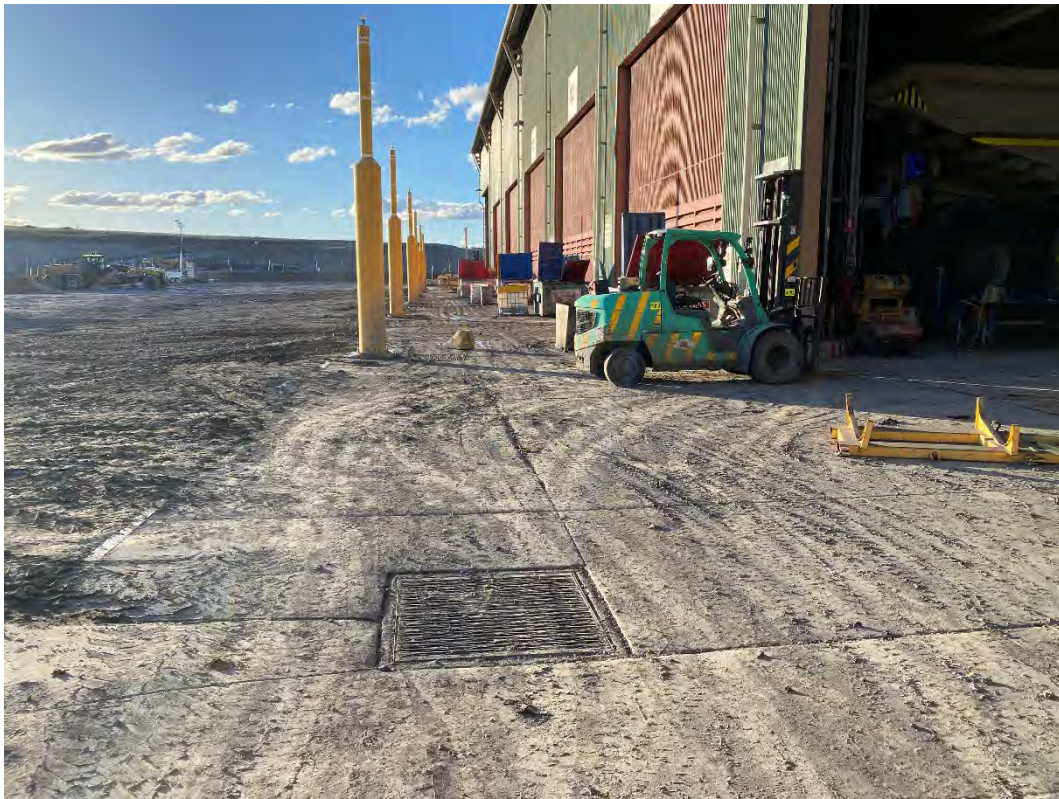


Plate 27 - Drainage Outside Workshop



Plate 28 - Some Bins Showed Contamination





**Plate 29 - Juvenile Rehabilitation**



**Plate 30 - Rehabilitation Area**



**Plate 31 - Rehabilitation Area Ready for Seeding**



**Plate 32 - Appropriate Signage on Topsoil**



**Plate 33 - Lack of Rehabilitation on Northern Face**



**Plate 34 - Appropriate Ground Level Habitat Installed in Rehabilitation Areas**



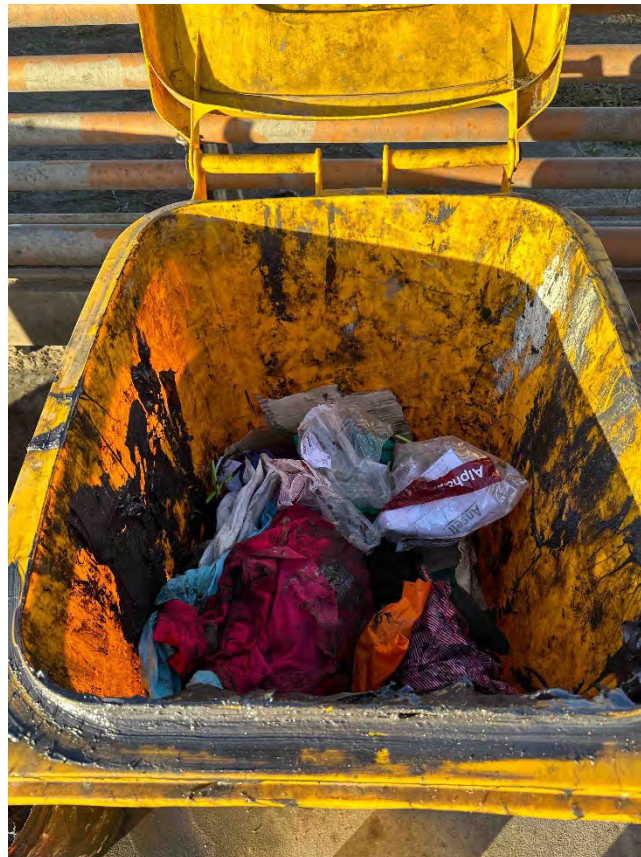
**Plate 27 - Dirty Water Discharge Dam Pumping Facility**



**Plate 28 - Dam Drainage System**



**Plate 37 - EPL Monitoring Point**



**Plate 38 - Contamination in Oily Rag Bin**



**Plate 29 - Wybong Road Tree Screen**




**Plate 30 - Further Wybong Road Tree Screen**



**Plate 31 - Further Wybong Road Tree Screen**



**Plate 32 - Further Wybong Road Tree Screen**



## **Appendix E** Status of the 2019 IEA Recommendations



# RESPONSE TO 2019 AUDIT FINDINGS - AUDIT CHECKLIST – BENGALLA IEA 2022

<b>RESPONSE TO 2019 AUDIT FINDINGS - AUDIT CHECKLIST – BENGALLA IEA 2022</b> .....	<b>1</b>
Response to 2019 Audit Findings .....	2
Bengalla – SSD-5170 Non-Compliance Recommendations .....	2
EIS and SEE Commitments Non-Compliance Recommendations .....	8
ML1397 (2018) .....	9
ML13979	
ML14509	
ML14699	

Cond No.	Audit Findings	Recommendations	BMC Response	Status
<b>Response to 2019 Audit Findings</b>				
<b>Bengalla – SSD-5170 Non-Compliance Recommendations</b>				
S2-2	Based on there being some Non-Compliant conditions, BMC were considered to be Non-Compliant with the condition. The Non compliances are detailed below.	Refer to below recommendations	This condition is overarching. BMC seeks to maintain compliance with this condition by establishing compliance with the other development consent conditions.	Noted
S2-15	BMC was found to be non-compliant with this condition as they had not ensured that the existing operations on site (approved by Mod 3 and 4) were covered by all the Management Plans. Some management plans excluded either Mod 4 requirements or both Mod 3 & Mod 4 requirements.	<b>Rec-2019-01:</b> Update Management Plans and strategies (including the BMP, AQMP, ACHMP, BOMP, RMP and the EMS) so they cover all of the operations and activities described in all Modifications.	Auditors reviewed management plans during the audit.  Environmental Management Strategy version 2 (condition 1 of Schedule 5) approved by Matthew Sprott as nominee of the Secretary on 03/04/2020.  Noise Management Plan version 6 (condition 7 of Schedule 3) approved by Howard Reed as nominee of the Secretary on 27/05/2019.  Waste Management Plan version 7 (condition 25 of Schedule 3) approved by Howard Reed as nominee of the Secretary on 01/02/2019.  The Rehabilitation Management Plan (Condition 46 Schedule 3) was first revised 2 July 2022 and has since been revised outside the audit period. The RMP has	Closed

Cond No.	Audit Findings	Recommendations	BMC Response	Status
			<p>replaced the Mining Operations Plan (MOP).</p> <p>Management Plans below approved by Matthew Sprott as nominee of the Secretary on 18/08/2017.</p> <ul style="list-style-type: none"> <li>• Blast Management Plan version 5 (condition 15 of Schedule 3);</li> <li>• Air Quality Management Plan version 4 (condition 20 of Schedule 3);</li> <li>• Water Management Plan version 6 (condition 25 of Schedule 3);</li> <li>• Biodiversity Management Plan version 4 and Biodiversity Offset Management Plan version 6 (condition 29 of Schedule 3);</li> <li>• Aboriginal Cultural Heritage Management Plan version 7 (condition 31 of Schedule 3);</li> <li>• Historic Heritage Management Plan version 7 (condition 32 of Schedule 3); and</li> </ul> <p>Mining Operation Plan version 4, which has since been replaced by the Rehabilitation Management Plan.</p> <p>BMC provided 'Schedule 5 Condition 5 Management Plan Review Post SSD-5170 Modification 5', proving the relevant management plans have</p>	

Cond No.	Audit Findings	Recommendations	BMC Response	Status
			been reviewed and updated as required.	
S3-12	Property Inspections were completed for one resident following a request under this condition. One of the reports issued on 6/10/20 was titled an inspection and included many aspects of what would be considered to comprise an investigation, such as consideration of causes for the observed building condition. It could not be verified that the report comprised a "Property Investigation" under the condition as there is no definition of an investigation within the project approval.	<p><b>Rec-2019-01A:</b> That BMC ensure that any report that purports to be an investigation under Condition 12, Schedule 3 of the Project Approval clearly indicate in the title that it is an Investigation.</p> <p><b>Rec-2019-01B:</b> That BMC confirm in writing with any person who requests a property Investigation under Condition 12, Schedule 3 of the Project Approval that they agree to the person nominated to undertake the investigation.</p> <p><b>Rec-2019-01C:</b> That prior to any investigation as required of Condition 12, Schedule 3 of the Project Approval, BMC consult with DPIE regarding their requirements for the conduct of such an investigation, given an absence of any guidance for what an investigation is to comprise in the Conditions of Approval.</p>		Closed
S3-16	There have been exceedances of the criteria, however on each occasion BMC have engaged experts (ERM and Todoroski Air Sciences) to assess the BMC contribution to these exceedances. These assessments have reported that the Bengalla Mine contribution to the dust levels are below the criteria. On this basis BMC argue that they are compliant with the condition. This audit has not assessed this position on technical grounds as Auditors are not technical specialists in air quality. It is noted that air quality in the region and mine contribution to dust in air are being assessed under the Independent Review required by Schedule 4, Condition 4. Further, Notices have been issued by DPIE in February 2020 for BMC to provide	<p><b>Rec-2019-02:</b> DPIE to further consider the argument by BMC that they are compliant with the criteria of this condition.</p> <p><b>Rec-2019-03:</b> PM2.5 is required to be measured as detailed in the AQMP and reported in future Annual Reviews.</p> <p><b>Rec-2019-04:</b> It is recommended that BMC be proactive and undertake PM2.5 monitoring prior to the AQMP being</p>	<p>BMC has relodged the amended Air Quality Management Plan (AQMP) at the Department of Planning Industry and Environment (DPIE).</p> <p>A new component to monitor PM2.5) has been installed</p>	Closed

Cond No.	Audit Findings	Recommendations	BMC Response	Status
	information to DPIE as part of ongoing investigations into compliance with this condition. This study and investigations are expected to contribute further to the assessment of this issue. Given the above, Auditors were not able to confirm compliance or non-compliance with the approach used; consider the Independent Review and DPIE Investigation will cover relevant issues; and have determined the condition as Not Verified.	<p>approved by the DPIE to ensure compliance with the condition.</p> <p><b>Rec-2019-05:</b> Ensure that all recommendations of the Independent Review as required of Schedule 4, Condition 4 are implemented appropriately once completed.</p> <p><b>Rec-2019-06:</b> Ensure information requests relating to air quality as issued by DPIE are complied with.</p> <p><b>Rec-2019-07:</b> Ensure that all reasonable and feasible avoidance and mitigation measures are employed so that the particulate emissions generated by the development are minimised.</p>		
S3-19	Condition 19a) is considered not to have been complied with based on PIN No: 3121150616 on 16/06/2017 stating "Bengalla failed to implement all reasonable and feasible measures to minimise dust emissions of the development and failed to minimise any visible air pollution generated by the development". Site inspections identified observations where BMC could improve dust management practices. It is noted that further comments on dust management may be an outcome of the Independent Review as required under Condition Schedule 4, Condition 4. It is further noted that DPIE has issued BMC with Notices in February 2020 to provide information in respect of an investigation into compliance with this condition.	<p><b>Rec-2019-08:</b> During wind levels marginally below the trigger criteria of 10m/s, BMC conduct further mitigation to improve dust management. This could include increased frequency of visual monitoring of dust levels and increased re-assignment/shut-down of trucks and equipment when significant dust is observed; as well as re-assignment of water carts (essentially more frequent and responsive implementation of existing controls).</p>	BMC has committed to continue to implement the Air Quality Management Plan and respond to regulatory Notices.	Closed
S3-20	Many aspects of the mitigation measures defined in the AQMP plan were being implemented. As per discussion for Condition 19, it was considered that on day 2 of the site inspections, some measures could have been implemented more rapidly to minimise dust generation in some areas of the operation. It is noted	<b>Rec-2019-08: As Above</b>	It is that the AQMP is now being implemented effectively.	Closed

Cond No.	Audit Findings	Recommendations	BMC Response	Status
	that DPIE has issued Notices that require BMC to provide information to DPIE as part of an investigation into BMC's compliance with the AQMP (February 2020). It is understood BMC are preparing these documents for issue. As this matter is being investigated by DPIE, it is considered inappropriate to pre-empt the investigation by determining compliance for this condition. As such, the condition compliance status is deemed "Not Verified".			
S3-25	BMC are considered Non-Compliant with the condition on the basis that groundwater inflows to the Bengalla mine open cut exceeded the annual entitlement under 20BL 169798.	<b>Rec-2019-09:</b> Continue to work with the Natural Resources Access Regulator (NRAR) to increase the annual entitlement under 20BL 169798.	BMC applied to the NSW Office of Water (now the Natural Resources Access Regulator) 22 December 2015 for additional entitlements under 20BL 169798 to account for groundwater inflows to the site predicted in the 2013 Bengalla EIS. Natural Resources Access Regulator granted volumetric increase to 365 units to WAL41547 14 September 2020.	Closed
S3-29	On two occasions it was reported that BMC had not fully implemented the Bengalla Biodiversity Management Plan, with the Ground Disturbance Permit (GDC) process not implemented twice in 2017 and seed not harvested during the audit period. On this basis BMC are considered non-compliant with the condition.	<b>Rec-2019-10:</b> Ensure full implementation of the Ground Disturbance Permit process in the future. <b>Rec-2019-11:</b> Collect seed from site, to be used in future revegetation works, as required in the Biodiversity Management Plan.	BMC have committed to following GDP's each time a GDP is issued.	Closed
S3-30	BMC did not lodge a conservation bond with DPIE within 6 months of the approval of the Biodiversity Management Plan, as required of the condition.	<b>Rec-2019-12:</b> Lodge a conservation bond with DPIE as required of the condition.	Condition required lodgement of Conservation Bond prior to the audit period. This condition was noted as an administrative non-compliance in the previous audit due to BMC missing the due date for the payment of the bond. It was noted however that BMC has paid the bond based on email from BMC to DPIE dated	Closed

Cond No.	Audit Findings	Recommendations	BMC Response	Status
			29/11/2018 showing the conservation bond has since been paid	
S4-3	<p>When air quality criteria exceedances occurred, BMC conducted assessments and received specialist feedback from Todoroski and ERM, which determined that the Bengalla mine's contribution to levels of particulates monitored was below the relevant criterion. On this basis BMC considered that there were no exceedances attributable to the Bengalla Mine, and hence did not advise landowners of the exceedances or follow through with the requirements of this condition. Air Quality criteria exceedances and BMC's response is further discussed under Condition 16, Schedule 3.</p> <p>This audit has not assessed BMC's position on technical grounds as Auditors are not technical specialists in air quality. It is noted that air quality in the region and mine contribution to dust in air are being assessed under the Independent Review required by Schedule 4, Condition 4. Further, Notices have been issued by DPIE in February 2020 for BMC to provide information to DPIE as part of ongoing investigations into compliance with conditions relating to air quality. This study and investigations are expected to contribute further to the assessment of this issue. Given the above, Auditors consider the Independent Review and DPIE Investigation will cover relevant issues; and have determined the condition as Not Verified.</p>	No recommendations provided	No action required.	Closed
S4-4	A suitably qualified, experienced and independent person was not commissioned to undertake the Independent Dust Review within 2 months of the DPIE agreeing with landowners to undertake the review.	<p><b>Rec-2019-13:</b> Engage a suitably qualified, experienced and independent person to undertake the Independent Dust Review.</p>	Independent reviews for air quality were conducted at the properties 7 Andrews Avenue Muswellbrook and 10 Racecourse Road Muswellbrook during the audit period. Auditors sighted both reviews conducted by Jacobs and dated 18 August 2021.	Closed

Cond No.	Audit Findings	Recommendations	BMC Response	Status
			The independent reviewer (Jacobs) concluded for both properties Bengalla Mine was compliant with air quality criteria.	
S5-6	Section 3.2 of the Community Consultative Committee Guideline: State Significant Projects (January 2019) requires the Independent Chairperson to "report annually to the Department on the Operation of the committee". In correspondence received by the Auditors from DPIE following their review of a previous version of this audit report dated 6 October 2020, DPIE reported that they had not received any annual reports of the operation of the CCC during the audit period. Bengalla reported that they had spoken with the CCC Chair and confirmed that no annual reports were prepared for 2017, 2018 or 2019. On this basis, this aspect of the guideline was not complied with and it is considered Bengalla are Non-Compliant with this condition.	<b>Rec-2019-13A:</b> Ensure that the Community Consultative Committee (CCC) Chairperson reports to DPIE Annually on the operation of the Committee.	The CCC Chairperson reports annually on the operation of the committee. Auditors viewed Annual CCC Reports for 2020,2021 and 2022.	Closed
<b>EIS and SEE Commitments Non-Compliance Recommendations</b>				
Install TEOMs to largely replace HVAS	According to site communications TEOMs will be installed once revised Air Quality Management Plan (AQMP) is approved by DPIE.	None provided	TEOMs have been installed.	Closed
Adjustment of the monitoring network as the site proceeds west.	According to site communications monitoring network to be adjusted once the revised AQMP is approved by DPIE.	None provided	Monitoring network has been suitably adjusted following revision of AQMP.	Closed
8.11.4	The Land Disturbance Permit Process was not used during two occasions in June 2017 and October 2017. On this basis BMC are considered Non-Compliant with this condition.	None provided	No action required.	Closed
6.1.2	During the audit inspection it was observed that the Dry Creek East Dam had been installed, but the liner of the dam was not inspected as it was full of water.	None provided	No action required.	Closed
6.5	BMC has not continued to manage all ecological matters on-site in accordance with the Bengalla	<b>Rec-2019-14:</b>	Weed inspections and spraying has been undertaken across the	Closed



Cond No.	Audit Findings	Recommendations	BMC Response	Status
	Biodiversity Management Plan (BMC, 2016c), with the GDC process not implemented twice in 2017 and seed not harvested during the audit period.	Undertake weed management work at the site to control outbreaks of Galenia pubescens. <b>Rec-2019-11: As above</b>	past three years as reported in the Annual Reviews. Satisfactory weed management measures were concluded to have been undertaken by the Rehabilitation Specialist during site inspection.	
<b>ML1397 (2018)</b>				
2	On the basis that the Notices have been issued and are responses have not been considered as part of this IEA, compliance with this condition (specifically the satisfaction of the Minister) could not be verified.	None provided	No action required.	Closed
<b>ML1397</b>				
8	On the basis that the Notices have been issued and are responses have not been considered as part of this IEA, compliance with this condition (specifically the satisfaction of the Minister) could not be verified.	None provided	No action required.	Closed
<b>ML1450</b>				
8	On the basis that the Notices have been issued and are responses have not been considered as part of this IEA, compliance with this condition (specifically the satisfaction of the Minister) could not be verified.	None provided	No action required.	Closed
<b>ML1469</b>				
19	On the basis that the Notices have been issued and are responses have not been considered as part of this IEA, compliance with this condition (specifically the satisfaction of the Minister) could not be verified.	None provided	No action required.	Closed