



BENGALLA MINE

Annual Community Consultation Report for EL 9431 – 4
July 2022 to 3 July 2023



Prepared by:

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Annual Community Consultation Report for EL 9431


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|---|---|
| Project operator/titleholder | Bengalla Mining Company Pty Limited |
| Prospecting title type and number | Exploration Licence No. 9431 (Act 1992) |
| Original grant date/expiry date | Grant Date: 4 July 2022 Expiry Date: 4 July 2028 |
| Reporting period | 4 July 2022 to 3 July 2023 |
| Exploration project name or location | Bengalla Mine |
| Date of report | 1 September 2023 |
| Name of authorised reporting officer | Craig White |
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TABLE OF CONTENTS

| | | |
|----------|---|-----------|
| 1 | Background | 4 |
| 2 | Executive summary | 4 |
| 3 | Community consultation in the reporting period | 7 |
| 3.1 | Activity impact level and stakeholder identification | 7 |
| 3.2 | Consultation requirements for low impact activities | 8 |
| 4 | Consultation with non-government stakeholders | 8 |
| 4.1 | Consultation activities | 8 |
| 4.2 | Objectives of consultation with non-government stakeholders | 8 |
| 4.3 | Summary of discussions, outcomes and issues..... | 9 |
| 5 | Consultation with government agencies | 9 |
| 5.1 | Consultation activities | 9 |
| 5.2 | Objectives of consultation with government agencies..... | 10 |
| 5.3 | Summary of discussions, outcomes and issues..... | 10 |
| 6 | Compliance with the Strategy | 10 |
| 7 | Summary of comments/complaints and responses | 10 |
| 8 | Amendments to the Strategy or Activity | 10 |
| 9 | Further community consultation | 11 |

1 BACKGROUND

Bengalla Mining Company Pty Limited (**BMC**) operates the Bengalla Mine (**Bengalla**) located about 4 km west of Muswellbrook in the Upper Hunter Valley of New South Wales (see **Figure 1**). Bengalla operates under State Significant Development Consent SSD-5170 granted on 3 March 2015 under the *Environmental Planning and Assessment Act 1979* (NSW).

In addition to seven mining leases, BMC holds Exploration Licence No. 9431 (**EL 9431**). Condition 3 of EL 9431 requires BMC to carry out community consultation in relation to the planning and conduct of activities under the licence in accordance with the *Exploration Code of Practice: Community Consultation* (May 2023) (**CoP**).¹

The CoP includes a requirement to complete an Annual Community Consultation Report which must be made publicly available within 2 calendar months of the anniversary of the grant of the prospecting title by (relevantly) publishing it online on the titleholder's website.

2 EXECUTIVE SUMMARY

This Annual Community Consultation Report describes BMC's community consultation activities in relation to EL 9431 for the reporting period of 4 July 2022 to 3 July 2023 (the **Reporting Period**) in accordance with the CoP.

In the Reporting Period, BMC's exploration activities comprised an airborne geophysical drone survey over EL 9431 (the **Activity**). The purpose of the Activity was to identify geological features (such as dykes, sills and faults) within the EL area. The survey started in the week commencing 17 October 2022 and went for approximately four weeks. The Activity did not require any access to privately owned land.

Prior to commencing the Activity, BMC conducted a risk assessment and prepared and implemented the *Bengalla Mine Drone Survey Community Consultation Strategy*² (the **Strategy**). The level of community consultation required by the CoP depends on the potential impacts of the proposed exploration activity determined in accordance with the methodology set out in the CoP. Using this methodology, the Activity was determined to be low impact as documented in the Strategy.³

This classification informed the identification of relevant stakeholders and the level of community consultation required. The stakeholders for the Activity included local government

¹ Although Condition 3 of EL 9431 refers to the 2016 version of the CoP, the definitions section of EL 9431 states "A reference to a Code or Guideline is a reference to that document as amended or replaced from time to time" and accordingly the May 2023 version has been referred to in this report.

² *Bengalla Mine Drone Survey Community Consultation Strategy for Bengalla Mining Company Pty Limited* (James Bailey & Associates Pty Limited, 10 October 2022).

³ The potential impact level of the proposed drone survey was assessed in accordance with the methodology set out in the CoP Appendix 1 Table 2. The cumulative score for issues identified in the Activity Impact assessment was five, which correlates to a low impact activity in the CoP.

(Muswellbrook Shire Council), Crown Lands (in respect of Crown roads within the EL area), landholders and residents/tenants within EL9431 and selected landholders with residences immediately adjacent to EL 9431.

The Strategy sets out the consultation plan and objectives of consultation in respect of both non-government stakeholders and government agencies, which are extracted in this report. BMC performed the consultation plan and the objectives of consultation were met.

The Strategy was complied with and no issues were raised by stakeholders in relation to the Activity. No amendments to the Strategy or Activity were required as a result of community consultation during the Reporting Period.

BMC intends to conduct further exploration (drilling activities) in the next reporting period, subject to obtaining an activity approval. BMC will conduct a risk assessment in accordance with the CoP to develop and implement a community consultation strategy that is appropriate to the proposed activities.



BENGALLA MINE

Regional Locality

FIGURE 1

Figure 1 Bengalla Regional Locality



3 COMMUNITY CONSULTATION IN THE REPORTING PERIOD

The Activity started in the week commencing 17 October 2022 and went for approximately four weeks. The survey area was over EL 9431. All land within EL 9431 is owned by BMC or the Bengalla Joint Venturers except for Council roads, Crown (paper) roads and one parcel of land owned by another mining company. The survey was not undertaken over Council public roads and did not require any access to privately owned land.

As required by Condition 3 of EL 9431, BMC prepared and implemented a Strategy for the Activity in accordance with the CoP. This report provides a summary of stakeholder groups identified, consultation activities undertaken and the objectives and outcomes of the community consultation.

3.1 Activity impact level and stakeholder identification

The Activity was determined to be low impact through a risk assessment which was undertaken in accordance with the methodology set out in the CoP and documented in the Strategy.

Table 3 of the CoP provides the framework for identifying relevant community stakeholders with reference to the potential impact level of the proposed activity. For low impact activities, the relevant community stakeholders include landholders and residents/tenants of the site of the activity, native titleholders or claimants and local government.

Having regard for the above, the following stakeholders were identified as being relevant to the proposed Activity:

- Muswellbrook Shire Council;
- NSW Department of Planning and Environment – Crown Lands (**Crown Lands**) (in respect of Crown roads within EL 9431);
- One landholder within EL 9431 (Hunter Valley Energy Coal Pty Ltd (**HVEC**));
- Seven landholders with private residences immediately adjacent to EL 9431; and
- Two tenants within EL 9431 including the licensee of the HVEC land and Bengalla Agricultural Company Pty Ltd.

EL9431 does not have a condition regarding native title (as native title has been demonstrated to be extinguished in all the land and waters within EL 9431). In that context, no consultation was necessary with native titleholders or claimants.

In addition to the stakeholders above, BMC also:

- kept its Community Consultative Committee (**CCC**) informed about the Activity (the CCC has been established as required by the conditions of SSD-5170 for Bengalla and its members comprise representatives from BMC, the Council and local community); and
- notified MACH Energy Australia Pty Ltd (operator of the adjoining Mount Pleasant Mine) of the proposed Activity as a courtesy.

3.2 Consultation requirements for low impact activities

Where proposed exploration activities have been categorised as low impact, the CoP requires the following minimum community consultation actions:

- Consultation that may include phone conversation(s), meeting(s) and written communication(s), for example, email and/or letter; and
- Responses to any correspondence or submissions.

Information is provided below about the consultation activities conducted, objectives of that consultation and outcomes achieved and issues raised in respect of non-government stakeholders and government stakeholders.

4 CONSULTATION WITH NON-GOVERNMENT STAKEHOLDERS

4.1 Consultation activities

The Strategy sets out the consultation plan for stakeholders in respect of the then proposed Activity. The part of the consultation plan relevant to non-government stakeholders is extracted at **Table 1**. The activities undertaken by BMC in accordance with that consultation plan are summarised at **Table 3**.

Table 1 Consultation with non-government stakeholders

| Stakeholder | Purpose | Consultation Method | Timing |
|---|---|--|----------------------------|
| 1 landholder and 2 tenants within EL 9431 | Negotiate Land Access Agreement(s) where required | Consultation and written correspondence as required. | Prior to accessing land |
| | Advise about the proposed Activity and survey area | Introductory call and email to advise of proposed Activity and key details including nature of the activities, proposed commencement and duration and survey area. | Prior to commencing survey |
| Selected landholders (7) with residences immediately adjacent to EL9431 | Consider advising about the proposed Activity and survey area | Determine if a phone call or email is required explaining proposed Activity and letter/email as required providing key details including nature of the activities, proposed commencement and duration and survey area. | Prior to commencing survey |

4.2 Objectives of consultation with non-government stakeholders

The Strategy sets out the consultation objectives for the then proposed Activity, which are extracted below.

BMC aims to maintain good relationships with government agencies, other stakeholders and the local community. BMC's community liaison objectives are:

- ensure that Bengalla consistently builds upon its credibility within the region through a process of engagement and transparency within neighboring communities;
- be proactive rather than reactive;
- build awareness and provide information on current and future plans;
- keep all stakeholders well informed;
- establish working relationships with stakeholders;
- address any concerns where appropriate, held by residents and other stakeholders; and
- minimise any potential disruptions and inconvenience to residents and operations.

4.3 Summary of discussions, outcomes and issues

No comments or queries were received from or issues raised by non-government stakeholders following consultation.

5 CONSULTATION WITH GOVERNMENT AGENCIES

5.1 Consultation activities

The Strategy sets out the consultation plan for stakeholders in respect of the then proposed Activity. The part of the consultation plan relevant to government agencies is extracted at **Table 2**. The activities undertaken by BMC in accordance with that consultation plan are summarised at **Table 3**.

Table 2 Consultation with government agencies

| Stakeholder | Purpose | Proposed Strategy Consultation Method | When |
|----------------------------|--|--|----------------------------|
| Muswellbrook Shire Council | Advise about the proposed Activity should they receive any community enquiries | Email to advise of proposed Activity and key details including nature of activity, proposed commencement and duration and survey area. Any additional enquiries to be referred to BMC Environment Superintendent. | Prior to commencing survey |
| Crown Lands | Advise about the proposed Activity should they receive | Email to advise of proposed Activity and key details including nature of activity, proposed | Prior to commencing survey |

| | | | |
|--|-------------------------|--|--|
| | any community enquiries | commencement and duration and survey area. Any additional enquiries to be referred to BMC Environment Superintendent. | |
|--|-------------------------|--|--|

5.2 Objectives of consultation with government agencies

The objectives of consultation activities for government agencies are consistent with those for non-government stakeholders described at **Section 4.2**.

5.3 Summary of discussions, outcomes and issues

One query was received from Crown Lands about whether any Crown land would be the subject of the survey. The exchange included:

- BMC emailed Crown Lands on 14 October 2022, notifying them of the proposed Activity;
- Crown Lands responded by email to BMC on 17 October 2022, asking whether the Activity related to Crown land and, if so, which Lots and Deposited Plans;
- BMC responded by email to Crown Lands identifying that Crown roads existed within the survey area, but were subject to a road closure application (a plan was also provided showing the roads and adjoining Lot/Deposited Plan details); and
- the response was noted by Crown Lands with no further comment.

6 COMPLIANCE WITH THE STRATEGY

BMC complied with the community consultation actions set out in the Strategy in respect of the Activity. A summary of the community consultation actions taken in accordance with the Strategy is set out in **Table 3**.

7 SUMMARY OF COMMENTS/COMPLAINTS AND RESPONSES

BMC provided contact details for the relevant contact person when notifying stakeholders of the proposed Activity. No feedback was received, except for a query from Crown Lands about the Lot in Deposited Plan details relevant to the proposed Activity. As described at **Section 5.3**, BMC provided a plan showing the relevant land and Crown roads in response to that query.

No complaints were received about the Activity and accordingly no actions were required to address complaints.

8 AMENDMENTS TO THE STRATEGY OR ACTIVITY

No amendments to the Strategy or Activity were required as a result of community consultation during the Reporting Period.

9 FURTHER COMMUNITY CONSULTATION

BMC intends to conduct further exploration (drilling activities) in the next reporting period, subject to obtaining an activity approval. BMC will conduct a risk assessment in accordance with the CoP to develop and implement a community consultation strategy that is appropriate to the proposed activities.

Table 3 Consultation with stakeholders

| Stakeholder | Purpose | Proposed Consultation Method | Timing | Consultation Method Undertaken | Date |
|---|--|--|----------------------------|--|-----------|
| Muswellbrook Shire Council | Advise about the proposed Activity should they receive any community enquiries | Email to advise of proposed Activity and key details including nature of activity, proposed commencement and duration and survey area. Any additional enquiries to be referred to BMC Environment Superintendent. | Prior to commencing survey | Phone call to Council | 13 Oct 22 |
| | | | | Email attaching letter advising of proposed Activity as per Strategy | 14 Oct 22 |
| Crown Lands | Advise about the proposed Activity should they receive any community enquiries | Email to advise of proposed Activity and key details including nature of activity, proposed commencement and duration, and survey area. Any additional enquiries to be referred to BMC Environment Superintendent. | Prior to commencing survey | Email attaching letter advising of proposed Activity as per Strategy | 14 Oct 22 |
| 1 landholder and 2 tenants within EL 9431 | Negotiate Land Access Agreement(s) where required | Consultation and written correspondence as required. | Prior to accessing land | N/A - no access required | N/A |
| | Advise about the proposed Activity and survey area | Introductory call and email to advise of proposed Activity and key details including nature of activity, proposed commencement and duration and survey area. | Prior to commencing survey | Letters to landholder and both tenants advising of proposed Activity as per Strategy | 14 Oct 22 |
| | | Phone call to landholder and both tenants as per Strategy | | 13 Oct 22 and 21 Oct 22 | |
| Selected landholders (7) with residences immediately adjacent to EL9431 | Consider advising about the proposed Activity and survey area | Determine if a phone call or email is required explaining proposed Activity and letter/email as required providing key details including nature of activity, proposed commencement and duration and survey area. | Prior to commencing survey | Phone call to 1 landholder as per Strategy | 21 Oct 22 |
| | | | | Letters to all 7 landholders advising of proposed Activity as per Strategy | 14 Oct 22 |
| BMC Employees | N/A | N/A | N/A | Email to all BMC staff attaching slide providing key details including nature | 17 Oct 22 |

Bengalla Mine Annual Community Consultation Report for EL 9431 – 4 July 2022 to 3 July 2023

| | | | | of activity, proposed commencement and duration and survey area. | |
|---|-----|-----|-----|--|---|
| MACH Energy Australia Pty Ltd (MACH) (operator of adjoining Mount Pleasant Mine) | N/A | N/A | N/A | Notification as a courtesy – letter and phone call to MACH advising of proposed Activity | Letter of 14 Oct 22 and phone call of 21 Oct 22 |