

Independent Environmental Audit 2019 - Bengalla Mining Company Response to Non-compliances and Recommendations to Independent Environmental Audit Final 30 Report November 2020.

Table 1: Non-compliances and conditions not verified

Bengalla Mining Company Pty Limited (BMC) Response : In blue.

CoA	Compliance Status	Summary of Findings	Recommendation
SSD-5170			
S2-2 Terms of Consent	Non-Compliant (Low Risk)	<p>(a) Appendix A.1 comprises a checklist considering the EIS & SEE commitments. Reference is made to this checklist for a detailed assessment of compliance with the EIS and SEE commitments. Not all aspects of each of the documents was assessed, with a focus of the compliance assessment on the items covered in the checklist defined in Appendix A1. BMC were considered Non-compliant with some commitments as detailed in the checklist.</p> <p>(b) This SSD-5170 checklist (outlined below) comprises a compliance assessment with the conditions of the Development Consent. Conditions considered Non-Compliant or Not Verified are noted and colour coded. Observations were raised for a number of conditions generally considered to be compliant.</p> <p>Based on there being some Non-Compliant conditions, BMC were considered to be Non-Compliant with the condition. The Non compliances are detailed below.</p>	Refer to below recommendations
		<p>Response: This condition is overarching. BMC seeks to maintain compliance with this condition by establishing compliance with the other development consent conditions.</p>	Timing: Each Day.
S2-15 Updating and Staging submission of strategies, plans or programs.	Admin Non-Compliant	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.	<p>Rec-2019-01:</p> <p>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.</p>

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		<p>Response: BMC determined that management plans that required updating were updated according to the relevant SSD – 5170 Modification 3 and Modification 4 Schedule 5 Condition 5. For example, the ACHMP was not updated as all known aboriginal artefacts have been salvaged on site. BMC will undertake a further review of the management plans and commence updating the relevant management plans where it is determined that changes are required for SSD-5170 Modification 4 Schedule 5 Condition 5.</p>	<p>Timing: Ongoing. Management Plans to be reviewed where required.</p>
<p>S3-16 Air Quality Criteria</p>	<p>Not Verified</p>	<p>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 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>	<p>Rec-2019-02: DPIE to further consider the argument by BMC that they are compliant with the criteria of this condition.</p> <p>Rec-2019-03: PM_{2.5} is required to be measured as detailed in the AQMP and reported in future Annual Reviews.</p> <p>Rec-2019-04: It is recommended that BMC be pro-active and undertake PM_{2.5} monitoring prior to the AQMP being approved by the DPIE to ensure compliance with the condition.</p> <p>Rec-2019-05: Ensure that all recommendations of the Independent Review as required of Schedule 4, Condition 4 are implemented appropriately once completed.</p> <p>Rec-2019-06: Ensure information requests relating to air quality as issued by DPIE are complied with.</p> <p>Rec-2019-07: Ensure that all reasonable and feasible avoidance and mitigation measures are</p>

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			employed so that the particulate emissions generated by the development are minimised.
		Response: BMC have relodged the amended Air Quality Management Plan (AQMP) at the Department of Planning Industry and Environment (DPIE). Following approval of the AQMP the new air quality monitoring network (which will include a component to monitor PM _{2.5}) will be installed.	Timing: Amended AQMP lodged at DPIE 24 April 2020 and 13 November 2020.
S3-19 Air Quality – Operating Conditions	Non-Compliant (Low Risk)	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.	Rec-2019-08: 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).
		Response: BMC to continue to implement the Air Quality Management Plan and respond to regulatory Notices.	Timing: Air Quality Management Plan each day. Response to regulatory Notices as required.
S3-20 Air Quality Management Plan	Not Verified	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 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".	Rec-2019-08: As Above
		Response: Noted.	

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S3-25 Water Management Plan	Non-Compliant (Low Risk)	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.	Rec-2019-09: Continue to work with the Natural Resources Access Regulator (NRAR) to increase the annual entitlement under 20BL 169798.
		Response: 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.	Timing: Complete.
S3-29 Biodiversity Management Plan	Non-Compliant (Low Risk)	On two occasions it was reported that BMC had not fully implemented the Bengalla Biodiversity Management Plan, with the Ground Disturbance Permit (GDP) 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.	Rec-2019-10: Ensure full implementation of the Ground Disturbance Permit process in the future. Rec-2019-11: Collect seed from site, to be used in future revegetation works, as required in the Biodiversity Management Plan.
		Response: BMC to follow Ground Disturbance Permit (GDP).	Timing: Each time a GDP is issued.
S3-30 Conservation Bond	Admin Non-Compliant	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.	Rec-2019-12: Lodge a conservation bond with DPIE as required of the condition.
		Response: BMC delivered the bank guarantees to what is now the DPIE 1 June 2018.	Timing: Complete.
S4-3 Notification of Landowners/ Tenants	Not Verified	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	-

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		<p>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>	
Response: Noted.			
S4-4 Independent Review	Admin Non-Compliant	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>Rec-2019-13: Engage a suitably qualified, experienced and independent person to undertake the Independent Dust Review.</p>
Response: An independent expert was engaged by BMC on 5 November 2019 to undertake the review.			Timing: Engagement complete.
EIS & SEE Commitments			
Install TEOMs to largely replace HVAS	Not Verified	According to site communications TEOMs will be installed once revised Air Quality Management Plan (AQMP) is approved by DPIE.	-
Response: Noted.			
Adjustment of the monitoring	Not Verified	According to site communications monitoring network to be adjusted once the revised AQMP is approved by DPIE.	-

CoA	Compliance Status	Summary of Findings	Recommendation
network as the site proceeds west.			
		Response: Noted.	
6.1.2	Not Verified	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.	-
		Response: Noted.	
6.5	Non-Compliant (Low Risk)	BMC has not continued to manage all ecological matters on-site in accordance with the Bengalla Biodiversity Management Plan (BMC, 2016c), with the GDC process not implemented twice in 2017 and seed not harvested during the audit period.	<p>Rec-2019-14: Undertake weed management work at the site to control outbreaks of <i>Galenia pubescens</i>.</p> <p>Rec-2019-11: Timing: Seed harvesting where possible will be undertaken around May each year. Each time a GDP is issued.</p>
		Response: Seed was not harvested during the audit period due to drought. BMC to follow Ground Disturbance Permit (GDP).	
EPL 6538			
O1.1	Non Compliant	<p>During site inspections the Auditors observed:</p> <ul style="list-style-type: none"> * Sprinklers in use at coal stockpiles to reduce coal dust; * Water trucks watering down roads to minimise dust; and * Covered coal conveyors. <p>* BMC has procedures to ensure work is carried out in a competent manner:</p> <ul style="list-style-type: none"> - PRO-0069 'Tipping and Dumping of Materials'; - PRO-0263 'Dragline Operation'; - PRO-0266 'Watercart Operation'; - PRO-0273 'Excavation Operation'; and - PRO-0576 'Loading of Reject in Haul Trucks'. <p>a) Non-compliant: During the site inspection noted a hydrocarbon spill at the re-fuelling area near to the workshop (PHOTO 26).</p>	Prevent hydrocarbon spills

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		BMC has been found non-compliant with condition O1.1 a), with substance(s) (hydrocarbons) not stored in a competent manner, with a hydrocarbon spill at the re-fuelling area near to the workshop, noted during the site inspection.	
		Response: BMC has procedures and infrastructure in place to minimise and contain hydrocarbon spills. If hydrocarbon spills occur, remedial action is taken as required.	Timing: Ongoing.
O3.2, O3.3 Dust	Not Verified	Refer to Conditions 16, 19 and 20 (Schedule 3) of the Development Consent, which discusses dust management.	Rec-2019-02 Rec-2019-03 Rec-2019-04 Rec-2019-05 Rec-2019-06 Rec-2019-07 Rec-2019-08
		Response: Noted.	
M9.4 Monitoring	Non-Compliant (Low Risk)	Monitoring point 26 is incorrectly marked as point 1.	Rec-2019-15: Mark monitoring point 26 as required of the EPL.
		Response: Noted.	Timing: New sign installed July 2020.
ML1397 (2018)			
2	Not Verified	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.	-
		Response: Noted.	

CoA	Compliance Status	Summary of Findings	Recommendation
ML1397			
8	Not Verified	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.	-
		Response: Noted.	
13	Non-Compliant (Low Risk)	Mine disturbance included in the MOP. The Bengalla pre-clearing and clearing procedures are referred to in the MOP. As reported in the 2017 Annual Review, an area of approximately 1.4 ha area was cleared in October 2017 without the approval of a Ground Disturbance Permit (GDP), and an area of 0.09 ha was also cleared in June 2017 without a GDP.	No action specified
		Response: Noted.	Timing: Each time a GDP is issued.
ML1450			
8	Not Verified	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.	-
		Response: Noted.	
ML1469			
19	Not Verified	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.	-
		Response: Noted.	

Table 2: Recommendations and Opportunities for Improvement

CoA	Rec / Opportunity	Recommendation / Opportunities for Improvement
SSD-5170		
S2-15	Rec-2019-16	Where relevant, update Management Plans to incorporate measures to improve the environmental performance of the development and reflect current best practice in the mining industry.
		Response: Noted Timing: Ongoing according to SSD – 5170 Modification 4 Schedule 5 Condition 5.
S2-17	Rec-2019-17	Update Appendix A 'Regulatory Correspondence' in the Water Management Plan (WMP) to include consultation letter from NRAR.
		Response: Noted. Water Management Plan (WMP) to be reviewed according to SSD-5170 Modification 4 Schedule 5 Condition 5. If the review determines that a new version of the WMP is required to be approved the document will be prepared according to SSD – 5170 Modification 4 Schedule 3 Condition 25. Timing: Ongoing. After review.
	Rec-2019-18	Update the Biodiversity Management Plan to include the consultation letter from NRAR.
		Response: Noted. Biodiversity Management Plan to be reviewed according to SSD-5170 Modification 4 Schedule 5 Condition 5. If the review determines that a new version of the Biodiversity Management Plan is required to be approved the document will be prepared according to SSD – 5170 Modification 4 Schedule 3 – Condition 29. Timing: Ongoing. After review.
S3-15	Rec-2019-19	Update Figure 3 in the BMP such that the 'SDD' & 'CW1' blast monitors in one location (near Bengalla Homestead) are shown as an inset, so they are not overlapping.
		Response: Noted. Blast Management Plan (BMP) to be reviewed according to SSD-5170 Modification 4 Schedule 5 Condition 5. If the review determines that a new version of the BMP is required to be approved the document will be prepared according to SSD – 5170 Modification 4 Schedule 3 – Condition 15. Timing: Ongoing. After review. BMP provided to Environment Protection Authority and Muswellbrook Shire Council for consultation 29 December 2020.

CoA	Rec / Opportunity	Recommendation / Opportunities for Improvement
	Rec-2019-20	When plans are updated for other requirements, ensure Management Plans reference current regulator names, including the Department of Planning, Infrastructure and Environment (DPIE). Response: Noted.
S3-16, S5-4	Rec-2019-21	Ensure future Annual Reviews refer to the correct PM ₁₀ criteria. Response: Noted.
S3-19	Rec-2019-22	It is suggested that an air quality specialist review and confirm that the wind speed trigger (detailed in the AQMP) based over a 1-hour period is appropriate. Response: Noted. Reviews of trigger levels will be undertaken during the year relevant to the updated AQMP monitor locations.
	Rec-2019-23	It is suggested that a suitable specialist review the location of the wind monitor referred to in Table 11 of the AQMP and determine if it is providing data that is representative, given it is not near operational areas of the mine. As required, update the relevant sections of the AQMP following this review to address the discrepancy in the AQMP Table 11 which states 10m/s wind speed on site, versus actual gauge which is near the racecourse rather than at the mine. Response: Noted. The current AQMP has considered this matter.
	Rec-2019-24	Include the CER allocated emissions baseline of 443,494 t CO ₂ -e, that is used as an upper limit for GHG management, in the GHG section of the AQMP. Response. Noted. The Clean Energy Regulator is a Commonwealth regulator. Not relevant to SSD-5170 Modification 4 where Schedule 3 Condition 19 requires minimisation of greenhouse gas emissions from site.
S3-20	Rec-2019-25	Keep progressing the approval of the revised AQMP in cooperation with DPIE. Response: Noted. Updated AQMP resubmitted to DPIE 24 April 2020 and 13 November 2020.
S3-24 S3-25	Rec-2019-26	Investigate repairing the scouring in the creek bank adjacent to the intersection of Bengalla Road and Old Bengalla Road. Response: Noted. Investigation to occur.
	Rec-2019-27	Ensure all hydrocarbon products are stored in bunded areas in accordance with the relevant Australian Standards. Response: Noted.

CoA	Rec / Opportunity	Recommendation / Opportunities for Improvement
		Timing: Each day.
	Rec-2019-28	Develop site specific in-stream water quality objectives in accordance with ANZECC 2000 and Using the ANZECC Guidelines and Water Quality Objectives in NSW procedures (DECC 2006), or its latest version, when Dry Creek is re-instated.
		Response: Noted. Timing: Towards end of mine life being 2039.
	Rec-2019-29	Implement recommendations from the 2019 Stream and Riparian Vegetation Assessment to address bank stability issues identified.
		Response: Noted. The Hunter River and its management likely involves government agencies. Any works for the northern bank stability will require review and possible further approvals and works allocation dependent upon ownership of the northern bank. Liaison with relevant stakeholders to commence. Timing: Ongoing.
S3-25	Rec-2019-30	Continue to undertake groundwater monitoring at the site and undertake investigations (using third party technical specialists as appropriate) if groundwater level and groundwater quality criteria are triggered. Respond as appropriate to any triggers.
		Response: Noted. Groundwater monitoring and trigger responses are undertaken according to the WMP. Timing: Ongoing.
S3-32	Rec-2019-31	Investigate ways in which historic items in the Bengalla homestead could be better conserved/preserved or passed on to a local historic society.
		Response: BMC will review any historic items that are not required by BMC and investigate ways to provide those identified items to relevant third parties, subject to their approval. Timing: When Historic Heritage Management Plan remediation works are complete. Ongoing.
S3-40	Rec-2019-32	Determine how many trees have been lost from the Roxburgh tree screen and replant missing trees.
		Response: BMC will inspect the site to determine missing trees and then replant. Timing: Inspection around May 2020 with any replanting as soon as reasonable and feasible.

CoA	Rec / Opportunity	Recommendation / Opportunities for Improvement
S3-45	Rec-2019-33	<p>It is recommended that BMC consider a staged approach to be undertaken to achieve High Density Woody Vegetation (HDWV), with 'patches' of HDWV applied each year over the 10+ years. BMC should aim to establish approximately 40 ha of HDWV each year. This would provide for small manageable areas for maintenance purposes (weed control and watering), especially in the first critical few years of establishment of each patch. Noted this approach may require DPIE/Resources Regulator approval.</p> <p>Response: BMC will plant HDWV according to the Mining Operations Plan (Amendment B) (MOP). Timing: Ongoing per MOP.</p>
	Rec-2019-34	<p>Trials should be established in the first years of rehabilitating to HDWV to assess the best establishment techniques including: supplemental tree planting, spraying out pasture, re-ripping and direct tree seeding, ripping directly into pasture and seeding. It is understood Bengalla have already engaged a suitably qualified expert to prepare these trials.</p> <p>Response: Noted. Trial approach not accepted by Resources Regulator as proposed method to establish HDWV is known to be successful. Timing: Not applicable.</p>
	Rec-2019-35	<p>The unrehabilitated area on the northern face that remains disturbed should be shaped and rehabilitated promptly. Recent rainfall has provided reasonable and feasible conditions for both temporary and permanent rehabilitation efforts in this area. These conditions were not present during most of the audit period. If the area requires additional overburden material for permanent rehabilitation, then dump scheduling should prioritise the additional material needed in this area for final volumes and levels, so final shaping can commence, and permanent rehabilitation established. If scheduling does not prioritise this area for additional material, then temporary rehabilitation must be undertaken immediately to provide some surface cover to reduce dust and stabilise the surface material, as required by this condition. Any future modifications to an Authority must prioritise this area for rehabilitation.</p> <p>Response: Rehabilitation at Bengalla Mine is undertaken according to the MOP. The MOP is developed according to operational requirements, the relevant guideline and requires approval by Regulators. Timing: Ongoing.</p>
S3-46	Rec-2019-36	<p>The MOP should be amended to reflect the rehabilitation staged approach (once agreed) and submitted for approval.</p> <p>Response: The approved MOP currently includes a staged rehabilitation approach. Timing: Ongoing.</p>

CoA	Rec / Opportunity	Recommendation / Opportunities for Improvement
Rec-2019-37	Undertake temporary rehabilitation on areas that have been left disturbed for years or areas that may not be scheduled for permanent rehabilitation and are not in the forecasted dump schedule.	<p>Response: Temporary rehabilitation of approved long term unrehabilitated areas will only be undertaken if the environmental benefits of the rehabilitation method is greater than the environmental costs of the rehabilitation method.</p> <p>Timing: Ongoing.</p>
Rec-2019-38	That the management recommendations and practices for soil and rehabilitation contained in the approved management plans must continue to be implemented in accordance with the approved plans.	<p>Response: Noted.</p> <p>Timing: Ongoing.</p>
S5-3	Rec-2019-39	<p>In future revisions of management plans, check the accuracy of section references in management plan requirements tables of the BMC management plans.</p> <p>Response: Noted.</p> <p>Timing: Ongoing.</p>
Rec-2019-40	Include an all "Management Plans Requirement" table in the ACHMP, VIMP and HHMP, with references to sections of each management plan where each condition is addressed.	<p>Response: Noted. Section references will be included when the management plans identified require review according to SSD-5170 Modification 4 Schedule 5 Condition 5.</p> <p>Timing: Ongoing. Management Plans ACHMP, VIMP and HHMP review to be undertaken.</p>
S5-4	Rec-2019-41	<p>Include monitoring results of previous years for noise, blast and surface water in future Annual Reviews.</p> <p>Response: Noted. Annual Reviews will be compiled according to the requirements of SSD – 5170 Modification 4 Schedule 5 Condition 4 and the DPIE Annual Review Guideline.</p> <p>Timing: Annually.</p>

CoA	Rec / Opportunity	Recommendation / Opportunities for Improvement
	Rec-2019-42	<p>Include a comparison of noise, blast, GHG and surface water results against relevant predictions in the EIS in future Annual Reviews</p> <hr/> <p>Response: Noted. Annual Review's will be compiled according to the requirements of SSD – 5170 Modification 4 Schedule 5 Condition 4 and the DPIE Annual Review Guideline.</p> <p>Timing: Annually.</p>
	Rec-2019-43	<p>Describe in future Annual Reviews what actions were (or are being) taken to ensure non-compliance/incidents do not occur again.</p> <hr/> <p>Response: Noted. Annual Reviews will be compiled according to the requirements of SSD - 5170 Modification 4 Schedule 5 Condition 4 and the DPIE Annual Review Guideline.</p> <p>Timing: Annually.</p>
	Rec-2019-44	<p>Include a discussion for trends for air quality, blast, noise and surface water monitoring data in future Annual Reviews.</p> <p>Include in Section 6 Environmental Management & Performance and Section 7 Water Management of future Annual Reviews what measures will be implemented over the next year to improve the environmental performance of the development.</p> <hr/> <p>Response: Noted. Annual Reviews will be compiled according to the requirements of SSD - 5170 Modification 4 Schedule 5 Condition 4 and the DPIE Annual Review Guideline.</p> <p>Timing: Annually.</p>
EIS & SEE Commitments		
8.2.4	Rec-2019-45	<p>Monitor the fuel efficiency of diesel equipment.</p> <hr/> <p>Response. Noted. BMC seeks to purchase fuel efficient equipment.</p> <p>Timing: Ongoing.</p>
8.19.4	Rec-2019-46	<p>Continue current practices regarding GDP; soil testing and management.</p> <hr/> <p>Response: Noted.</p> <p>Timing: Ongoing.</p>

CoA	Rec / Opportunity	Recommendation / Opportunities for Improvement
	Rec-2019-38	(As above) That the management recommendations and practices for soil and rehabilitation contained in the approved management plans must continue to be implemented in accordance with the approved plans. Response: Noted. Timing: Ongoing.
8.21.9	Rec-2019-47	The change of vegetation type in much of the rehabilitation to HDWV means trials on agricultural land rehabilitation will be pushed back several years. There are learnings from current research trials which should be reviewed and adopted in pasture rehabilitation intended for future grazing. Response: Noted. Timing: Later years of mine life.
	Rec-2019-48	Continue monitoring rehabilitation to ensure it is tracking towards final completion criteria. Response: Noted. Monitoring will be undertaken according to the MOP. Timing: Ongoing.
	Rec-2019-50	Conduct in-fill tree planting along Wybong Road. Response: Trees or (similar visual screen) will be planted where reasonable and feasible E.g. when ML 1645 south of the Wybong Road reserve is part transferred to BMC for BMC's use. Timing: Ongoing Likely 2023.
EPL 3538		
P1.3	Rec-2019-51	Update "EPL Monitoring Points -Water" figure such that it excludes EPA point 1 and includes EPA points 25 and 26. Response: Current EPL 6538 contains Figures for Monitoring Water and Effluent. BMC will not be amending these plans. Timing: Complete.
	Rec-2019-52	Update Water Management Plan (WMP) Figure 4 figure such that it excludes EPA point 1 and includes EPA points 25 and 26.

CoA	Rec / Opportunity	Recommendation / Opportunities for Improvement
		<p>Response: WMP plan will be reviewed according to SSD - 5170 Modification 4 Schedule 5 Condition 5.</p> <p>Timing: Ongoing. WMP to be reviewed where required.</p>
Mining Leases		
1397 Condition 14	Rec-2019-54	Repair erosion on the south-eastern face of the waste dump.
		<p>Response: Erosion will be repaired as required according to the MOP.</p> <p>Timing: Ongoing.</p>
ML 1397 & ML 1450, Condition 22, ML 1469, Condition 47	Rec-2019-55	Ensure that Notices are responded to within the required timeframes.
		<p>Response: BMC will respond to Notices by the agreed time with the Resources Regulator.</p> <p>Timing: Specific to each Notice.</p>
ML 1397 (2018), Condition 3 ML 1469, Condition 2, ML 1728, Condition 3, ML 1711, Condition 3, ML 1729, Condition 3.	Rec-2019-36	(As above) The MOP should be amended to reflect the rehabilitation staged approach (once agreed) and submitted for approval.

CoA	Rec / Opportunity	Recommendation / Opportunities for Improvement
ML 1469, Condition 29	Rec-2019-50	<p>Response: Rehabilitation at Bengalla Mine is undertaken according to the MOP. The MOP is developed according to operational requirements, the relevant guideline and requires approval by Regulators.</p> <p>Timing: Ongoing.</p>
		<p>(As above) Conduct in-fill tree planting along Wybong Road.</p> <p>Response: Trees or (similar visual screen) will be planted where reasonable and feasible E.g. when ML 1645 south of the Wybong Road reserve is part transferred to BMC for BMC's use.</p> <p>Timing: Ongoing. Likely 2023.</p>