



# Boggabri Coal Operations



**Independent Environmental Audit  
(MP09\_0182)**

Boggabri Coal Operations Pty Ltd

18 December 2023

→ **The Power of Commitment**



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# 1. Introduction

Boggabri Coal Mine (BCM) is an open cut coal mine located 15 km north-east of the township of Boggabri in north-western New South Wales (NSW). BCM is managed by Boggabri Coal Operations Pty Ltd (BCOPL) on behalf of Idemitsu Australia Pty Ltd (IA) and its joint venture partners. BCOPL is owned by IA, a subsidiary of Japanese company, Idemitsu Kosan Pty Ltd.

Environmental assessments first commenced at BCM in 1976 followed by grant of approval for the project in 1989, and the commencement of operations in 2006. In 2009, BCOPL lodged a major project application under the former Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act). Project Approval (MP09\_0182) was granted by the NSW Planning Assessment Commission (now Independent Planning Commission) in June 2012, allowing for extraction of up to 8.6 Million tonnes per annum (Mtpa) of run of mine (ROM) coal from BCM until the end of 2033 (the Project). A new rail load-out facility and rail spur was constructed under this approval to eliminate the need for routine road transport of product between the mine infrastructure area and the Boggabri Coal Terminal. Operation of the rail spur commenced in December 2014. A new Coal Handling and Preparation Plant (CHPP) was commissioned in mid-2015, enabling beneficiation of ROM coal required for the mine to reach the approved production rates. The most recent modification of MP09\_0182 (Modification 9) was granted in March 2023 which permitted the relocation of pre-shift infrastructure closer to the active mining area and the operation of an in pit mobile crushing unit.

Coal is mined at BCM by truck and excavator operations. Product is crushed and screened to produce export quality thermal coal and pulverised coal injection product, which is transported from the mine via rail to the Port of Newcastle, for export to overseas markets. BCOPL have approval to extract 8.6 Million tonnes per annum (Mtpa) of ROM coal per calendar year and may process up to 4.2 Mtpa of ROM coal at the CHPP. The Project includes the operation of ancillary equipment, CHPP, 17 km rail spur line and a rail loadout facility located at the mine. The final stage of the mining process involves the reshaping, topsoiling, and seeding of the overburden emplacement to achieve the rehabilitation objectives of BCOPL.

## 1.1 Purpose

The purpose of the audit was to assess compliance with the relevant conditions, in accordance with Schedule 5, Condition 10 and Schedule 3, Condition 53 of MP09\_0182. Schedule 5, Condition 10 requires:

By the end of June 2014 and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. 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.
- c. Assess the environmental performance of the project and assess whether it is complying with the requirements in this approval, and any other relevant approvals, relevant EPL/s and/or Mining Lease (including any assessment, plan or program required under these approvals).
- d. Assess whether the Proponent is implementing best noise, blasting and air quality management practice.
- e. Investigate and report on the measures taken to minimise the noise impacts of the project during meteorological conditions when the noise limits in this approval do not apply, including:
  - i. The effectiveness of these measures in maintaining noise impacts within the relevant noise criteria in this approval and/or the limits in the relevant EPL.
  - ii. Any additional measures available to mitigate noise impacts under such meteorological conditions.
- f. Investigate and report on the measures taken to minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see condition 30(d) of Schedule 3), including:
  - i. The effectiveness of these measures in maintaining air quality impacts within the criteria in Table 9, Table 10, and Table 11 of Schedule 3.
  - ii. Any additional measures available to mitigate air quality impacts under such conditions.

- g. Review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and
- h. Recommend measures or actions to improve the environmental performance of the project and/or any strategy, plan or program required under these approvals.

*Note: This audit team must be led by a suitably qualified auditor, and include experts in noise, air quality, ecology, Aboriginal heritage, and any other fields specified by the Secretary.*

Schedule 3, Condition 53, requires:

By the end of December 2017 and then every 5 years, unless the Secretary agrees otherwise, the Proponent shall commission suitably qualified, experienced, and independent person/s, whose appointment has been approved by the Secretary, to undertake an audit of the revegetation of the rehabilitation area, management, and restoration within the Biodiversity Offset Strategy areas to the satisfaction of the Secretary. This audit must:

- a. Include consultation with BCS, North West LLS, DPE Water, DCCEW, CCC and Resources Regulator.
- b. Assess the performance of the revegetation in the rehabilitation area completed to date against the completion criteria in the Rehabilitation Management Plan.
- c. Assess the performance of management and restoration in the off-site Biodiversity Offset Strategy areas completed to date against the completion criteria in the Biodiversity Management Plan.
- d. Identify any measures that should be implemented to improve the performance of rehabilitation, management and restoration within the rehabilitation and biodiversity offset areas; and
- e. If the completion criteria have not been met, or are not adequately trending towards being met, determine the likely ecological value of the rehabilitation and restoration once completed, and recommend additional measures to augment the Biodiversity Offset Strategy to ensure that it adequately offsets the project's impacts on biodiversity.

If the audit recommends the implementation of additional measures to augment the Biodiversity Offset Strategy in accordance with (e) above, then within 6 months of the completion of the audit the Proponent shall revise the Biodiversity Offset Strategy, in consultation with the Department, BCS and DCCEW, and to the satisfaction of the Secretary.

This report provides an outline of the audit methodology and results, and provides recommended actions for achieving full compliance with environmental approvals.

This audit covers a period of time from 7 November 2020 to 17 November 2023.

The audit was led by Ben Luffman, Lead Auditor (Exemplar Global No. 114159) and Michelle Kiejda. A technical peer review was completed by Michelle Kiejda. The audit team included Lachlan Taylor (audit assistance), Evan Smith (Air Quality), Tristan Robertson (Noise) Arne Bishop (Ecology), Michelle Kiejda (Rehabilitation) and Asher Ford (Heritage). As required by Schedule 5, Condition 10 of MP09\_0182 the audit team was approved by the Department of Planning and Environment (DPE) to undertake the audit on 31 August 2023 (refer to Appendix A).

## 1.1.1 Audit details

A summary of the audit details is provided in Table 1.1.

Table 1.1 Summary of audit details

Audit title	Boggabri Coal Mine Independent Environmental Audit
Site	Boggabri Coal Mine, Leard Forest Rd, Boggabri, NSW
Client Contact:	Sarah Torrance
Position	Environmental Advisor
Client address	386 Leard Forest Rd, Boggabri, NSW, 2382
Client phone number	+61 2 6749 6000
Client email	<a href="mailto:sarah.torrance@boggabrichoal.com.au">sarah.torrance@boggabrichoal.com.au</a>
Audit team	Ben Luffman - Lead Auditor Michelle Kiejda - Technical Review and Rehabilitation Specialist Lachlan Taylor - Assistant Auditor Evan Smith - Air Quality Specialist Tristan Robertson - Noise Specialist Asher Ford - Heritage Specialist Arne Bishop - Ecologist Specialist
Auditor phone	+61 2 6650 5613
Auditor email	ben.luffman@ghd.com
Date of site visit	12 October 2023
Audit scope	Assessment of project compliance against MP09_0182, EPL 12407, relevant leases and legislation.

## 1.2 Scope of the audit

The audit scope is detailed below:

- The physical boundaries of the scope of the audit covered the project area as approved by MP09\_0182.
- Relevant agencies and the Community Consultative Committee chair (CCC chair), including the Department of Planning and Environment (DPE), DPE – Water, Environment Protection Authority (EPA), DPE Environment and Heritage, the NSW Resources Regulator, NSW Natural Resources Access Regulator (NRAR), NSW Local Land Service (LLS), Narrabri Council, and the Commonwealth Department of Environment, Climate Change and Water were requested to provide comment on the performance and/or compliance of the project with relevant requirements and/or approvals.
- A review of available key documentation including the Environmental Impact Statement (EIS) and Environmental Assessment (EA) documentation, Development Consent, Environment Protection Licence (EPL) and other relevant site and environmental information, such as correspondence with relevant agencies and management plans and/or monitoring results, was undertaken prior to interviews with BCOPL representatives and the site inspection. Additional documents were reviewed during and following the interviews with BCOPL representatives and the Mine inspection.
- A one-day site inspection, including interviews, to assess the general environmental performance of site and discuss Development Consent and EPL compliance with key site-based personnel.
- Audit report to be prepared, undertaken, and finalised in accordance with the department's Independent Audit Post Approval Requirements (NSW Government, 2020). These requirements were addressed and outlined as described in Table 2.2.
- Preparation of a draft audit report.
- Finalisation of the audit report and submission to BCOPL.

## 1.3 Audit participants

The audit team is listed in Table 1.2.

Table 1.2 Audit team members

Audit team members	Organisation	Role
Ben Luffman	GHD	Lead Auditor
Michelle Kiejda	GHD	Technical Review and Rehabilitation Specialist
Lachlan Taylor	GHD	Assistant Auditor
Evan Smith	GHD	Air Quality Specialist
Tristan Robertson	GHD	Noise Specialist
Asher Ford	GHD	Heritage Specialist
Arne Bishop	GHD	Ecologist Specialist
Sarah Torrance	BCOPL	Environmental Advisor
Leticia Tolson	BCOPL	Environmental Operations Superintendent
Alex Williams	BCOPL	Environmental Compliance Superintendent
Susie Pym	BCOPL	Environment and Community Advisor
Tim McDermott	BCOPL	Senior Environmental Advisor
Stewart Dunlop	BCOPL	Deputy General Manager

## 1.4 Assumptions

The following assumptions were made for this audit:

- All information provided by BCOPL was true, accurate and complete at the time it was provided.

## 1.5 Limitations

This report has been prepared by GHD for Boggabri Coal Operations Pty Ltd and may only be used and relied on by Boggabri Coal Operations Pty Ltd for the purpose agreed between GHD and Boggabri Coal Operations Pty Ltd as set out in Section 1.2 of this report.

GHD otherwise disclaims responsibility to any person other than Boggabri Coal Operations Pty Ltd arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

GHD has prepared this report on the basis of information provided by Boggabri Coal Operations Pty Ltd and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report (refer to Section 1.4 of this report). GHD disclaims liability arising from any of the assumptions being incorrect.

### Accessibility of documents

If this report is required to be accessible in any other format, this can be provided by GHD upon request and at an additional cost if necessary.



## **2. Methodology**

### **2.1 Audit inception**

A review of all public information was undertaken, which is detailed below. The review of information was followed by a Request for Information to BCOPL for additional required information.

### **2.2 Document review**

Environmental documentation associated with the Mine was reviewed by the audit teams prior to site visit. The following documents were reviewed:

- Environmental Management Strategy (EMS)
- Air Quality and Greenhouse Gas Management Plan (AQGGMP)
- Blast Management Plan (BMP)
- Biodiversity Management Plan
- Biodiversity Offset Strategy (BOS)
- Cultural Heritage Management Plan (CHMP)
- Groundwater Management Plan (GMP)
- Noise Management Plan (NMP)
- Offset Management Plan (OMP)
- Pollution Incident Response Management Plan (PIRMP)
- Rehabilitation Management Plan (RMP)
- Social Impact Management Plan (SIMP)
- Site Water Balance
- Surface Water Management Plan (SWMP)
- Traffic Management Plan (TMP)
- Water Management Plan (WMP)
- Annual Reviews for 2020, 2021 and 2022
- Annual rehabilitation report and forward program for 2022
- Approved Environmental Strategies
- MP09\_0182 (MOD 9)
- EPL 12407
- Mining Leases (ML) 1755
- Coal Lease (CL) 368
- EA documentation
- Correspondence to/from relevant agencies and CCC Chairperson

### **2.3 Agency consultation**

As part of the audit process, the following agencies were invited to provide comment regarding Development Consent conditions requiring specific consultation with the particular agencies, including:

- DPE
- DPE – Water
- DPE – Environment and Heritage Group
- Commonwealth Department of Environment, Climate Change and Water
- Narrabri Shire Council
- EPA

- NSW Natural Resources Access Regulator
- NSW Resources Regulator
- NSW Local Land Services
- CCC Chairperson

Letters requesting comment from the agencies were emailed on 15 September 2023. Copies of this correspondence are provided in Appendix B. A summary of the auditor’s response to issues raised by the agencies is included in Section 3.8.

## 2.4 Site inspection and interviews

### 2.4.1 Opening and closing meeting

GHD undertook a site visit of BCM on 12 October 2023. The audit team used the site inspection to review compliance with various environmental requirements for the Mine.

The opening and closing meetings were held at the BCM offices. The list of participants is provided in Table 2.1

*Table 2.1 Opening and closing meeting participants*

<b>Audit team members</b>	<b>Organisation</b>	<b>Role</b>
Ben Luffman	GHD	Lead Auditor
Michelle Kiejda	GHD	Technical Review and Rehabilitation Specialist
Leticia Tolson	BCOPL	Environmental Operations Superintendent
Alex Williams	BCOPL	Environmental Compliance Superintendent
Susie Pym	BCOPL	Environment and Community Advisor
Tim McDermott	BCOPL	Senior Environmental Advisor
Stewart Dunlop	BCOPL	Deputy General Manager

Following the site inspection, a closing meeting was conducted to discuss any outstanding matters, present preliminary findings, and outline the process for finalising the audit report.

### 2.4.2 Audit interviews

During the site visit, interviews were conducted with the BCM staff as identified in Table 2.1

### 2.4.3 Data collection and verification

Where possible, documents and data collected during the audit were reviewed on-site. Several documents were provided to the audit team prior to the site visit. Several documents that were not available during the site visit were provided afterwards.

All information obtained during the audit process was verified by the audit team where possible. For example, statements made by site personnel were verified by sighting documentation and/or via visual observations made during the site inspection. Where suitable verification was unable to be obtained, this has been identified in the audit findings.

### 2.4.4 Site inspection

After the opening meeting, a site inspection was undertaken of the Mine and its operations. Weather conditions during the site inspection were dry, sunny with a moderate wind.

The inspection involved a drive throughout the Mine to inspect:

- The new facilities approved by MOD9

- Aboriginal heritage salvage sites
- Water storage
- An overview of the Mine pit
- Waste tyres storage area
- Contaminated material treatment area
- Various stages of rehabilitation
- Wastewater disposal area
- Weather station
- Licenced discharge points
- Coal loader
- Offset sites
- Workshop and fuel storage
- Waste storage

## 2.5 Reporting

This report has been prepared on an exception basis, highlighting the compliance issues identified along with any areas where action or improvement is required. The IEA has been prepared in accordance with the NSW Government Independent Audit Guideline (NSW Government, 2020). Table 2.2 shows where this audit has addressed the key requirements of the guidelines.

**Table 2.2** *Independent Audit Guideline Requirements*

<b>Section</b>	<b>Description</b>	<b>Where addressed</b>
2	Audit frequency	Section 1.3
3.1	The scope of the audit and the audit team (including any technical specialists) to be determined by the lead regulator.	Section 1.1.1 and 1.3
3.2	The auditor must develop the scope of the audit with the Department and other parties as requested.	Section 2.3 and 3.8
3.3	<p>The audit scope must cover</p> <ul style="list-style-type: none"> <li>– An assessment of compliance with all conditions applicable to the phase of the development being audited, as well as all post approval and compliance documentation.</li> <li>– Review the environmental performance of the development.</li> <li>– Outline the status of any previous audit findings</li> <li>– Provide a high level assessment of whether the Environmental Management Plans and Sub-Plans are adequate</li> <li>– Any other matters considered relevant by the auditor or the Department.</li> </ul>	Section 3.2, 3.6, 3.8 and Appendix C

Section	Description	Where addressed
3.4	Opening and closing meetings	Section 2.4.1
3.5	On-site interviews	Section 2.4.2
3.6	Site inspection	Section 2.4.4
3.7	Evidence of compliance	Appendix C
3.8	Compliance status descriptors	Section 2.6
4.1	Document Control	Cover page and Section 1.1.1
4.2	The audit report should include the following sections: <ul style="list-style-type: none"> <li>– Introduction, providing a brief overview of the development, audit scope and objectives</li> <li>– Methodology, describing the audit team, methodology applied, document reviews, site inspections and interviews</li> <li>– Audit findings, including documentation of consultation, outcome of actions from the previous audit, assessment of compliance status against the conditions and commitments in relevant documents and discussion of environmental incidents and performance</li> <li>– Recommendations, identifying any opportunities for improvement identified in the audit</li> <li>– Appendices</li> </ul>	This audit report
4.3	Proponents review and response	BCOPL to complete
4.4	The final Independent Audit Report provided to the Department must contain a declaration from the auditor in an Independent Audit Report Declaration Form, appended to the final Independent Audit Report.	Appendix D
4.5	The final Independent Audit Report and the proponent's response to audit findings must be submitted to the Department within 2 months of undertaking the independent audit site inspection, unless otherwise agreed by the Department	BCOPL to complete

## 2.6 Definitions

Reporting results from the 2023 IEA was based on NSW Government Independent Audit Post Approval Requirements (NSW Government, 2020).

### Compliant

Where sufficient verifiable evidence has been gathered to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied within the scope of the audit.

### Non-Compliant

Where sufficient verifiable evidence has been gathered to demonstrate that the intent of one or more specific elements of the regulatory approval have not been complied with within the scope of the audit.

### Not triggered

A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection, therefore a determination of compliance could not be made.

### Note

A statement or fact, where no assessment of compliance is required.

Note: while 'note' was not identified as a relevant descriptor, a number of conditions of MP09\_0182 (as modified), EPL 12407, and relevant leases do not have any relevant compliance requirements. Therefore, note has been used to identify these conditions where no assessment of compliance is applicable.

# 3. Audit findings

## 3.1 Context of compliance assessment

### 3.1.1 Project approval

BCM operates under MP09\_0182 (as modified), which provides approval for the extraction of up to 8.6 Mtpa ROM coal from BCM until the end of 2033. Mining activities at BCM are:

- Drilling and blasting of overburden.
- Overburden removal by large hydraulic excavators, front-end loaders, and dozers.
- Haulage of waste to pit emplacement areas.
- Extraction of coal using large hydraulic excavators, front-end loaders, dozers, and various rear dump trucks.
- Movement of coal directly to a bypass crusher as product coal or stockpiled on ROM pads for further blending and crushing.
- Coal processing through the CHPP.

Nine modifications of MP09\_0182 have been submitted since initial approval, which are summarised below:

- **MOD-1** (Withdrawn): Modification to allow emergency trucking of coal. This modification was withdrawn.
- **MOD-2** (Approved 17 February 2015): Modification application and accompanying environmental assessment to allow for the processing of up to 3 Mtpa ROM coal from the Tarrawonga Coal Project and to allow for an additional 3 Mtpa of product coal along the Boggabri Rail Spur.
- **MOD-3** (Approved 17 March 2014): Modification application and accompanying environmental assessment to allow amendment and construction of several infrastructure projects at the site.
- **MOD-4** (Approved 23 March 2015): Modification application and accompanying environmental assessment to allow for the construction and operation of additional or altered project components required for the efficient operation of the Boggabri Coal Mine.
- **MOD-5** (Approved 30 August 2016): Modification application and accompanying environmental assessment to ensure that additional water supplies are available to the mine to meet the deficit in available water supplies via the establishment of additional groundwater bores.
- **MOD-6** (Approved 7 July 2017): Modification application to make minor administrative changes to the project approval.
- **MOD-7** (Approved 27 May 2019): Modification application and accompanying environmental assessment to allow for minor changes to the project approval in relation to boundaries, long term offsets, transport, drilling and exploration and use of stockpiles.
- **MOD-8** (Under assessment): Modification application and accompanying environmental assessment to increase depth of mining and extend mine life for six years.
- **MOD-9** (Approved 2 March 2023): Modification application and accompanying environmental assessment titled to relocate pre shift infrastructure closer to the active mining area.

The site is regulated by EPL 12407, which was issued on 11 January 2006. The EPL was most recently varied on 5 October 2021.

BCM is regulated by two leases:

- ML 1755, last varied on 20 August 2022 by the Executive Director Assessments and Systems as a delegate of the Minister for Energy.
- CL 368 (1973), last varied on 20 August 2022 by the Executive Director Assessments and Systems as a delegate of the Minister for Energy.

## 3.1.2 Environmental management system

The Boggabri Coal Environmental Management System is comprised of the following plans to mitigate impacts generated by the site:

Environmental Management Strategy (EMS)

- Air Quality and Greenhouse Gas Management Plan (AQGGMP)
- Blast Management Plan (BMP)
- Biodiversity Management Plan
- Biodiversity Offset Strategy (BOS)
- Cultural Heritage Management Plan (CHMP)
- Groundwater Management Plan (GMP)
- Noise Management Plan (NMP)
- Offset Management Plan (OMP)
- Pollution Incident Response Management Plan (PIRMP)
- Rehabilitation Management Plan (RMP)
- Social Impact Management Plan (SIMP)
- Site Water Balance
- Surface Water Management Plan (SWMP)
- Traffic Management Plan (TMP)
- Water Management Plan (WMP)

The Environmental Management System is generally well implemented at the site and is generally compliant with the requirements of project approval, licences, leases, and regulatory requirements. An assessment of adequacy for each of the plans under the Environmental Management System is presented in Table 3.5. A review of each environmental factor applicable to the site is presented in section 3.2.1.

## 3.2 Summary of compliance

Review of compliance with relevant approvals, licences and leases identified:

- 14 non-compliances against MP09\_0182.
- Six non-compliances against EPL 12407.
- Five non-compliances against the standard conditions of the *Mining Regulation 2016* Schedule 8A Part 2.

These are further described in Sections 3.3 to 3.5.

### 3.2.1 Actual vs predicted impacts

Predictions of the impact generated by the site are outlined in the Environmental Assessment completed by Hansen Baily in 2010. As reported in this audit and in the Annual Reviews, impacts are generally within the predictions of the environmental assessment. The key exception of this is air quality, which generates impacts consistently higher than the predicted impacts of the Environmental Assessment. This has been attributed to the fact that at the time of the Environmental Assessment, surrounding mining projects had not been approved and now contribute to the existing air quality environment. Monitoring at the site indicates that air quality impacts are generally within criteria outlined in the Project Approval and the EPL, indicating that the isolated impact of the mine is not considerably more than the predictions of the Environmental Assessment.

Demand for water at the site has increased over time since the publication of the Environmental Assessment. Subsequently, predictions for water use at the site have been updated to better reflect the operational requirements of the site.

## 3.2.2 General environmental compliance

BCM was compliant in terms of environmental performance during the audit period. The site did not have any serious incidents or non-compliances deemed medium risk or higher and appeared to be well managed during the site inspection.

### 3.2.2.1 Air quality

From the site inspection and interviews, the site personnel were aware of the requirements of the AQGHGMP relevant to their role as they relate to monitoring and management requirements, which are being undertaken in accordance with the plan. During the site inspection, dust mitigation strategies such as the use of water carts, automatic alert notification system and automated sprinkler systems were observed to be managing dust levels.

A review of the air quality data identified that data is being captured in an adequate manner. One exceedance of criteria was reported at the Glenhope HVAS, which recorded a reading of 76 µg/m<sup>3</sup> on 6 March 2023, which exceeds the short term PM<sub>10</sub> criteria. This exceedance was investigated and determined to not be wholly caused by operations at the site. No exceedances of air quality criteria were recorded in either 2021 or 2022.

The 2020 IEA review alerted BCOPL to the requirement of seeking clarification from the Secretary for the classification of 'extraordinary events' prior to the status of days being classified as 'extraordinary events'. BCOPL confirmed all exceedances of the relevant air quality criteria are investigated in accordance with the requirements of the AQGHGMP to determine if they are attributable to BCOPL operations. In the next update of the AQGGMP, BCOPL have committed to develop a procedure for investigating and recording air quality exceedances including:

- Investigation requirements
- 'extraordinary event' classification
- Regulatory liaison
- Recording and reporting requirements.

Two complaints related to dust impacts were received by BCOPL over the audit period. In response to a June 2023 complaint, additional information was supplied to the EPA. A March 2023 complaint was also recorded and further information provided to the EPA. The EPA requested BCOPL continue to ensure dust mitigation controls are being applied and dust TARPs are being followed. No further actions were required from the EPA.

### 3.2.2.2 Noise

During the site inspection, site personnel were forthcoming in producing any evidence requested, and showed that Boggabri Coal have undertaken noise management and mitigation in accordance with the approved Noise Management Plan (NMP) during the audit period. Boggabri Coal managed noise well over the audit period and impacts were within predicted limits.

Attended noise monitoring was undertaken as per the NMP over the reporting period. A meteorological station is operated and is used to monitor weather parameters for noise modelling. Review of relevant data indicates BCOPL was compliant during all noise monitoring events in the reporting period.

Sound power screening during 2021 recorded 13 items of screened plant that recorded exceedances of 3dB or greater. Sound power screening during 2022 recorded 15 items of plant which exceeded the required sound power level by 3dB or more. Four complaints relating impacts from blasting were received over the reporting period. These complaints were investigated with no significant outcomes.

### **3.2.2.3 Water management**

From the site inspection and interviews, site personnel were aware of the requirements of the WMP relevant to their role, with the infrastructure operated and maintained in accordance with the plan.

BCOPL currently holds general security and supplementary water access licences for the Lower and Upper Namoi Regulated River Water Source. BCOPL currently have three approved Licenced Discharge Points (LDP)s. These are listed in Section P1.3 of EPL 12407. Monitoring of surface and groundwaters was undertaken over the reporting as per the requirements of the EPL and the WMP.

There were six discharge events occurring over the reporting period. Two of these events were triggered by discharges from Licenced Discharge Point 1 (SD6) and four discharge events were triggered by discharges from Licenced Discharge Point 3 (SD3). These discharges occurred because of high rainfall occurring in September (148.2 mm), October (145.8 mm) and November (110.2 mm) 2022. There were no surface water discharge events triggered during 2021.

In both 2021 and 2022, the current SWMP was assessed as being non-compliant due to a clean water drain not being reinstated after being mined through. The SWMP is currently being updated, pending the approval of MOD 8.

BCOPL were issued with an enforceable undertaking on 15 June 2023 from NRAR for taking water from the Bluevale Water Source without a licence, in contravention with Section 60A(2) of the WM Act. BCOPL committed to undertake the following remedial actions:

- Installing additional water monitoring devices.
- Undertaking real time water balance modelling.
- Update and submit the WMP to DPE by 31 December 2023. DPE provided correspondence to BCOPL on 28 September 2023 that submission of the updated WMP would be required within three months of the determination of MOD8, superseding the 31 December 2023 deadline outlined in the enforceable undertaking.
- Report on water take and improvements to water monitoring.
- Make financial contributions to NRAR and community projects .

BCOPL accepted by signing the enforceable undertaking 8 June 2023. BCOPL report upon their progress to completing the enforceable undertaking on a quarterly basis.

### **3.2.2.4 Biodiversity**

Terrestrial habitats at the site include floodplains, pastures, remnant woodland and riparian corridors. The majority of remnant habitat is pasture with scattered trees, with some areas of woodland. Fauna monitoring is undertaken on a seasonal and situational basis. Aquatic habitat within the site includes Namoi River and several creeks within the Project Boundary. Invertebrate monitoring occurs annually. Data collected in surface water quality monitoring events is used to determine stream health.

BCOPL currently manage biodiversity under the Biodiversity Management Plan, Biodiversity Offset Strategy and Rehabilitation Management Plan. There were no incidents or non-compliances related to biodiversity within the reporting period.

### **3.2.2.5 Heritage**

Heritage is managed under the Cultural Heritage Management Plan. There are nine significant Aboriginal Heritage sites identified within the site that have high scientific and cultural value. An additional 14 sites have been recorded on BCOPL property in the south eastern corner of the Project boundary. There are also several other items previously mapped at the site. Boggabri Coal hold Aboriginal Heritage Impact Permits (AHIPs) that permit impact to Aboriginal heritage items. No incidents relating to Aboriginal Heritage occurred over the audit period.



### 3.2.2.6 Visual

The site is generally screened from public viewpoints due to surrounding vegetation along the Leard Forest Road and Leard State Forest. Sub surface mining areas are not subject to significant visual impact from public viewpoints due to distances between the mining area and nearest receivers as well as dense surrounding vegetation.

No complaints related to visual impacts have been received over the reporting period.

### 3.2.2.7 Waste

BCOPL manages waste streams on site through contractors JR Richards & Sons and the Namoi Waste Corp, who provide waste receipts which identify the types and quantities of wastes generated and where they are disposed to. Waste management within the site was adequate, with no non-compliances being identified.

Generally waste was managed appropriately on site, with waste receptacles clearly labelled. However, it was noted that the correct waste was not always deposited into the correct bins.

The EPA issued an Official Caution letter on 30 July 2021 in relation to burying 937 end-of-life haul truck tyres, at depth, between 2014 and 2020. In response, BCOPL applied for a variation to EPL 12407 to permit the burial of waste tyres at the premises in overburden areas. A variation to EPL 12407 on 5 October 2021 which included conditions for disposing of tyres this way.

During tyre disposal, BCOPL track compliance with this condition by completing the Tyre Disposal Quality Plan form. A sample of these was provided for the audit, indicating compliance with this condition. A tyre disposal area was inspected during the audit and was found to be compliant with the requirements of the EPL.

### 3.2.2.8 Rehabilitation

Rehabilitation is currently being implemented as per the Biodiversity Management Plan, Rehabilitation Management Plan, and the forward program for the site.

The Biodiversity Management Plan presents the rehabilitation completion criteria and performance objectives for the site in Table 7.6. Prior to the Rehabilitation reforms under the *Mining Regulation 2016* coming into effect, rehabilitation planning and implementation at the site was described and undertaken through the approved Mining Operations Plan.

As required by the Rehabilitation reforms under the *Mining Regulation 2016*, a new rehabilitation management plan is currently being drafted for the site. The rehabilitation objectives from the site were approved on 13 October 2023. BCOPL are currently in the process of drafting the rehabilitation completion criteria for the site.

No rehabilitation was undertaken in 2021 and 2022. As per the 2023-2025 Rehabilitation forward program, 47.72 ha were proposed to be rehabilitated during 2023. Rehabilitation was observed to be in progress during the site inspection. Rehabilitated lands were in various stages, from areas where topsoil is being prepared to relatively established areas.

Monitoring of rehabilitated areas and analogue sites is undertaken by specialist contractors annually using a modified Landscape Function Analysis methodology. Ecological rehabilitation monitoring is undertaken at three replicate sites per each stage of rehabilitation on a 1:14,000 scale to provide statistically valid data that is used to guide rehabilitation maintenance activities. Areas previously rehabilitated are periodically maintained in the following ways:

- Supplementary seeding of vegetated areas.
- Weed and pest control.
- Application of soil ameliorants.
- Repair of any eroded areas.
- The first Annual Rehabilitation Report was prepared for the site for the period of January 2022 to December 2022. This report outlined the following:
  - Landform erosion has been identified in areas with well-established woodland vegetation which requires remediation works to be completed. During 2022, a specialist rehabilitation consultant was commissioned to undertake a review of these landform erosion areas and to develop the required work

program. This work program has since commenced and will be undertaken over the 2023 and 2024 calendar years.

- The biodiversity monitoring program has identified that the native species richness within the rehabilitation areas is trending towards or exceeding the native species richness of the neighbouring analogue sites.
- Whilst the landform is identified to be generally showing signs of stability, the extreme rainfall conditions experienced in recent years has resulted in areas of erosion and slumping. Works programs for maintenance and repair have been developed and are forecast to progress into 2024.
- Generally, the completed rehabilitation areas are progressing towards the achievement of the proposed rehabilitation objectives, completion criteria and final landform and rehabilitation plan.
- Further work is proposed to be undertaken as part of the Final Void and Mine Closure Plan. This Plan is required to be prepared by the end of December 2025 in accordance with conditions of SSD 09\_0182. The Plan is to investigate future stability of the landforms, long term groundwater recovery and void characteristics. The Plan will be required to demonstrate that the long term landform will not generate a pit lake, the emplaced spoil has the capacity to drain to the natural environment and drained water will not adversely affect the downstream environment.

During the site inspection surface preparation prior to seeding was observed to be undertaken. Areas of existing rehabilitation were observed to be stable with minor erosion evident. Vegetation in the rehabilitation areas was observed to be healthy and well established. Areas of rehabilitation exceeding 10 years was observed with a dominate canopy species which will require supplementary planting in accordance with existing management plans.

Exotic species diversity was recorded as being higher than analogue sites during the reporting period. Additional land management has been proposed on the areas dominated by exotic species, and therefore no corrective actions have been proposed. Fauna habitat such as stags and hollows is generally lacking in rehabilitated areas due to the relatively young age of these areas. To mitigate the lack of habitat, BCOPL have installed nest boxes and salvaged timber from ongoing clearing associated with mining, which was observed during the site inspection. BCOPL have had several instances of grazing within the biodiversity areas over the audit period, however none of these have been repeated indicating that BCOPL have rectified this issue as they have become aware of it.

Overall, BCOPL had a good understanding and were committed to the rehabilitation activities and were progressing towards the current completion criteria.

### 3.2.3 Agency notices, orders, penalty notices or prosecutions issued during the audit period

One penalty notice was issued during the audit period:

- A Penalty Notice Advice was issued by the NSW EPA on 21 July 2022. The letter was in response to a self-reported blasting overpressure exceedance that occurred 30 April 2022. BCOPL undertook an internal investigation and engaged an external consultant to investigate the air blast overpressure exceedance. The investigation findings revealed that the trigger exceedance was triggered by a non-blast related event. Future exceedances will be investigated prior to reporting to ensure accurate information is passed to the relevant agencies. BCOPL requested a review of the penalty notice, providing justifications from the internal investigation for the exceedance. The NSW EPA retracted the Penalty Notice Advice in December 2022.

One official caution letter was issued during the audit period:

- An Official Caution letter was issued by the NSW EPA on 30 July 2021 in relation to burying 937 end-of-life haul truck tyres, at depth, between 2014 and 2020. In the caution, the EPA stated that they had reasonable grounds that BCOPL had committed a land pollution offence under Clause 109, *Protection of Environment Operations (General) Regulation 2009*. BCOPL's Environmental Protection Licence did not at the time of the offence regulate or include conditions relating to the burial of end-of-life haul truck tyres. The EPL was varied on 5 October 2021 to permit the burying of tyres within overburden emplacement areas.

One formal warning letter was issued during the audit period:

- A formal warning letter was issued by the NSW EPA on 23 August 2021. The EPA noted that it reviewed a blast on the 19 July 2021 after a complaint was lodged. During this assessment it was noted that there were two distinctly separate blasts that were not fired in quick succession nor were separate clearances given prior to each blast being fired. In the penalty notice, BCOPL were identified as being in breach of EPL12407 condition L4.6. BCOPL provided a response to the EPA on 2 September 2021, with no further information requested by the EPA.

One enforceable undertaking was issued in the reporting period:

- BCOPL were issued with an enforceable undertaking in 2023 from NRAR for taking water from the Bluevale Water Source without a licence, in contravention with Section 60A(2) of the WM Act. BCOPL committed to undertake the following remedial actions:
  - Installing additional water monitoring devices.
  - Undertaking real time water balance modelling.
  - Update and submit the WMP to DPE by 31 December 2023. As discussed in Section 3.2.2.3, DPE have provided correspondence that the updated management plans are required within three months of the determination of MOD8. BCOPL provided correspondence dates 13 October 2023 informing NRAR that this submission date would not be met following the direction received from DPE to submit the updated plan within 3 months of MOD8 determination. In an email dated Friday 8 December, NRAR provided advice that a variation of the enforceable undertaking may be required to address the change of submission date, however said that they would consult further internally before providing this direction.
  - Report on water take and improvements to water monitoring.
  - Make financial contributions to NRAR and community projects.
  - BCOPL accepted by signing the enforceable undertaking 8 June 2023.

### 3.2.4 Complaints

Review of complaints records for BCM identified complaints as follows:

- May 2023 – The EPA received a dust complaint regarding dust generation from the Boggabri, Tarrawonga and Maules Creek Coal Mines on 24 May 2023. EPA requested additional information and records which were provided.
- March 2023 – The EPA received a dust complaint regarding dust generation from the Boggabri, Tarrawonga and Maules Creek Coal Mines on 22 March 2023. The EPA requested BCOP continue to ensure dust mitigation controls are being applied and dust Tarps are being followed. No contact details were provided. No further actions were required.
- July 2022 - A blasting complaint was received on 23 July 2022. The complaint was made to BCOP and the EPA. Environmental Superintendent contacted complainant to discuss. Blast monitoring pack and footage were supplied to EPA upon request. A review was undertaken which found the blast was within EPL limits and did not contain any fume.
- June 2022 – A blasting complaint was received on 2 June 2022. The Environmental Superintendent engaged in numerous emails and phone calls with complainant. Offer to meet face to face was declined. The blast was within EPL limits at BCOP, MCCM & TCM blast monitors.
- July 2021 - A blasting complaint was received on 26 July 2021. Numerous emails and phone calls with complainant. The EPA was also contacted by the complainant. BCOP responded to the EPA's request for information (RFI). Ongoing consultation was undertaken with complainant.
- July 2021 - A blasting complaint was received on 19 July 2021. Numerous emails and phone calls with complainant occurred. The EPA was also contacted by the complainant. BCOP responded to the EPA's request for information (RFI). Ongoing consultation was undertaken with complainant.

### 3.2.5 Incidents

No environmental incidents causing material harm occurred during the reporting period. A summary of non-compliances is outlined in Sections 3.3 to 3.5.

### 3.2.6 Site inspection observations

This section contains a selection of photos taken by the auditors during the site inspection component of the audit.

#### Photo Log



**Photograph 1: Overview of the pit looking north**



**Photograph 2: Main water storage – MW5**



**Photograph 3: Waste heavy vehicle tyre burial**



**Photograph 4: Evidence of established rehabilitation, with topsoil preparation for future rehabilitation in background**



**Photograph 5: Segregated waste storage**

**Photo Log**



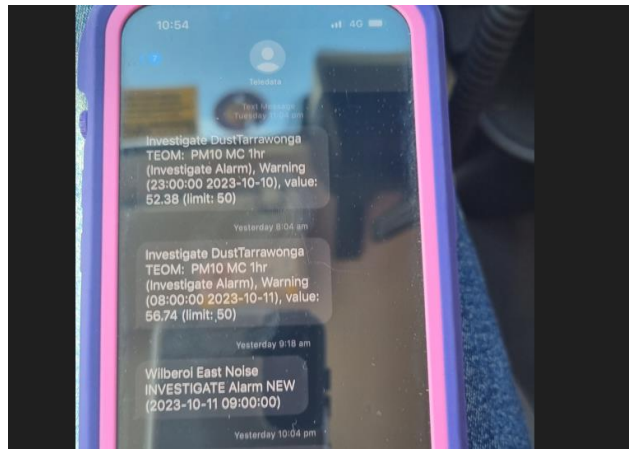
**Photograph 6: Liquid storage on bunds**



**Photograph 7: Firefighting equipment as part of MOD9 facilities**



**Photograph 8: Logs salvaged for rehabilitation**



**Photograph 9: Dust and noise alerts issued to team**



**Photograph 10: Contaminated land remediation**



**Photograph 11: Wastewater application area**

**Photo Log**



**Photograph 12: Weather station**



**Photograph 13: EPL discharge location and signage**



**Photograph 14: Oil and grease separator**



**Photograph 15: Lighting directed below the horizontal**



**Photograph 16: Aboriginal heritage salvage area**



**Photograph 17: Haulage road with water to reduce dust**

## 3.3 Compliance with MP09\_0182

### 3.3.1 Summary of non-compliances

The review of compliance with MP09\_0182 identified 15 non-compliances.

A summary of non-compliances is detailed in Table 3.1. Corrective actions to address these non-compliances are outlined in Table 4.1.

**Table 3.1** Summary of non-compliance with MP09\_0182

Condition	Reason for non-compliance
Schedule 2, Condition 2	<p>Compliance with the EA, statement of commitments and conditions of the approval were assessed. This indicates the BCM is generally in accordance with requirements of this condition but non-compliances were noted against the following conditions:</p> <ul style="list-style-type: none"> <li>- Condition 9 , Schedule 3</li> <li>- Condition 15, Schedule 3</li> <li>- Condition 22, Schedule 3</li> <li>- Condition 38(b), Schedule 3</li> <li>- Condition 38(c), Schedule 3</li> <li>- Condition 40, Schedule 3</li> <li>- Condition 68, Schedule 3</li> <li>- Condition 4, Schedule 5</li> <li>- Condition 5, Schedule 5</li> <li>- Condition 8, Schedule 5</li> <li>- Condition 14, Schedule 5</li> <li>- Statement of Commitments 3</li> <li>- Statement of Commitments 4</li> <li>- Statement of Commitments 14</li> </ul> <p>Non-compliances against these conditions are captured and addressed below in this table.</p>
Schedule 3 Condition 9	As reported in the 2020, 2021 and 2022 Annual Review, sound power screening identified plant recording exceedances of 3dB or greater.
Schedule 3 Condition 15	As reported in the 2022 Annual Review, a blast which was conducted on 14 November 2022 was not recorded by the 'Goonbri' blast monitoring station.
Schedule 3 Condition 22	As reported in the 2022 annual review, the continuous rainfall readings at the 60 m AWS were not recorded for the period between 5-12 May 2022. The readings for continuous solar radiation at the weather stations were also not recorded for the period between 21 July 2022 and 7 December 2022. BCOPL also advised that data capture for sigma theta was 90% in May 2023 due to a faulty sensor. The sensor has been fixed and is now capturing data continuously.
Schedule 3 Condition 38(b)	The SWMP generally is compliant with the requirements of this condition, however as identified in the 2020 IEA the clean water drain presented in Appendix A of the SWMP to the north of the disturbance area has been mined through and has not been reinstated. BCOPL are preparing an update to the SWMP that depicts that this drain has been removed, however the updated plan has not been approved constituting a non-compliance against this condition. BCOPL are required to submit the updated plan within 3 months of the determination of MOD8 which is currently being assessed by DPE.
Schedule 3 Condition 38(c)	A review of water quality monitoring data indicates that there were exceedances of trigger values during the reporting period. The Annual Review documents note that the GMP is required to be reviewed to account for the destroyed monitoring bores. It is understood that BCOPL intend to submit an updated plan for DPE approval within 3 months of the determination of MOD8 which is currently being assessed by DPE.

Condition	Reason for non-compliance
Schedule 3 Condition 40	Umwelt prepared a preliminary review of the Leard Forest Regional Biodiversity Strategy in 2018. The scope of the review was reduced to solely focussing on the implementation of the strategy in the revised biodiversity management plans to provide a list of recommendations to the BTM Complex for future revisions of the Leard Forest Regional Biodiversity Strategy. The preliminary review included a recommendation (recommendation 4.6) that a comprehensive review of the strategy should be undertaken by 31 December 2021. A letter of response was provided by BCD on 26 July 2019 providing comments on the preliminary review that supported this recommendation. The Comprehensive Review of the strategy has not been undertaken and therefore the recommendations of the preliminary review have not been implemented. This is considered a non-compliance against this condition.
Schedule 3 Condition 68	Generally, waste was managed appropriately on site, with waste receptacles clearly labelled. However, it was noted that the correct waste was not always deposited into the correct bins, as shown in the photo depicting plastic wrap in the steel bin.
Schedule 5 Condition 4	As noted in the 2022 Annual Review, the 2021 Annual Review was submitted after the due date.
Schedule 5 Condition 5	It is noted that most plans required under this development consent have not been revised over the reporting period and require updating, constituting a non-compliance against this condition. However it is noted that DPE have written to BCOPL indicating that they may submit the updated management plans for approval within 3 months of the determination of MOD8, therefore no corrective action is proposed.
Schedule 5 Condition 8	Exceedance on 6 March 2023 of criteria at Glenhope HVAS sent to DPE on 2 May 2023. Given that this occurred more than a week from the incident occurring.
Schedule 5 Condition 10	This audit was commissioned on the 11 October 2023, four months after the end of June as required by this condition. BCOPL were not granted an extension from DPE. It is noted that the previous audit assessed a period of 3 August 2017 to 6 November 2020, with this audit covering a period of 7 November 2020 to 17 November 2023. This audit was therefore commenced within three years of the previous audit, so there have been no gaps when assessing compliance.
Schedule 5 Condition 14	As described in the compliance findings for Condition 8 of Schedule 5, the exceedance of air quality criteria at the Glenhope HVAS was sent to DPE more than a week from the incident occurring (incident occurring 6 March 2023, notification sent 2 May 2023).
Statement of Commitments 3	Refer to Condition 5 of Schedule 5
Statement of Commitments 4	Refer to Condition 5 of Schedule 5

## 3.4 Compliance with EPL 12407

### 3.4.1 Summary of non-compliances

The review of compliance with EPL 12407 identified six non-compliances. A summary of non-compliances is detailed in Table 3.2. Corrective actions to address these non-compliances are outlined in Table 4.1.

**Table 3.2** Summary of non-compliance with EPL 12407

Condition	Reason for non-compliance
L3.1	The EPA issued an Official Caution letter on 30 July 2021 in relation to burying 937 end-of-life haul truck tyres, at depth, between 2014 and 2020.
L3.3	Based on the information supplied, BCOPL continued to dispose of tyres between 11 January 2023 and the date of submission for the R3.5 report.
O1.1	Site inspection confirmed that site operations are undertaken in a competent manner. Generally, waste was managed appropriately with waste receptacles clearly labelled. However, it was noted that the correct waste was not always deposited into the correct bins, as shown in the photo depicting plastic wrap in the steel bin.



Condition	Reason for non-compliance
M2.2	As reported in the 2021 Annual Review, the High Velocity Air Sampler (HVAS) unit located at the Glenhope property could not be accessed due to regional flooding and accordingly did not obtain samples on 23 and 29 November 2021. In addition, the HVAS monitoring network in place for the BCM was not in line with monitoring sites specified within the EPL. The Cooboobindi HVAS was relocated to the Glenhope property during June 2020. An EPL variation was approved on 5 February 2021. As reported in the 2022 Annual Return, PM <sub>10</sub> samples were not taken for Monitoring Point 45.
M4.1	As reported in the 2022 Annual Review, the continuous rainfall readings at the 60 m AWS were not recorded for the period between 5-12 May 2022. The readings for continuous solar radiation at the weather stations were also not recorded for the period between 21 July 2022 and 7 December 2022. BCOPL also advised that data capture for sigma theta was 90% in May 2023 due to a faulty sensor. The sensor has been fixed and is now capturing data continuously.
M7.1	A blast which was conducted on 14 November 2022 was not recorded by the 'Goonbri' blast monitoring station.

## 3.5 Compliance with relevant leases

### 3.5.1 Summary of non-compliances

The review of compliance the relevant mining leases and the standard conditions of the *Mining Regulation 2016* Schedule 8A Part 2 identified five non-compliances.

A summary of non-compliances is detailed in Table 3.3.

**Table 3.3** Summary of non-compliance with relevant mining leases

Condition	Reason for non-compliance
<i>Standard Conditions Mining Regulation 2016 Schedule 8A Part 2</i>	
11	NSW Resources Regulator approved the rehabilitation objectives for the site on 13 October 2023. The latest revision of the RMP is dated 10 November 2023, which is within 30 days of the Rehabilitation Objectives approval. The updated RMP however does not incorporate the approved rehabilitation objectives as required by condition (a).
15(1)	According to Section 4.1.2 of the RMP, the proposed rehabilitation outcomes were submitted to DPE on 15 March 2023, outside the initial period. The forward program was submitted on 31 March 2023, which was also after the initial period. The Annual Rehabilitation report was submitted with the Annual Review, which is also greater than 60 days from the completion of the annual reporting period.
15(2)	BCOPL requested a change in the annual reporting period to 1 January to 31 December. This was accepted by Resources Regulator on 22 December 2022. The forward program was submitted on 31 March 2023, which was more than 60 days from the completion of the reporting period. The Annual Rehabilitation report reviewed did not have a date of submission, and therefore compliance with this condition cannot be verified.
16(2)	The Rehabilitation Management Plan is not on the website as per the requirements of this condition.
16 (3)	The rehabilitation management plan has not been published on the website despite it being more than 14 days since its preparation.

## 3.6 Previous independent audit and status

The most recent IEA was undertaken in 2020 (SLR Consulting, 2020). The 2020 IEA identified that BCM was generally operating in compliance with legislative requirements. Twenty three non-compliances were identified, with the auditor making recommendations for corrective action. A biodiversity audit was also completed in 2020 (Umwelt, 2020), which identified one non-compliance.

The status of these recommendations on 17 November 2023 are detailed in Table 3.4

Table 3.4 Previous audit findings

Reference	Non-compliance number	2020 audit recommendations	2023 status	Status (closed/open)
<b>Non-compliance recommendations from 2020 Audit</b>				
<i>MP 09_0182</i>				
Schedule 3 Condition 9	NC1	Continue investigations and dialogue with DPIE regarding sound power level requirements.	As reported in both the 2021 and 2022 Annual Reviews, sound power screening identified plant recording exceedances of 3dB or greater. Additional sound power level testing has been undertaken in 2023.	Open
Schedule 3 Condition 15	NC2	Ensure blasts are undertaken under appropriate weather conditions. Delays to blasts should be implemented if required based on real time weather data review.	BCOPL have implemented further training with supervisors to ensure that blasting is undertaken during appropriate weather conditions. A review of the blasting data for the audit period implies that BCOPL are managing the impacts of blasting effectively.  Consultation with blast monitoring contractor regarding distinguishing between 'triggers' and 'exceedances' is ongoing. BCOPL have engaged a consultant to review plan and fume protocol. BCOPL note that the current technology that is available on site does not allow for this level of reporting and that they will improve processes to review results of monitoring.	Closed
		Implement changes to the TARP notifications system to distinguish "triggers" from "exceedances" so that reportable exceedances are not missed		Open
Schedule 3 Condition 22	NC3	Ensure blasts are undertaken under appropriate weather conditions. Delays to blasts should be implemented if required based on real time weather data review	Refer to NC2 .	Closed
Schedule 3 Condition 27	NC4	It is recommended that in line with the requirements of note (d) of Schedule 3 Condition 27 of the Boggabri Coal PA, confirmation be sought from the secretary on the status of days believed to be extraordinary events prior to classifying any day as an extraordinary event day and removing the day from the annual average.	The 2020 IEA review alerted BCOPL to the requirement of seeking the Secretary for the classification of 'extraordinary events' prior to the status of days being classified as 'extraordinary events'. During the reporting period, one exceedance of air quality criteria occurred. This was investigated and reported to DPE	Open

Reference	Non-compliance number	2020 audit recommendations	2023 status	Status (closed/open)
		<p>All exceedances of the relevant air quality criteria be investigated in accordance with the requirements of the AQGHGMP to determine if they are attributable to BCOPL operations.</p> <p>DPIE should be informed of any exceedance of the relevant air quality criteria, regardless of the exceedance being a non-compliance or not. If the exceedance is not attributable to BCOPL operations, evidence of the investigation or data that led to this conclusion should be provided with the notification.</p> <p>A standard methodology should be developed for the investigation and reporting of any exceedances recorded by the air quality monitors.</p> <p>In the interest of transparency it is recommended that:</p> <p>1) A table of all days with exceedances of the 24-hour average criteria be included in the annual reports together with findings of any investigations and status of days as determined by DPIE (extraordinary day or not).</p> <p>2) All valid data captured by the TEOM be reported and included in the chart. Extraordinary days may then be excluded from the annual average calculations.</p>	<p>despite the exceedance being attributed to regional bushfires.</p> <p>In the next update of the AQGGMP, BCOPL have committed to develop a procedure for investigating and recording air quality exceedances including:</p> <ul style="list-style-type: none"> <li>– Investigation requirements.</li> <li>– ‘extraordinary event’ classification.</li> <li>– Regulatory liaison.</li> <li>– Recording and reporting requirement.</li> </ul> <p>The latest version of the Air Quality and Greenhouse Gas Management Plan (AQGHGMP) is dated July 2018 and was approved by DPIE on 6 September 2018. The 2020 IEA noted several improvement recommendations. The AQGHGMP is currently being reviewed and is scheduled to be submitted for approval within three months of the determination of MOD8.</p> <p>A table of exceedances is included in Section 6.2.2 of the annual review documents where applicable.</p>	
Schedule 3 Condition 31	NC5	<p>All exceedances of the relevant air quality criteria be investigated in accordance with the requirements of the AQGHGMP to determine if they are attributable to BCOPL operations.</p> <p>DPIE should be informed of any exceedance of the relevant air quality criteria, regardless of the exceedance being a non-compliance or not. If the exceedance is not attributable to BCOPL operations, evidence of the investigation or data that led to this conclusion should be provided with the notification.</p> <p>A standard methodology should be developed for the investigation and reporting of any exceedances recorded by the air quality monitors.</p>	<p>Refer to NC4 in regard to investigating air quality criteria exceedances.</p> <p>The AQGHGMP is currently being reviewed to include a standard methodology to investigate exceedances and is scheduled to be submitted for approval within three months of the determination of MOD8.</p>	Open

Reference	Non-compliance number	2020 audit recommendations	2023 status	Status (closed/open)
Schedule 3 Condition 38b	NC6	Continue to liaise with DPIE with regard to the approval of the revised water management system and the removal of the clean water diversion.	The SWMP is currently being updated, pending the approval of MOD 8.	Open
Schedule 3 Condition 38c	NC7	Continue to liaise with EPA regarding EPL variation to ensure that monitoring points in EPL align with those utilised by the site.	The EPL was varied in 2021 to remove redundant monitoring locations.	Closed
Schedule 3 Condition 54	Biodiversity non-compliance	It is recommended that Boggabri Coal seeks to continue to work with Forestry NSW to develop a Plantation Offset Strategy that both parties agree is mutually beneficial; or that if this is not possible the matter is referred to the Secretary for resolution. While this strategy is being prepared, it is recommended that Boggabri apply for an extension to this approval condition.	During the reporting period, BCOPL have concluded negotiations with Forestry Corporation NSW and have come to a Boggabri Coal Project Joint Venture Compensation Agreement. Condition 4.6 of the agreement provides for a Plantation Offset Charge that both parties have agreed to instead to the Eucalyptus Plantation Offset Strategy. BCOPL have provided a copy of the executed compensation agreement.	Closed
Schedule 3 Condition 64	NC8	No corrective action proposed.	Not applicable .	Closed
Schedule 4 Condition 3	NC9	Implement changes to the TARP notifications system to distinguish "triggers" from "exceedances" so that reportable exceedances are not missed	Refer to NC2.	Closed
Schedule 5 Condition 4	NC10	Include additional information in the annual reviews regarding longer term trends particularly in terms of surface water, noise, and air quality	The scope of annual reviews has been revised to include this information.	Closed
Schedule 5 Condition 5	NC11	Prepare a document review register to evidence dates when documents are reviewed. Register should identify if any changes are identified as being required.	BCOPL have developed a document register for EMS documents.	Closed
Schedule 5 Condition 8	NC12	Implement changes to the TARP notifications system to distinguish "triggers" from "exceedances" so that reportable exceedances are not missed.	Refer to NC2.	Closed
<i>Statement of commitments</i>				
9	NC13	Ensure blasts are undertaken under appropriate weather conditions. Delays to blasts should be implemented if required based on real time weather data review.	Refer to NC2.	Closed
		Implement changes to the TARP notifications system to distinguish "triggers" from "exceedances" so that reportable exceedances are not missed.	Refer to NC2.	Closed
EPL 12407				

Reference	Non-compliance number	2020 audit recommendations	2023 status	Status (closed/open)
P1.3	NC14	Continue to liaise with EPA regarding EPL variation to ensure that monitoring points in EPL align with those utilised by the site.	An EPL variation has been approved .	Closed
L4.1	NC15	Ensure blasts are undertaken under appropriate weather conditions. Delays to blasts should be implemented if required based on real time weather data review.	Refer to NC2.	Closed
		Implement changes to the TARP notifications system to distinguish "triggers" from "exceedances" so that reportable exceedances are not missed.	Refer to NC2.	Closed
M2.2	NC16	Continue to liaise with EPA regarding EPL variation to ensure that monitoring points in EPL align with those utilised by the site	Refer to NC14.	Closed
M2.3	NC17, NC18	Continue to liaise with EPA regarding EPL variation to ensure that monitoring points in EPL align with those utilised by the site	Refer to NC14.	Closed
R2.2	NC19	Implement changes to the TARP notifications system to distinguish "triggers" from "exceedances" so that reportable exceedances are not missed.	Refer to NC2.	Closed
<i>CL 368</i>				
4	NC20	Future Annual Reviews must report on progress in respect of rehabilitation completion criteria.	Now included in scope for all Annual Reviews.	Closed
		Review rehabilitation monitoring process in line with the Resources Regulator Annual Rehabilitation Report guidance to ensure that progress against completion criteria is completed as required.	Now included in scope for all Annual Reviews.	Closed
10	NC21	Ensure blasts are undertaken under appropriate weather conditions. Delays to blasts should be implemented if required based on real time weather data review.	Refer to NC2.	Closed

### 3.7 Adequacy of any strategies/plans and programs

A number of strategies plans and programs have been developed in accordance with MP09\_0182 and EPL 12407. Table 3.5 provides a summary of the key monitoring and management practices on site.

Overall, the development and implementation of strategies, plans and programs at the site was effective at managing the impacts generated which is a key strength of the site. Most management plans are overdue for review and require updates. BCOPL proposed to update these plans following the determination of MOD8. Areas where improvements are recommended are outlined in Section 4 Table 3.5

Table 3.5 Status of key monitoring and management

Environmental aspect	Reference	Implementation	Recommendation
General compliance	EMS Management plans listed in this table	Management plans prepared for the site are generally compliant with the requirements of the project approval and the EPL. The EMS is dated June 2020. It is noted that the EMS is due for review and is proposed for review following the determination of MOD8.	Refer to corrective action CA8
Noise	NMP	The noise management system is described in Section 5, 6 and 7 of the NMP. Key sections of the plan are: <ul style="list-style-type: none"> <li>– Risk response matrix - Section 5.3</li> <li>– Commitment to reporting - Section 7.5</li> <li>– Monitoring and reporting program - Section 6 and 7</li> <li>– A cumulative noise monitoring program with other mines in the area (BTM Noise Management Strategy)</li> </ul> A review of noise monitoring data and the complaints register indicate that BCOPL is effectively managing noise at the site. The NMP was last updated in April 2019 (Rev. 2019). The 2020 IEA identified that the NMP is required to be updated to capture updated practices at BCOPL. This update has not occurred in the reporting period; however correspondence has been received from DPE approving the submission of the updated plan within 3 months from the determination of MOD8.	Refer to corrective action CA8
Air Quality	AQGGMP	A review of the AQGGMP found it to be compliant with the requirements of the development consent and the EPL. The latest version of the AQGHGMP is dated July 2018 and was approved by DPIE on 6 September 2018. The Air Quality Management System is described in Section 6.1.2 of the AQGHGMP and Section 4.6 of the Air Quality Management Strategy. Predictive and real time air quality monitoring/management is implemented across BCOPL and neighbouring mines to reduce air quality impacts. The plan is due for an update.  Implementation of some controls such as the use of water carts were observed on the day of the site inspection.  No exceedances of air quality criteria have been generated by mining operations over the reporting period, indicating management of air quality at BCO is effective.	Refer to corrective action CA8
Water management	WMP SWMP GWMP	Water is managed under three management plans at the site: <ul style="list-style-type: none"> <li>– Water Management Plan (WMP)</li> <li>– Surface Water Management Plan (SWMP)</li> <li>– Groundwater Management Plan (GWMP)</li> </ul> A review of the WMP found it to be compliant with the requirements of the development consent and the EPL. The most recent approved WMP is dated May 2017 and was approved by DPIE on 24 May 2017. This plan is required to be updated.	Refer to corrective actions CA4 and CA5

Environmental aspect	Reference	Implementation	Recommendation
		<p>The approved SWMP generally covers the requirements of the consent. Key sections of the SWMP:</p> <ul style="list-style-type: none"> <li>– Baseline information - Section 3</li> <li>– The Surface Water Management System - Section 4</li> <li>– Water Management Trigger Levels and Responses - Section 7</li> <li>– Monitoring program</li> <li>– Section 6</li> </ul> <p>One non-compliance against the SWMP was recorded during the audit as the clean water drain presented in Appendix A of the SWMP to the north of the disturbance area has been mined through and has not been reinstated. The NSW DPE are aware of the non-reinstatement of the clean water drain via BCO's response to a DPE RFI. Changes to water management on site have also occurred following the wet year in 2022, which are not reflected in the SWMP.</p> <p>The most recent GWMP is dated 10 February 2017 and is generally compliant with the requirements of this condition. Key sections of the GWMP:</p> <ul style="list-style-type: none"> <li>– Baseline information - Section 3</li> <li>– Groundwater Monitoring Program - Section 4</li> <li>– Water Management Trigger Levels and Management Measures- Sections 6 and 7</li> </ul> <p>The Annual Review documents note that the GMP is required to be reviewed to account for the destroyed monitoring bores. It is understood that BCOPL intend to submit an updated plan for DPE approval within 3 months of the determination of MOD8.</p>	
Biodiversity	BMP Biodiversity Offset Strategy	<p>The most recent Biodiversity Management Plan is dated October 2018 and is generally compliant with the requirements of this condition.</p> <p>Given that the most recent revision of the Biodiversity Management Plan is over five years old, it is recommended that this plan is updated following the submission of MOD8.</p>	Refer to corrective action CA8
Heritage	CHMP	<p>The CHMP was prepared in 2016 and was approved by DPE in 2017. The CHMP was initially prepared by Archaeology Australia and has subsequently been updated by BCOPL Staff. Aboriginal parties were consulted during the preparation of the plan, however as described in the 2020 IEA, there is no indication of how this consultation was incorporated into the plan.</p> <p>It is noteworthy that the CHMP is in the process of being updated. It is understood that the CHMP will be submitted to DPE following the determination of MOD8.</p>	Refer to corrective action CA8

Environmental aspect	Reference	Implementation	Recommendation
Rehabilitation	MOP RMP Forward Program Annual Rehabilitation Report	The Rehabilitation Management Plan has been developed as per the rehabilitation reforms under the Mining Regulation 2016. The RMP is generally compliant with Clauses 9 of Schedule 8A of the <i>Mining Regulation 2016</i> and the <i>Form and Way: Rehabilitation Management Plan for Large Mines (NSW Resources Regulator, 2021)</i> . It is noted that the RMP is currently being revised to accommodate the approval of the rehabilitation objectives for the site and is required to incorporate the recently approved Rehabilitation Objectives for the site.  BCOPL have prepared a Forward Program for 2023 to 2025. An annual Rehabilitation Report has been prepared for the period of 1 January 2022 to 31 December 2022.	Refer to corrective action CA13 and CA14
Pollution incident response	PIRMP	The PIRMP is dated September 2023 and provides limited information regarding the management of pollution events and incidents.	None proposed.
Blast Management Plan	BMP	The latest version of the Blast Management Plan (BMP) is dated November 2018 and was approved by DPIE on 21 February 2019. The Blast Management Strategy is dated April 2020. The preparation of the BMP meets the requirements of the relevant consent conditions. Key sections of the plan are: <ul style="list-style-type: none"> <li>– Consultation summary - Appendix D</li> <li>– Alternate ground vibration limits - Section 5.1</li> <li>– Management Measures including road closures - Section 6</li> <li>– Blast fume management protocol - Appendix C</li> <li>– Weather monitoring program - Section 7.2 and 7.3</li> <li>– Leard Forest Mining Blast Management Strategy - Section 6.5 and Appendix E</li> </ul> The Blast Management Plan is currently under revision. As described above, DPE have granted approval for the submission of the updated plans within three months of MOD8 determination.	Refer to corrective action CA8



## 3.8 Auditor’s response to any matters raised by agencies/stakeholders

### 3.8.1 DPE

A consultation letter was sent to DPE on 15 September 2023. A response was received on 18 September 2023, which requested that the audit be undertaken in accordance with Condition 10 of Schedule 5.

### 3.8.2 DPE – Water

A consultation letter was sent to DPE – Water on 15 September 2023. A response was received on 28 September 2023, with the following requests outlined in Table 3.6.

Table 3.6 DPE Water Comments

Element	Auditor comment
The requirement to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management and mitigation. These plans may include: <ul style="list-style-type: none"> <li>– Water Management Plans and related sub-plans e.g. Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface, and Groundwater Management Plan.</li> <li>– Extraction Plans and related sub-plans e.g. Water Management Plan, Subsidence Management Plan.</li> </ul>	These plans were reviewed during the audit. Refer to Section 3.3, 3.6 and Appendix C. Note: The development does not require an extraction plan or a subsidence management plan.
The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance-based reporting.	Water management plans were reviewed during the audit. Refer to Section 3.3, 3.6 and Appendix C. Water quality data is presented on the website and within the Annual Reviews.
Water supply availability is clearly defined for the project.	Refer to Appendix C.
Water take at the site via storage, diversion, interception, or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the <i>Water Management (General) Regulation 2018</i> .	One non-compliance was recorded in relation to water access licences. BCOPL were issued with an enforceable undertaking to rectify the non-compliance. Refer to Section 3.3 and Appendix C.
Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant.	Water extraction is monitored by BCOPL.
Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from.	One non-compliance was recorded in relation to water access licences. BCOPL were issued with an enforceable undertaking to rectify the non-compliance. Refer to Section 3.3 and Appendix C.
Annual reporting clearly documents: <ol style="list-style-type: none"> <li>1) Water take, use, and water source impacts.</li> <li>2) Compares results with previous year’s.</li> <li>3) Identifies exceedances and how these are managed/mitigated.</li> </ol>	The annual review documents reviewed cover these elements.

### 3.8.3 DPE – Environmental and Heritage Group

A consultation letter was sent to DPE – Environmental and Heritage Group on 15 September 2023. A response was not received.

### **3.8.4 Department of Climate Change, Energy, the Environment and Water (DECCW)**

A consultation letter was sent to DPE – Environmental and Heritage Group on 15 September 2023. A response was received via email on 18 September 2023 to confirm receipt of the email, however no specific requests were received.

### **3.8.5 NSW Resources Regulator**

A consultation letter was sent to NSW Resources Regulator on 15 September 2023. NSW Resources Regulator responded in a letter dated 19 September 2023. NSW Resources Regulator requested that the IEA 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 IEA was requested to assess compliance against the requirements of Schedule 8A Standard conditions of mining leases as set out in the *Mining Regulation 2016*.

Former mining leases have been assessed in Appendix C, as well as the current leases for the site and the Standard conditions of mining leases as set out in the *Mining Regulation 2016*.

### **3.8.6 EPA**

A consultation letter was sent to NSW EPA on 15 September 2023. A response was not received.

### **3.8.7 Narrabri Shire Council**

A consultation letter was sent to Narrabri Shire Council on 15 September 2023. A response was not received.

### **3.8.8 Committee Independent Chair**

A consultation letter was sent to the Committee Independent Chair on 15 September 2023. A receipt was provided on 18 September 2023 but no specific instructions were given.

### **3.8.9 Natural Resources Access Regulator (NRAR)**

A consultation letter was sent to NRAR on 15 September 2023. A response was not received.

### **3.8.10 Local Land Service (LLS)**

A consultation letter was sent to LLS on 15 September 2023. A receipt was provided on 18 September 2023 but no specific instructions were given.

## 4. Recommendations and opportunities for improvement

Table 4.1 summarises the non-compliances recorded in this audit and describes corrective actions based on the findings of the audit. Table 4.2 identifies items that are not a statutory non-compliance, however, are recommended to improve environmental performance.

**Table 4.1** Corrective actions for non-compliances

Condition	ID	Non-compliance	Corrective action
<b>MP09_0182</b>			
Schedule 2, Condition 2	NC 1	Compliance with the EA, statement of commitments and conditions of the approval were assessed. This indicates the BCM is generally in accordance with requirements of this condition but non-compliances were noted.	Corrective actions are provided below for each of the non-compliances.
Schedule 3 Condition 9	NC 2	As reported in the 2020, 2021 and 2022 Annual Review, sound power screening identified plant recording exceedances of 3dB or greater.	CA 1: Continue to implement mitigation on plant identified as non-compliant with this condition.
Schedule 3 Condition 15	NC 3	As reported in the 2022 Annual Review, a blast which was conducted on 14 November 2022 was not recorded by the 'Goonbri' blast monitoring station.	CA 2: Ensure that blast monitoring equipment is regularly maintained and working prior to blasting so that blasts are adequately reported
Schedule 3 Condition 22	NC 4	The continuous rainfall readings at the 60 m AWS were not recorded for the period between 5-12 May 2022. The readings for continuous solar radiation at the weather stations were also not recorded for the period between 21 July 2022 and 7 December 2022.	CA 3: Ensure that maintenance routines include the weather station for regular inspection and maintenance
Schedule 3 Condition 38 (b)	NC 5	The SWMP generally is compliant with the requirements of this condition, however as identified in the 2020 IEA the clean water drain presented in Appendix A of the SWMP to the north of the disturbance area has been mined through and has not been reinstated.	CA 4: Ensure that the recommendations of the 2020 IEA are included in the updated SWMP
Schedule 3 Condition 38 (c)	NC 6	A review of water quality monitoring data indicates that there were exceedances of trigger values during the reporting period. The Annual Review documents note that the GMP is required to be reviewed to revised to account for the destroyed monitoring bores, which has not occurred during the reporting period.	CA 5: Ensure that the updated GMP accurately reflects the Groundwater Monitoring Regime and the latest variation of EPL 12407

Condition	ID	Non-compliance	Corrective action
Schedule 3 Condition 40	NC 7	Umwelt prepared a preliminary review of the Leard Forest Regional Biodiversity Strategy in 2018. The scope of the review was reduced to solely focussing on the implementation of the strategy in the revised biodiversity management plans to provide a list of recommendations to the BTM Complex for future revisions of the Leard Forest Regional Biodiversity Strategy. The preliminary review included a recommendation (recommendation 4.6) that a comprehensive review of the strategy should be undertaken by 31 December 2021. A letter of response was provided by BCD on 26 July 2019 providing comments on the preliminary review supported this recommendation.  The Comprehensive Review of the strategy has not been undertaken and therefore the recommendations of the preliminary review have not been implemented. This is considered a non-compliance against this condition.	CA 6: Undertake the comprehensive review of the Leard Forest Regional Biodiversity Strategy in 2024.
Schedule 3 Condition 68	NC 8	The correct waste was not always deposited into the correct bins, as shown in the photo depicting plastic wrap in the steel bin.	CA 7: Ensure that staff are made aware of correct waste management procedures and that waste slides are included in the toolbox talks quarterly.
Schedule 5 Condition 4	NC9	The 2021 Annual Review was submitted after the due date.	CA 8: Ensure that annual reviews are submitted by the due date.
Schedule 5 Condition 5	NC10	It is noted that most plans required under this development consent have not been revised over the reporting period and require updating, constituting a non-compliance against this condition. However it is noted that DPE have written to BCOPL indicating that they may submit the updated management plans for approval within 3 months of the determination of MOD8.	CA 9: Ensure that all plans required under this consent are reviewed and updated (if applicable) 3 months after the triggers outlined in Schedule 5, Condition 5 occur
Schedule 5 Condition 8	NC11	Exceedance on 6 March 2023 of criteria at Glenhope HVAS sent to DPE on 2 May 2023. Given that this occurred more than a week from the incident occurring, this constitutes a non-compliance against this condition.	CA10: Ensure that non-compliances are reported within 7 days of occurrence.
Schedule 5 Condition 10	NC12	This audit was commissioned on the 11 October 2023, four months after the end of June as required by this condition. BCOPL were not granted an extension from DPE, and therefore a non-compliance against this component of the condition is recorded.	CA 11: Ensure that future Independent Environmental Audits are commissioned by the end of June.
Schedule 5 Condition 14	NC13	As described in the compliance findings for Condition 8 of Schedule 5, the exceedance of air quality criteria at the Glenhope HVAS was sent to DPE more than a week from the incident occurring (incident occurring 6 March 2023, notification sent 2 May 2023).	Refer to CA 10
MP09_0182 Statement of commitments Commitment 3	NC14	The NMP, BMP, AQGHGMP and GMP have not been updated during the audit period. The WMP and SWMP have been submitted to DPE but have not been approved. DPE have granted approval for the submission of the updated plans within three months of MOD8 determination.	Refer to CA 9

Condition	ID	Non-compliance	Corrective action
MP09_0182 Statement of commitments Commitment 4	NC15	The Biodiversity Management Plan, GMP and the CHMP have not been updated during the audit period. The WMP and SWMP have been submitted to DPE but have not been approved. DPE have granted approval for the submission of the updated plans within three months of MOD8 determination. The RMP would be superseded following the approval of the new RMP (replacing the former MOP under the Mining Regulation 2016). This plan is currently in draft.	Refer to CA 9
<b>EPL 12407</b>			
L3.1	NC16	The EPA issued an Official Caution letter on 30 July 2021 in relation to burying 937 end-of-life haul truck tyres, at depth, between 2014 and 2020.  Condition L3.3 has since been added to the EPL permitting the disposal of tyres at BCM, and therefore no corrective action is required.	No corrective action proposed.
L3.3	NC17	An Official Caution letter was issued by the NSW EPA in relation to burying 937 end-of-life haul truck tyres, at depth, between 2014 -2020. A S191 was issued to BCOPL on 18 August 2020 seeking information about end-of-life haul truck tyre management. BCOPL responded on the 25 September 2020. The EPA issued an Official caution on 30 July 2021 on reasonable grounds that BCOPL had committed a land pollution offence under Clause 109, Protection of Environment Operations (General) Regulation 2009. BCOPL's Environmental Protection Licence did not at the time of the offence regulate or include conditions relation to the burial of end-of-life haul truck tyres. EPL varied to contemplate inpit disposal of end-of-life haul truck tyres. Approved by EPA on 5 October 2021.	
O1.1	NC18	The correct waste was not always deposited into the correct bins, as shown in the photo depicting plastic wrap in the steel bin.	Refer to CA 7
M2.2	NC19	As reported in the 2021 Annual Review, The High Velocity Air Sampler (HVAS) unit located at the Glenhope property could not be accessed due to regional flooding and accordingly did not obtain samples on 23 and 29 November 2021. No corrective action is proposed.  As reported in the 2022 annual return, PM <sub>10</sub> samples were not taken for Monitoring Point. This event has not occurred again and therefore no corrective action is proposed.	No corrective action proposed.
M4.1	NC20	The continuous rainfall readings at the 60 m AWS were not recorded for the period between 5-12 May 2022. The readings for continuous solar radiation at the weather stations were also not recorded for the period between 21 July 2022 and 7 December 2022.	Refer to CA 3

Condition	ID	Non-compliance	Corrective action
M7.1	NC21	As reported in the 2022 Annual Review, a blast which was conducted on 14 November 2022 was not recorded by the 'Goonbri' blast monitoring station.	Refer to CA 2
<i>Standard Conditions Mining Regulation 2016 Schedule 8A Part 2</i>			
11	NC22	NSW Resources Regulator approved the rehabilitation objectives for the site on 13 October 2023. The latest revision of the RMP is dated 10 November 2023, which is within 30 days of the Rehabilitation Objectives approval. The updated RMP however does not incorporate the approved rehabilitation objectives as required by condition (a).	CA 12: Ensure that the next update of the RMP captures the approved Rehabilitation Objectives and completion criteria for the site.
15 (1)	NC23	The proposed rehabilitation outcomes were submitted to DPE on 15 March 2023, outside the initial period. The forward program was submitted on 31 March 2023, which was also after the initial period.	As the initial period has concluded, no corrective action is proposed.
15(2)	NC24	The forward program was submitted on 31 March 2023, which was more than 60 days from the completion of the reporting period. The Annual Rehabilitation report is submitted with the Annual Review, which is also greater than 60 days from the completion of the annual reporting period.	CA 13: Ensure that the Annual Rehabilitation Report and Forward Program are submitted to DPE within 60 days of 31 December.
16 (2)	NC25	The forward program and rehabilitation report are published on the project website; however the Rehabilitation Management Plan is not.	CA 14: Publish the Rehabilitation Management Plan on the website
16 (3)		The rehabilitation management plan has not been published on the website despite it being more than 14 days since its preparation.	

**Table 4.2 Recommendations**

Condition	Commentary	Recommendation
<b>MP09_0182</b>		
Schedule 3 Condition 13	The NMP was last updated in April 2019 (Rev. 2019). The 2020 IEA identified that the NMP is required to be updated to capture updated practices at BCOPL. This update has not occurred in the reporting period; however correspondence has been received from DPE approving the submission of the updated plan within 3 months from the determination of MOD8.	Update NMP to reflect the latest TARPS.
Schedule 3 Condition 20	The 2020 IEA recommended that drone footage would continue longer so that future complaints could be verified. BCOPL have extended drone footage procedures beyond the initial blast. This procedural change was implemented in 2021. It is recommended that this procedure be captured in the updated Blast Management Plan.	Include drone or stationary camera recording procedure in updated blast management plan.
Schedule 3 Condition 31	The 2020 IEA recommended a standard methodology should be developed for the investigation and reporting of any exceedances recorded by the air quality monitors	Ensure that the updated AQGGMP addresses issues outlined in the 2020 IEA. Consultation with parties outlined in this condition is also recommended.

Condition	Commentary	Recommendation
<b>MP09_0182</b>		
Schedule 3 Condition 38(a)	The most recent approved Site Water Balance is dated May 2017 and was approved by DPIE on 24 May 2017. An update to the Site Water Balance was completed and submitted to the DPIE for approval in July 2019.	Ensure the revised Site Water Balance and stormwater management systems are included in the updated SWM
Schedule 3 Condition 56	The 2020 IEA recommended that the outstanding recommendations from the 2017 Audit as reported in the 2019 Annual Review be incorporated in the updated CHMP.	Implement the outstanding recommendations from the 2017 Audit as reported in the 2019 Annual Review in the updated CHMP.
Schedule 5 Condition 1	The EMS is due for review and is proposed for review following the determination of MOD8.	Ensure that the updated EMS reflects the updates to management plans outlined in this audit.
<b>EPL 12407</b>		
P1.1	Monitoring locations and procedures are documented in the AQGHGMP and shown in Appendix A. EPA point 45 (HVAS 'Glenhope') is not shown on the map in the AQGHGMP. This should be updated next time the plan is reviewed.	Improvement recommendation: Ensure the updated AQGHGMP reflects the current points outlined in EPL 12407.

# Appendices



# **Appendix A**

**Audit team approval letter**

Our ref: MP09\_0182-PA-46

Alex Williams  
Environmental Superintendent  
Boggabri Coal Mine  
Boggabri Coal Pty Limited  
Kamilaroi Country  
31 August 2023

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Subject: Boggabri Coal - IEA 2023 auditor endorsement request

Dear Miss Williams

Reference is made to your post approval matter, MP09\_0182-PA-46, request for the Planning Secretary's approval of suitably qualified, experienced, and independent person/s to conduct an Independent Environmental Audit (IEA) of the Boggabri Coal Mine, submitted as required by Schedule 5, Condition 10 of MP09\_0182 as modified (the consent) to the NSW Department of Planning and Environment (NSW Planning) on 16 August 2023.

NSW Planning has reviewed the independent auditor nominations and based on the information you have provided is satisfied that the proposed persons are suitably qualified, experienced, and independent. Consequently, in accordance with Schedule 5, Condition 10 of the consent, I as nominee of the Planning Secretary, endorse the following independent audit team:

- Ben Luffman (Project Manager and Lead Auditor)
- Michelle Kiejda (Project Director, Technical Review and Rehabilitation Specialist)
- Lachy Taylor (Assistant Auditor)
- Evan Smith (Air Quality Specialist)
- Tristan Robertson (Noise Specialist)
- Asher Ford (Heritage Specialist)
- Arne Bishop (Ecologist Specialist)

Please ensure this correspondence is appended to the IEA Report.

In accordance with Schedule 2, Condition 4 of the consent, I as nominee of the Planning Secretary, require the IEA to be prepared, undertaken, and finalised in accordance with the conditions of consent and the NSW Planning *Independent Audit Post Approval Requirements* (2020). Failure to meet these requirements will require revision and resubmission.

Should you wish to discuss the matter further, please contact myself on 02 4904 2702 or email [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely



Joel Curran  
A/Team Leader Northern  
Compliance

As nominee of the Planning Secretary

# **Appendix B**

**Agency consultation**

**From:** [James Dangers](#)  
**To:** [Ben Luffman](#); [Matthew Davidson](#)  
**Cc:** [Gill Elphinston](#); [Lachy Taylor](#); [Michelle Kiejda](#); [LLS Admin NorthWest Mailbox](#)  
**Subject:** Boggabri Coal Independent Environmental Audit  
**Date:** Wednesday, 20 September 2023 11:30:25 AM  
**Attachments:** [image006.png](#)  
[12619339-LET-0\\_Agency Consultation\\_LLS.pdf](#)  
**Importance:** High

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Some people who received this message don't often get email from [james.dangers@lls.nsw.gov.au](mailto:james.dangers@lls.nsw.gov.au). [Learn why this is important](#)

Good morning Ben

Thankyou for your letter advising Local Land Services (LLS) that GHD has ben engaged by Boggabri Coal Operations Pty Ltd to undertake an Independent Environmental Audit.

Upon internal consultation LLS does in fact have some ongoing Travelling Stock Reserve (TSR) intersection issues with Boggabri Coal and would like the opportunity to provide comments and input into the scope of the audit.

Our point of contact for this engagement is Matthew Davidson (cc'd) E-Mail:  
[matthew.davidson@lls.nsw.gov.au](mailto:matthew.davidson@lls.nsw.gov.au)

If you can please liaise with Matt accordingly.

Kind regards

**James Dangers**

BP Risk & Assurance  
Local Land Services Agency  
**Local Land Services**

**M** 0436308769 **E** [james.dangers@lls.nsw.gov.au](mailto:james.dangers@lls.nsw.gov.au)

[lls.nsw.gov.au](http://lls.nsw.gov.au)

34 Auckland Street BEGA

**Working Hours:** Mon to Fri 8.30 am to 5.00 pm



**Local Land Services**

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We stand on Country that always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.

Our ref: OUT23/16134

Lachy Taylor  
Email: [Lachy.Taylor@ghd.com](mailto:Lachy.Taylor@ghd.com)

28 September 2023

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Subject: **Boggabri Coal – Independent Environmental Audit (MP09\_0182)**

Dear Lachy,

I refer to your request seeking advice from the Department of Planning and Environment – Water (the department) on an upcoming audit for the above matter. It is understood this consultation is in accordance with conditions of approval for the project.

The department understands that the scope of the audit as outlined under the development consent and the reference guideline, “Independent Audit Guideline Post-approval requirements for State Significant Developments (2020), Schedule 3, Condition 53 and Schedule 5, Condition 10 of MP 09-0182) *Independent Audit Post Approval Requirements (2020)*” extends to at least the following:

- Identification of compliance requirements and documentation of any non-compliances.
- Assessment of the adequacy and implementation of management plans and sub plans.
- Assessment of compliance against relevant regulatory requirements and legislation.
- Assessment of compliance between actual and predicted impacts in the environmental assessment.
- Reporting requirements for management plans.
- Identification of strengths of the project in environmental management and opportunities for improvement.

The department requests that the audit address compliance with the following specific elements of the consent conditions and related legislative requirements in a manner consistent with the above audit scope:

- The requirement to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management and mitigation. These plans may include:
  - Water Management Plans and related sub-plans eg. Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface and Groundwater Management Plan.
  - Extraction Plans and related sub-plans eg. Water Management Plan,
  - Subsidence Management Plan.

## Department of Planning and Environment

- The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance based reporting.
- Water supply availability is clearly defined for the project.
- Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2018.
- Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant.
- Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from.
- Annual reporting clearly documents; 1) water take, use and water source impacts, 2) compares results with previous year's, and 3) identifies exceedances and how these are managed/mitigated.

Should you have any further queries in relation to this submission please do not hesitate to contact DPE Water Assessments at [water.assessments@dpie.nsw.gov.au](mailto:water.assessments@dpie.nsw.gov.au)

Yours sincerely,



Panayiotis Panaretos  
Project Officer, Assessments, Knowledge Division  
**Department of Planning and Environment: Water**

**From:** [Post Approval](#)  
**To:** [Ben Luffman](#)  
**Cc:** [Michelle Kiejda](#); [Glover, Kimberly](#); [Lachy Taylor](#)  
**Subject:** RE: Boggabri Coal Independent Audit ATTN: Robin Nielsen [SEC=OFFICIAL]  
**Date:** Tuesday, 19 September 2023 6:04:31 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Hi Ben,

Thank you for providing the additional information.

Kind regards,

**Sarah Rottet**

Post Approval Assessment Officer | Post Approvals Section  
Department of Climate Change, Energy, the Environment and Water  
*Working Mon-Wed* | E [sarah.rottet@dcceew.gov.au](mailto:sarah.rottet@dcceew.gov.au)

---

**From:** Ben Luffman <Ben.Luffman@ghd.com>  
**Sent:** Tuesday, September 19, 2023 4:36 PM  
**To:** Post Approval <PostApproval@dcceew.gov.au>; Lachy Taylor <Lachy.Taylor@ghd.com>  
**Cc:** Michelle Kiejda <Michelle.Kiejda@ghd.com>; Glover, Kimberly <Kimberly.Glover@dcceew.gov.au>  
**Subject:** RE: Boggabri Coal Independent Audit ATTN: Robin Nielsen [SEC=OFFICIAL]

Hi Sarah,

The site inspection is scheduled for 12 Oct, so it would be appreciated if we could get any feedback asap prior to this date. This will allow us to look at anything of interest, while on site.

The EPBC reference is EPBC 2009/5256

Please let me know if you need anything else

Regards

**Ben Luffman** | A GHD Associate  
**B.App.Sc. (Hons) | Grad.Dip. Urban and Regional Planning | Environmental Auditor**  
**Technical Director - Environment**

**GHD**

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**From:** Post Approval <[PostApproval@dcceew.gov.au](mailto:PostApproval@dcceew.gov.au)>  
**Sent:** Monday, September 18, 2023 3:51 PM  
**To:** Lachy Taylor <[Lachy.Taylor@ghd.com](mailto:Lachy.Taylor@ghd.com)>  
**Cc:** Ben Luffman <[Ben.Luffman@ghd.com](mailto:Ben.Luffman@ghd.com)>; Michelle Kiejda <[Michelle.Kiejda@ghd.com](mailto:Michelle.Kiejda@ghd.com)>; Glover, Kimberly <[Kimberly.Glover@dcceew.gov.au](mailto:Kimberly.Glover@dcceew.gov.au)>  
**Subject:** RE: Boggabri Coal Independent Audit ATTN: Robin Nielsen [SEC=OFFICIAL]

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Hi Lachy,

Thank you for your email regarding Boggabri Coal Independent Audit. The request has been received and will be reviewed by the NSW/ACT Post Approvals team. An officer will be in touch once the request has been allocated.

Please note that the Post Approvals Section is currently handling a high volume of requests resulting in delays to usual timeframes. Please advise Kimberly Glover (cc'd – Assistant Director, NSW/ACT Post Approvals) of any critical timeframes relevant to this matter to help us prioritise your request. Could you also provide the EPBC number for this project?

Kind regards,

**Sarah Rottet**

Post Approval Assessment Officer | Post Approvals Section  
Department of Climate Change, Energy, the Environment and Water  
*Working Mon-Wed* | E [sarah.rottet@dcceew.gov.au](mailto:sarah.rottet@dcceew.gov.au)

---

**From:** Lachy Taylor <[Lachy.Taylor@ghd.com](mailto:Lachy.Taylor@ghd.com)>  
**Sent:** Friday, September 15, 2023 8:12 PM  
**To:** Post Approval <[PostApproval@dcceew.gov.au](mailto:PostApproval@dcceew.gov.au)>  
**Cc:** Ben Luffman <[Ben.Luffman@ghd.com](mailto:Ben.Luffman@ghd.com)>; Michelle Kiejda <[Michelle.Kiejda@ghd.com](mailto:Michelle.Kiejda@ghd.com)>  
**Subject:** Boggabri Coal Independent Audit ATTN: Robin Nielsen

Good evening,

GHD have been engaged by Boggabri Coal Operations Pty Ltd to undertake an Independent Environmental Audit in accordance with Schedule 3, Condition 53 and Schedule 5, Condition 10 of MP 09-0182.

The attached letter invites DEECCW to provide comments and input into the audit.

Regards

**Lachy Taylor**  
**BSc (Biology/Sustainable Resource Management)**  
**Environmental Scientist**

*Please note I am on secondment from Tuesday to Thursday each week. For urgent matters please contact Simon Murphy at [simon.murphy@ghd.com](mailto:simon.murphy@ghd.com)*

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**From:** [David Ross - VUCA Strategist](#)  
**To:** [Lachy Taylor](#)  
**Cc:** [Michelle Kiejda](#); [Ben Luffman](#)  
**Subject:** RE: Boggabri Coal Independent Environmental Audit  
**Date:** Monday, 18 September 2023 9:29:04 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

---

Thank you, Lachy.

Regards  
David

---

**From:** Lachy Taylor <Lachy.Taylor@ghd.com>  
**Sent:** Friday, September 15, 2023 8:16 PM  
**To:** David Ross - VUCA Strategist <david.ross@phoenixstrategic.com.au>  
**Cc:** Michelle Kiejda <Michelle.Kiejda@ghd.com>; Ben Luffman <Ben.Luffman@ghd.com>  
**Subject:** Boggabri Coal Independent Environmental Audit

Good evening David,

GHD have been engaged by Boggabri Coal Operations Pty Ltd to undertake an Independent Environmental Audit in accordance with Schedule 3, Condition 53 and Schedule 5, Condition 10 of MP 09-0182.

The attached letter invites the CCC for the project to provide comments and input into the audit. If providing a response, please include Michelle and Ben who are included in this email.

Regards

**Lachy Taylor**  
**BSc (Biology/Sustainable Resource Management)**  
**Environmental Scientist**

*Please note I am on secondment from Tuesday to Thursday each week. For urgent matters please contact Simon Murphy at [simon.murphy@ghd.com](mailto:simon.murphy@ghd.com)*

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**From:** [Joel Curran](#)  
**To:** [Lachy Taylor](#); [Michelle Kiejda](#); [Ben Luffman](#)  
**Subject:** RE: Boggabri Coal Independent Environmental Audit ATTN: Joel Curran  
**Date:** Monday, 18 September 2023 9:58:49 AM  
**Attachments:** [image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)

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Good morning Lachy

The upcoming Independent Environmental Audit and audit of the revegetation of the rehabilitation area and management and restoration within the BOS areas must be carried out as per Schedule 5, Condition 10, and Schedule 3, Condition 53 of MP09\_0182 as modified respectively.

Details of incidents or non-compliances can be found in the Boggabri Coal Mine AR's and also in their submissions via the Major Projects Portal. The NSW Planning response to these incidents or non-compliances can also be found in the Major Projects Portal.

Regards

**Joel Curran**  
**Senior Compliance Officer**

Development Assessment | Department of Planning and Environment  
**T** 02 4904 2702 | **M** 0412 323 331 | **E** [joel.curran@planning.nsw.gov.au](mailto:joel.curran@planning.nsw.gov.au)  
PO Box 1226 | Newcastle NSW 2300

Please direct all email correspondence to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)  
[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)



*The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*

***If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au).***

***The Department has upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).***

---

**From:** Lachy Taylor <[Lachy.Taylor@ghd.com](mailto:Lachy.Taylor@ghd.com)>  
**Sent:** Friday, 15 September 2023 8:25 PM  
**To:** DPE PSVC Compliance Mailbox <[compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)>  
**Cc:** Michelle Kiejda <[michelle.kiejda@ghd.com](mailto:michelle.kiejda@ghd.com)>; Ben Luffman <[Ben.Luffman@ghd.com](mailto:Ben.Luffman@ghd.com)>  
**Subject:** Boggabri Coal Independent Environmental Audit ATTN: Joel Curran

Good evening Joel,

GHD have been engaged by Boggabri Coal Operations Pty Ltd to undertake an Independent Environmental Audit in accordance with Schedule 3, Condition 53 and Schedule 5, Condition 10 of MP 09-0182.

The attached letter invites DPE to provide comments and input into the scope of the audit. If providing a response, please include Michelle and Ben who are included in this email.

Regards

## **Lachy Taylor**

**BSc (Biology/Sustainable Resource Management)  
Environmental Scientist**

*Please note I am on secondment from Tuesday to Thursday each week. For urgent matters please contact Simon Murphy at [simon.murphy@ghd.com](mailto:simon.murphy@ghd.com)*

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# **Appendix C**

## **Compliance table**

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
MP09_0182						
<b>Schedule 2 - Administrative Conditions</b>						
1	Obligation to minimise harm to the environment	In addition to meeting the specific performance criteria established under this consent, the Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.	This table	<p>This table provides an indication of the effectiveness of the measures implemented to minimise harm to the environment from the operations of BCM. This indicates the BCM is generally operated in accordance with requirements of this condition. Non-compliances were noted against the following conditions:</p> <ul style="list-style-type: none"> <li>- Condition 9, Schedule 3</li> <li>- Condition 15, Schedule 3</li> <li>- Condition 22, Schedule 3</li> <li>- Condition 38(b), Schedule 3</li> <li>- Condition 38(c), Schedule 3</li> <li>- Condition 40, Schedule 3</li> <li>- Condition 68, Schedule 3</li> <li>- Condition 4, Schedule 5</li> <li>- Condition 5, Schedule 5</li> <li>- Condition 8, Schedule 5</li> <li>- Condition 14, Schedule 5</li> <li>- Statement of Commitments 3</li> <li>- Statement of Commitments 4</li> <li>- Statement of Commitments 14</li> </ul> <p>Non-compliances against these conditions are captured and addressed below in this table.</p>	Compliant	Refer to recommendations below
2	Terms of approval	<p>The Proponent shall carry out the project:</p> <p>(a) generally in accordance with the EA; and</p> <p>(b) in accordance with the statement of commitments and the conditions of this approval.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• The general layout of the project is shown in Appendix 1 and Appendix 2; and</li> <li>• The Statement of Commitments is reproduced in Appendix 5.</li> </ul>	This table	<p>This table and the IEA report have assessed compliance with the EA, statement of commitments and conditions of the approval. This indicates the BCM is generally in accordance with requirements of this condition but non-compliances were noted against the following conditions:</p> <ul style="list-style-type: none"> <li>- Condition 9, Schedule 3</li> <li>- Condition 15, Schedule 3</li> <li>- Condition 22, Schedule 3</li> <li>- Condition 38(b), Schedule 3</li> <li>- Condition 38(c), Schedule 3</li> <li>- Condition 40, Schedule 3</li> <li>- Condition 68, Schedule 3</li> <li>- Condition 4, Schedule 5</li> <li>- Condition 5, Schedule 5</li> <li>- Condition 8, Schedule 5</li> <li>- Condition 14, Schedule 5</li> <li>- Statement of Commitments 3</li> <li>- Statement of Commitments 4</li> <li>- Statement of Commitments 14</li> </ul> <p>Non-compliances against these conditions are captured and addressed below in this table.</p>	Non-compliant	Refer to recommendations below
3		If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.	Note		Note	
4		The Proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: (a) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and (b) the implementation of any actions or measures contained in these documents		BCOPL reported the Secretary has not requested any reports, reviews or audits during the audit period.	Not triggered	
5	Mining Operations	<p>The Proponent may carry out mining operations on the site until the end of December 2033.</p> <p>Note: Under this approval, the Proponent is required to rehabilitate the site and carry out additional undertakings to the satisfaction of both the Secretary and Resources Regulator. Consequently, this approval 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>	2020 Annual Review 2021 Annual Review 2022 Annual review	BCOPL were authorised to operate BCM over the audit period	Compliant	



Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
6		The Proponent may undertake mining operations 24 hours a day, 7 days a week	2020 Annual Review 2021 Annual Review 2022 Annual review	2022/2021/2020 Annual Reviews indicate the BCO operates 24 hours a day 7 days a week.	Compliant	
7		The Proponent shall not clear native vegetation from any land within 250 metres of the adjoining Maules Creek Coal Mine mining lease boundary, except with the approval of the Secretary, following endorsement of BCS.  Notes: The purpose of this condition is to ensure that a 500 metre wide native vegetation corridor is maintained between the open cut pits of the project and the adjoining Maules Creek Project, if it is approved. However, alignment of this corridor directly along the lease boundaries may not be its most efficient location, from either an environmental or economic perspective. Consequently, with the endorsement of BCS, the Secretary may approve substitution of an alternative native vegetation corridor of at least 500 metres width and equivalent or better ecosystem value, within the general vicinity of the lease boundary. See also condition 51 of Schedule 3.	2020 Annual Review 2021 Annual Review 2022 Annual review  2023 Clearing Statistics  Site observations	This requirement was clearly understood by BCOPL team interviewed on site and site observations. The Annual Reviews confirmed clearing has not occurred within 250 m of the Maules Creek Coal Mine.	Compliant	
8	Coal Extraction and stockpiles	The Proponent shall not extract more than 3.5 million tonnes of ROM coal from the site in any calendar year (on a pro rata monthly basis) whenever coal is being transported along the private haul road to the coal loader, unless a road safety audit at the intersections of Leard Forest Road and Therribri Road has been completed in consultation with Council and TfNSW, and any recommended actions implemented to the satisfaction of the Secretary.	2020 Annual Review 2021 Annual Review 2022 Annual review	2022/2021/2020 Annual Review: Compliant – transport of coal by road to the coal loader ceased following the completion of the Boggabri Rail Spur Line prior to the audit period.	Compliant	
9		The Proponent shall not extract more than 4.5 million tonnes of ROM coal from the site in any calendar year (on a pro rata monthly basis) or undertake mining operations outside the disturbance area approved under DA36/88 MOD 2, unless the Biodiversity Management Plan required under condition 49 of Schedule 3 has been approved by the Secretary.	2020 Annual Review 2021 Annual Review 2022 Annual review  BMP (October 2018)	The BMP was approved by the Secretary on 2nd July 2019.	Compliant	
10		The Proponent shall not extract more than 8.6 million tonnes of ROM coal from the site in any calendar year.	2020 Annual Review 2021 Annual Review 2022 Annual review	The Annual Reviews indicate the extraction rate for each calendar year during the audit period were: 2022: 6.8 Mt 2021: 7.6 Mt 2020: 7.5 Mt	Compliant	
11	Coal Processing	The Proponent may process up to 4.2 million tonnes of ROM coal in the CHPP in any calendar year.  Note: For the purpose of this condition, processing does not include bypass coal from either the Boggabri or Tarrawonga coal mines	2020 Annual Review 2021 Annual Review 2022 Annual review	The Annual Reviews indicate the process rate for each calendar year during the audit period were: 2022: 2.60 Mt 2021: 3.96 Mt 2020: 3.8 Mt	Compliant	
11		The Proponent shall not process any coal from the Tarrawonga coal mine unless it has demonstrated that adequate water license are held to account for the required water use associated with processing this coal, to the satisfaction of the Secretary.	2020 Annual Review 2021 Annual Review 2022 Annual review	The Annual Reviews report that no coal was processed from the Tarrawonga Coal Mine during the audit period.	Not triggered	
12	Coal transport	The Proponent may transport up to 10 million tonnes of product coal via the Boggabri Rail Spur Line in any calendar year, year, comprising: (a) up to 8.6 million tonnes of product coal from the Boggabri coal mine in any calendar year; and (b) up to 3 million tonnes of product coal from the Tarrawonga coal mine in any calendar year	2020 Annual Review 2021 Annual Review 2022 Annual review	The Annual Reviews indicate BCOPL transported the following volume of coal for each calendar year during the audit period: 2022: 5.7 Mt 2021: 6.7 Mt 2020: 6.3 Mt.  No coal from the Tarrawonga Coal Mine was transported in the audit period	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
13		The Proponent may transport up to 200 tonnes of coal per year from the site by road for marketing and testing purposes. All other coal must be transported from the site via the Boggabri Rail Spur Line, except in exceptional circumstances as agreed with TfNSW and Council and approved by the Secretary.	2020 Annual Review 2021 Annual Review 2022 Annual review	Annual reviews 2020 and 2021 indicated fifty tonnes (50 t) of coal was transported by road for product testing and analysis purposes. Transport of product coal by road was ceased following the completion of the Boggabri Rail Spur Line. The Rail Spur was operational throughout 2020, 2021 and 2022.	Compliant	
14	Surrender of existing development consent	Within 12 months of the date of this approval, or as otherwise agreed by the Secretary, the Proponent shall surrender the existing development consent (DA36-88) for the Boggabri Coal Mine in accordance with Section 104A of the EP&A Act. Prior to the surrender of this development consent, the conditions of this approval shall prevail to the extent of any inconsistency with the conditions of the development consent		Outside the audit period. Assessed as compliant in 2017 audit	Compliant	
15	Structural adequacy	The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA. Notes: • Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works; and • Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.	Notice of Practical Completion for the Boggabri Childcare Centre dated 23 February 2021	Boggabri Early Learning Facility was completed in February 2021 with the notice of practical completion being dated 23 February 2021. The facility opened June 2021.	Compliant	
16		The Proponent shall ensure that the Boggabri Rail Spur Line and ancillary infrastructure (including rail bridges) are designed and constructed in accordance with the relevant requirements of the current ARTC infrastructure standards, or as otherwise approved by the Secretary.		The Boggabri Rail Spur was constructed outside the audit period and was assessed as compliant in a previous audit.	Compliant	
17		The Proponent shall meet the requirements of the ARTC for any rail and associated infrastructure connections, such as signalling equipment, to the ARTC rail network.		The Boggabri Rail Spur was constructed outside the audit period and was assessed as compliant in a previous audit.	Compliant	
18	Demolition	The Proponent shall ensure that all demolition work on site is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version	2021 Annual Review	The Nagero Shearing Shed was demolished in May 2021. The work was undertaken in accordance with the requirements of Australian Standard AS 2601-2001: The Demolition of Structures.	Compliant	
19	Protection of public infrastructure	Unless the Proponent and the applicable authority agree otherwise, the Proponent shall: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.	Voluntary Planning agreement Site interviews	BCOPL advised that no damage or relocation of public infrastructure has occurred during the audit period. BCOPL have voluntary planning agreement with council for upkeep of roads. Sighted agreement attached to conditions of consent.	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
20	Operation of plant and equipment	The Proponent shall ensure that all the plant and equipment used on site, or to transport coal from the site, is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Sound Power Testing measurements  Sample of maintenance logs	Evidence provided for the testing of sound power measurement for mobile plant and equipment for the duration of the audit period. BCOPPL schedule maintenance and repairs through their SAP system which generate job cards. Examples of these were provided and sighted.  Testing of the sound power levels during the audit period identified some exceedances of the levels adopted for the EA. BCOPPL are currently undertaking trials of noise attenuation fittings and this will continue beyond the audit period.	Compliant	
21	Updating & Staging Strategies, Plans or Programs	With the approval of the Secretary, the Proponent may submit any strategies, plans or programs required by this approval on a progressive basis.  To ensure the strategies, plans or programs under the conditions of this approval are updated on a regular basis, the Proponent may at any time submit revised strategies, plans or programs to the Secretary for approval.  With the agreement of the Secretary, the Proponent may prepare any revised strategy, plan or program without undertaking consultation with all parties under the applicable condition of this approval.  Notes: • While any strategy, plan or program may be submitted on a progressive basis, the Proponent must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times. • 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.	Email from DPE dated 28 September 2023 Major Projects website	All management plans approved under DA 36/88 have now been replaced by the equivalent plans required under this consent. Multiple management plans have been updated and revised during the audit period due to the findings of the 2020 IEA. BCOPPL wrote to DPE on 27 September 2023 requesting an extension of time to resubmit the management plans following the determination of MOD8 to minimise rework and DPE time. DPE wrote to BCOPPL on 28 September 2023 stating that they accept the request and require the management plans to be submitted within 3 months of the determination of MOD8 which is currently under assessment.  Refer to individual management plan conditions.	Compliant	
22		Until they are replaced by an equivalent strategy, plan or program approved under this approval, the Proponent shall implement the existing strategies, plans or programs for the site that have been approved under DA 36/88.		All management plans approved under DA 36/88 have now been replaced by the equivalent plans required under this consent.	Compliant	
23	Community Enhancement	By the end of December 2012, unless otherwise agreed by the Secretary, the Proponent shall enter into a planning agreement with Council in accordance with: (a) Division 6 of Part 4 of the EP&A Act; and (b) the terms of the Proponent's offer provided in Appendix 3.		Outside the audit period. Assessed as compliant in previous audit.	Compliant	

Schedule 3 - Environmental Performance Conditions

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
1	Construction Environment Management Plan – Boggabri Rail Spur Line	<p>Prior to the commencement of construction of the Boggabri Rail Spur Line, or as otherwise agreed by the Secretary, the Proponent shall prepare and implement (following approval by the Secretary) a Construction Environmental Management Plan for the Boggabri Rail Spur Line. The Plan shall outline the environmental management practices and procedures that are to be followed during construction, and shall be prepared in consultation with the relevant government agencies and in accordance with the Guideline for the Preparation of Environmental Management Plans (Department of Infrastructure, Planning and Natural Resources, 2004). The Plan shall include, but not necessarily be limited to:</p> <p>(a) a description of activities to be undertaken during construction of the Boggabri Rail Spur Line (including staging and scheduling);</p> <p>(b) statutory and other obligations that the Proponent is required to fulfil during construction, including approvals, consultations and agreements required from authorities and other stakeholders under key legislation and policies;</p> <p>(c) identification of relevant guidelines, standards, codes of practice etc. to which the Proponent intends to comply;</p> <p>(d) a description of the roles and responsibilities for relevant employees involved in the construction of Boggabri Rail Spur Line, including relevant training and induction provisions for ensuring that employees, including contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of approval;</p> <p>(e) an environmental risk analysis to identify the key environmental performance issues associated with the construction phase; and</p>		As reported in the Annual Reviews, there was no construction in relation to any of these aspects during the audit period.	Not triggered	
		<p>(f) details of how environmental performance would be managed and monitored to meet acceptable outcomes, including what actions will be taken to address identified potential adverse environmental impacts (including any impacts arising from the staging of the construction of the Boggabri Rail Spur Line). In particular, the following environmental performance issues shall be addressed in the Plan:</p> <p>(i) noise and vibration;</p> <p>(ii) traffic and access;</p> <p>(iii) soil, water quality, flood and spoil management;</p> <p>(iv) air quality and dust management;</p> <p>(v) management of Aboriginal and non-Aboriginal heritage;</p> <p>(vi) soil contamination, hazardous material and waste management;</p> <p>(vii) management of ecological impacts; and</p> <p>(viii) hazard and risk management</p>				
		<p>Notes:</p> <ul style="list-style-type: none"> <li>Construction work does not include surveys, acquisitions, fencing, investigative drilling or excavation, minor clearing, minor access roads, minor adjustments to services/utilities, works which allow isolation of the site so that access for construction can be provided (including service relocations) and establishing temporary facilities for construction (including for example an office and amenities compound, construction compound, materials storage compound, maintenance workshop, testing laboratory or material stockpile areas).</li> <li>Additional guidance on appropriate content for the Construction Environment Management Plan can be found in the Department's standard conditions for linear infrastructure.</li> <li>Other construction activities undertaken on the site, such as construction of the CHPP, drag line, water management structures and ancillary equipment, are to be addressed as part of the operational management plans required under this approval.</li> </ul>				
2	Construction Noise and Vibration Criteria	<p>During the hours of:</p> <p>(a) 7:00 am to 6:00 pm Monday to Fridays, inclusive;</p> <p>(b) 8:00 am to 1:00 pm on Saturdays; and</p> <p>(c) at no time on Sundays or public holidays.</p> <p>noise from activities associated with the construction and/or upgrade of the Boggabri Rail Spur Line, Kamilaroi Highway Access Roads, and Daisymede Laydown Compound shall meet the criteria in Table 1.</p> <p>Vibration from activities associated with the construction and/or upgrade of Boggabri Rail Spur Line, Kamilaroi Highway Access Roads, and Daisymede Laydown Compound shall meet the limits set by:</p> <p>(a) for structural damage, the vibration limits set out in the German Standard DIN 4150-3: Structural Vibration - effects of vibration on structures; and</p> <p>(b) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).</p> <p>Should the Proponent propose to undertake any construction works associated with the Boggabri Rail Spur Line, Kamilaroi Highway Access Roads, and Daisymede Laydown Compound outside of hours specified above then the Proponent must develop an Out of Hours Work (OOHW) protocol consistent with the requirements of the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). The OOHW protocol must be developed to the satisfaction of the Secretary in consultation with the EPA and residents likely to be affected and demonstrate how the proposed scheduling would minimise impacts and how local residents' preferences would be accommodated.</p> <p>Note: For areas where construction noise from the Boggabri Rail Spur Line, Kamilaroi Highway Access Roads, and Daisymede Laydown Compound is predicted to be at or below 35dB(A) and/ or below operational noise criteria at sensitive receptors, this is likely to provide sufficient justification for the need to operate outside of recommended standard hours as specified in the ICNG.</p>		Construction occurred prior to the audit period.	Not triggered	

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3	Operational noise - Noise affected land	<p>For privately-owned residences identified within the project's 35dB(A) noise impact contour (see Appendix 4A) the owner(s) can make a written request to the Proponent for one of the following:</p> <p>(a) mitigation (such as double glazing, insulation and air conditioning) at the residence in consultation with the owner(s). These measures must be reasonable and feasible and directed towards reducing the noise impacts of the project on the residence. If within 3 months of receiving this request from the owner(s), the Proponent and owner(s) 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; or</p> <p>(b) acquisition of the residence and land in accordance with the procedures in conditions 8-9 of Schedule 4. Upon receiving a written request from the owner(s), the Proponent must undertake whichever option has been requested by the owner(s).</p> <p>However, this condition does not apply if the Proponent has an agreement with the owner(s) of the relevant residence to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p> <p>Notes:</p> <p>1. For the purposes of this condition a privately-owned residence is defined as a residence not owned by a mining company that: is regularly occupied; or is an existing residence that is not regularly occupied but for which a valid development consent exists; or is a proposed residence for which a development application has been lodged with the relevant authority prior to the date of this approval.</p> <p>2. For the purposes of acquisition under this condition, parcels of land that are in close proximity and operated as a single agricultural enterprise should be considered as part of the land to be acquired. Where the Proponent and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer the matter to the Secretary for resolution. The Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 8 and 9 of Schedule 4 shall be final.</p>	Site interviews	BCOPL advised that no requests have been received during the audit period.	Not triggered	
4		<p>Where the owner(s) of a residence included in condition 3 of this schedule have opted for either an agreement to generate higher noise levels or mitigation under condition 3(a), and the owner(s) have reason to believe that the noise impacts at the residence are more than 3 dB(A) above the predicted noise levels for that residence (see Table 2), the owner(s) can request an independent noise impact assessment for the residence. The request shall be made in writing to the Secretary. If the Secretary considers that a noise impact assessment is warranted, then the Proponent shall commission the assessment.</p> <p>If the noise impact assessment determines that the noise generated by the project causes sustained exceedances, or is likely to cause sustained exceedances, of the predicted noise levels by more than 3 dB(A) the owner(s) may require the Proponent to acquire the residence and land in accordance with the procedures in conditions 8-9 of Schedule 4.</p> <p>NSW Government 10 Department of Planning and Environment</p> <p>If the noise impact assessment determines that the noise generated by the project causes sustained exceedances, or is likely to cause sustained exceedances, of the predicted noise levels by more than 3 dB(A) the owner(s) may require the Proponent to acquire the residence and land in accordance with the procedures in conditions 8-9 of Schedule 4.</p> <p>Table 2: Maximum Predicted Noise Levels</p> <p>Notes:</p> <p>1. To interpret the locations referred to in Table 2, see the applicable figure in Appendix 4.</p> <p>2. The noise assessment must be undertaken by a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary and include either:</p> <ul style="list-style-type: none"> <li>o sufficient monitoring at the affected residence to allow for assessment of the impacts under a range of meteorological conditions (including adverse conditions) likely to be experienced at the residence; or</li> <li>o Sufficient monitoring to allow reliable prediction of the likely impacts under the range of meteorological conditions (including adverse conditions) likely to be experienced at the residence.</li> </ul> <p>3. Monitoring should be conducted in accordance with the requirements of the NSW Industrial Noise Policy.</p> <p>4. Where predictions of likely impacts is to be used, either in substitution for, or in conjunction with, direct measurement of noise impacts at the residence, it must be based on sufficient monitoring data to provide a reliable estimate of the impacts (including under adverse meteorological conditions) and be derived using standard noise modelling techniques accepted by the EPA.</p> <p>5. The Proponent shall ensure that the requested noise impact assessment is submitted to the Secretary within 3 months of the Secretary's decision that the assessment was warranted. The Proponent shall also provide a copy of the assessment to the owner(s) of the residence at the same time it is submitted to the Secretary.</p> <p>6. Note 2 to condition 3 of this Schedule applies to acquisition under this condition.</p>	Site interviews	BCOPL advised that no requests have been received during the audit period.	Not triggered	
5		<p>At any stage of the project, except for the noise-affected land identified in condition 3 as being within the project's 35 dB(A) contour, the Proponent shall ensure that operational noise generated by the project does not exceed the criteria in Table 3 at any residence on privately-owned land.</p> <p>Notes:</p> <p>1. Noise generated by the project is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy</p> <p>2. Operational noise generated by the project includes noise generated from use of the private haul road and proposed rail spur.</p> <p>However, these noise criteria do not apply if the Proponent has an agreement with the owner(s) of the relevant residence to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	Noise monitoring data Complaints register	Attended noise monitoring undertaken in 2020, 2021, 2022 identified that operational noise at private residences was compliant with noise impact criteria. No noise complaints have been received over the audit period.	Compliant	

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6		<p>If the owner(s) of a privately-owned residence, which is not within the project's 35 dB(A) noise impact contour (see condition 3 and Appendix 4A), have reason to believe that operational noise from the project is causing the criteria in Table 3 to be exceeded at the residence, the owner(s) can request an independent noise impact assessment for the residence. The request shall be made in writing to the Secretary. If the Secretary considers that a noise impact assessment is warranted, then the Proponent shall commission the assessment.</p> <p>If the noise impact assessment determines that the noise generated by the project causes sustained exceedances, or is likely to cause sustained exceedances, of the criteria in Table 3, the owner(s) can make a written request to the Proponent for one of the following:</p> <p>(a) mitigation (such as double glazing, insulation and air conditioning) at the residence in consultation with the owner(s). These measures must be reasonable and feasible and directed towards reducing the noise impacts of the project on the residence. If within 3 months of receiving this request from the owner(s), the Proponent and owner(s) 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; or</p> <p>(b) acquisition of the residence and land in accordance with the procedures in conditions 8-9 of Schedule 4.</p> <p>Upon receiving a written request from the owner(s), the Proponent must undertake whichever option has been requested by the owner(s). However, this condition does not apply if the Proponent has an agreement with the owner(s) of the relevant residence to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p> <p>Notes:  1. For the purposes of this condition a privately-owned residence is defined as a residence not owned by a mining company that is regularly occupied; or is an existing residence that is not regularly occupied but for which a valid development consent exists; or is a proposed residence for which a development application has been lodged with the relevant authority prior to the date of this approval.  2. For the purposes of acquisition under this condition, parcels of land that are in close proximity and operated as a single agricultural enterprise should be considered as part of the land to be acquired. Where the Proponent and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer the matter to the Secretary for resolution. The Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 8 and 9 of Schedule 4 shall be final.  3. Notes 2, 3, 4 and 5 of condition 4 apply to this condition.</p>	Complaints register	BCOPL advised that no request has been received during the audit period and DPE have not mentioned any request.	Not triggered	
7	Cumulative noise criteria	<p>Except for the noise affected land identified in condition 3 as being within the project's 35 dB(A) contour, the Proponent shall ensure that the operational noise generated by the project combined with the noise generated by other mines does not exceed the criteria in Table 4 at any residence on privately-owned land.</p> <p>Notes:  • Cumulative noise is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy.  • Operational noise includes noise from the mining operations and use of private haul roads and rail spurs</p>	Noise monitoring data Complaints register	Attended noise monitoring also considered the assessment of cumulative noise from the BTM Complex and confirmed the noise levels were within the cumulative noise criteria specified under SSD 09_0182 for 2020, 2021 and 2023.	Compliant	
8	Cumulative Noise Acquisition Criteria	<p>If the owner(s) of a privately-owned residence, which is not within the project's 35 dB(A) noise impact contour (see condition 3 and Appendix 4A), reasonably believes that the noise limits in Table 4 are being exceeded at the residence and that the exceedance is caused by operational noise from the project and one or more other mines (including use of private haul roads or rail spurs), the owner(s) can request an independent noise impact assessment for the residence. The request shall be made in writing to the Secretary. If the Secretary considers that a noise impact assessment is warranted, then the Proponent shall commission the assessment.</p> <p>Where the noise impact assessment determines that the cumulative noise generated by the project combined with the noise from the other mine(s) causes, or is likely to cause, sustained exceedances of the criteria in Table 4, then the owner(s) can make a written request to the Proponent for one of the following:</p> <p>(a) mitigation (such as double glazing, insulation and air conditioning) at the residence in consultation with the owner(s). These measures must be reasonable and feasible and directed towards reducing the noise impacts of the project on the residence. If within 3 months of receiving this request from the owner(s), the Proponent and owner(s) 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; or</p> <p>(b) acquisition of the residence and land in accordance with the procedures in conditions 8-9 of Schedule 4.</p> <p>Upon receiving a written request from the owner(s), the Proponent must undertake whichever option has been requested by the owner(s). However, this condition does not apply if the Proponent has an agreement with the owner(s) of the relevant residence to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement. The Proponent may seek to recover an equitable share of the costs incurred from the other mines contributing to the cumulative impact. Unless otherwise agreed between the mines, the proportional contributions should be based on expert analysis of the monitoring results to assess relative contribution to the impact. In the event of a dispute between the mines the Proponent, or one of the contributing mines, may submit the matter to the Secretary for resolution. The Secretary's decision shall be final.</p>	Complaints register	No complaints regarding cumulative noise were raised by any private residences in 2020/20221/2022 and BCOPL advised that no requests for an independent noise impact assessment have been received.	Not triggered	

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		<p>Notes:</p> <p>1. For the purposes of this condition a privately-owned residence is defined as a residence not owned by a mining company that is regularly occupied; or is an existing residence that is not regularly occupied but for which a valid development consent exists; or is a proposed residence for which a development application has been lodged with the relevant authority prior to the date of this approval.</p> <p>2. For the purposes of acquisition under this condition, parcels of land that are in close proximity and operated as a single agricultural enterprise should be considered as part of the land to be acquired. Where the Proponent and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer the matter to the Secretary for resolution. The Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 8 and 9 of Schedule 4 shall be final.</p> <p>3. Notes 2, 3, 4 and 5 of condition 4 apply to this condition.</p> <p>4. The noise impact assessment shall include assessment of the relative contribution of the mines to the impact at the residence.</p>				
9	Attenuation of plant	<p>The Proponent shall:</p> <p>(a) ensure that:</p> <ul style="list-style-type: none"> <li>all new trucks, dozers, drills and excavators purchased for use on the site after the date of this approval are commissioned as noise suppressed (or attenuated) units;</li> <li>ensure that all equipment and noise control measures deliver sound power levels that are equal to or better than the sound power levels identified in the EA and that correspond to best practice or the application of best available technology economically achievable;</li> <li>where reasonable and feasible, improvements are made to existing noise suppression equipment as technologies become available; and</li> </ul> <p>(b) monitor and report on the implementation of these requirements annually on its website.</p>	<p>2020 Annual Review 2021 Annual Review</p> <p>2022 Annual Review</p>	<p>2020 IEA Recommendation: continue investigations and dialogue with DPIE regarding sound power level requirements.</p> <p>Sound power testing is undertaken annually and reported upon in the Annual Reviews, which are published on the website. As reported in the 2020, 2021 and 2022 Annual Reviews, sound power screening identified plant with exceedances of 3dB or greater, constituting a non-compliance with this condition.</p>	Non-compliant	CA 1: Continue to implement mitigation on plant identified as non-compliant with this condition.
10		<p>The Proponent shall:</p> <p>(a) conduct an annual testing program of the attenuated plant on site to ensure that the attenuation remains effective;</p> <p>(b) restore the effectiveness of any attenuation if it is found to be defective; and</p> <p>(c) report on the results of any testing and/or attenuation work within the Annual Review.</p>	<p>2020 Annual Review 2021 Annual Review</p> <p>2022 Annual Review</p>	<p>Annual sound power level monitoring is reported in Section 6.3.2.2.2 of the Annual Review. The reporting shows that BCOPL are undertaking annual testing of plant. As noted in Condition 9 of Schedule 3, there has been reported exceedances of criteria. A review of the non-compliant plant indicate that once identified, appropriate mitigation is generally implemented.</p>	Compliant	
11	Boggabri Rail Spur Line and Bridge Design – Noise impacts	<p>The Proponent shall:</p> <p>(a) ensure all relevant Boggabri Rail Spur Line and rail bridge designs are assessed by suitably qualified and experienced person/s in acoustic engineering for the purpose of providing reasonable and feasible recommendations to minimise noise, including low frequency noise. This acoustic review should consider the EA's relevant recommendations and additional noise attenuation such as acoustic barriers to minimise noise at sensitive receptors;</p> <p>(b) implement reasonable and feasible recommendations made in the acoustic review;</p> <p>(c) undertake commissioning trials of the operation of the Spur Line to optimise train speed to minimise noise impacts; and</p> <p>(d) following completion and commissioning of the Spur Line, undertake targeted noise monitoring to determine the accuracy of predicted acoustic impacts and effectiveness of any noise reduction measures, including monitoring during adverse inversion conditions, to the satisfaction of the Secretary.</p>		<p>Construction of the Boggabri Rail Spur line was completed prior to the audit period and commissioning tests undertaken and assessed as compliant in previous audit.</p>	Not triggered	
12	Operating Conditions	<p>The Proponent shall:</p> <p>(a) implement best management practice to minimise the operational, low frequency and road and rail traffic noise of the project;</p> <p>(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 approval;</p> <p>(c) maintain the effectiveness of noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired;</p> <p>(d) ensure that noise attenuated plant is deployed preferentially in locations relevant to sensitive receivers;</p> <p>(e) minimise the noise impacts of the project during meteorological conditions when the noise limits in this approval do not apply;</p> <p>(f) ensure that the Boggabri Rail Spur Line is only accessed by locomotives that are approved to operate on the NSW rail network in accordance with the noise limits in ARTC's EPL (No. 3142);</p> <p>(g) use its best endeavours to ensure that rolling stock supplied by service providers on the Boggabri Rail Spur Line is designed and constructed to minimise noise;</p> <p>(h) ensure any new rail rolling stock manufactured specifically for the project is designed and constructed to minimise noise;</p> <p>(i) use its best endeavours to achieve the long term intrusive noise goals for the project in Table 5, where this is reasonable and feasible, and report on the progress towards achieving these goals in the annual review; and</p> <p>(j) co-ordinate the noise management on site with the noise management at other mines within the Leard Forest Mining Precinct to minimise the cumulative noise impacts of these mines. to the satisfaction of the Secretary.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>The comprehensive review can be undertaken as part of independent environmental audits required under condition 10 of Schedule 5</li> </ul> <p>Notes:</p> <ul style="list-style-type: none"> <li>To interpret the locations referred to Table 5, see the applicable figures in Appendix 4; and</li> <li>Noise generated by the project is to be measured in accordance with condition 14 of this schedule.</li> </ul>	<p>Noise monitoring data</p> <p>2020 Annual Review 2021 Annual Review</p> <p>2022 Annual Review</p> <p>Complaints register NMP (rev 13, dated April 2019)</p>	<p>The NMP was last updated in April 2019 (Rev. 2019) and details operational noise management at the site. The noise management system is detailed in sections 5, 6 and 7 of the NMP. Monitoring data for the audit period has not identified exceedances related to operational noise.</p> <p>Annual sound power level monitoring undertaken and use of real-time monitoring system in line with meteorological data.</p> <p>Refer to discussion for Condition 10 of Schedule 3.</p> <p>BCOPL are generally implementing the noise management plan effectively, which is demonstrated by the noise monitoring data and the lack of noise complaints registered over the audit period.</p>	Compliant	

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13	Noise management plan	<p>The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA and the CCC, and submitted to the Secretary for approval within 6 months of the date of this approval;</p> <p>(b) describe the measures that would be implemented to ensure:</p> <ul style="list-style-type: none"> <li>• best management practice is being employed;</li> <li>• the noise impacts of the project are minimised during meteorological conditions when the noise limits in this approval do not apply; and</li> <li>• compliance with the relevant conditions of this approval;</li> </ul> <p>(c) describe the proposed noise management system in detail;</p> <p>(d) include a risk/response matrix to codify mine operational responses to varying levels of risk resulting from weather conditions and specific mining activities;</p> <p>(e) include commitments to provide summary reports and specific briefings at CCC meetings on issues arising from noise monitoring;</p> <p>(f) include a monitoring program that:</p> <ul style="list-style-type: none"> <li>• uses a combination of real time and supplementary attended monitoring to evaluate the performance of the project;</li> <li>• adequately supports the proactive and reactive noise management system on site;</li> <li>• uses predictive meteorological forecasting to incorporate proactive mitigation measures to manage noise impacts;</li> <li>• includes monitoring of inversion strength at an appropriate sampling rate to determine compliance with noise limits;</li> <li>• evaluates and reports on the effectiveness of the noise management system on site;</li> </ul> <p>(g) includes a Leard Forest Mining Precinct Noise Management Strategy that has been prepared in consultation with other coal mines in the Precinct to minimise the cumulative noise impacts of all mines within the Precinct, that includes:</p> <ul style="list-style-type: none"> <li>• systems and processes to ensure that all mines are managed to achieve their noise criteria;</li> <li>• a shared environmental monitoring network and data sharing protocol; and</li> <li>• procedures for identifying and apportioning the source/s and contribution/s to cumulative noise impacts for operating mines and other sources, using the noise and meteorological monitoring network and appropriate investigative tools.</li> </ul> <p>Note: The Leard Forest Mining Precinct Noise Management Strategy can be developed in stages and will need to be subject to ongoing review dependent upon the determination and commencement of other mining projects in the area.</p>	<p>NMP (rev 13, dated April 2019)</p> <p>BTM Noise Management Strategy (Ver 9, dated 18 May 2017)</p>	<p>2020 IEA Recommendation: Update NMP to reflect the latest TARPS.</p> <p>The NMP was last updated in April 2019 (Rev. 2019). The 2020 IEA identified that the NMP is required to be updated to capture updated practices at BCOPL. This update has not occurred in the audit period, however correspondence has been received from DPE approving the submission of the updated plan within 3 months from the determination of MOD8 which is still under assessment.</p> <p>The noise management system is described in Section 5, 6 and 7 of the NMP. Key sections for items required by this condition:</p> <ul style="list-style-type: none"> <li>- Risk response matrix - Section 5.3</li> <li>- Commitments to reporting - Section 7.5</li> <li>- Monitoring and reporting program - Section 6 and 7</li> <li>- A cumulative noise monitoring program with other mines in the area (BTM Noise Management Strategy)</li> </ul> <p>A review of noise monitoring data and the complaints register indicate that BCOPL is effectively managing noise at the site.</p>	Compliant	Improvement recommendation: Update NMP to reflect the latest TARPS.
14	Noise Measurement	<p>Where conditions in this approval refer to measurement of noise within the context of the NSW Industrial Noise Policy the inversion class to be applied to the project is Class G.</p> <p>However, the Proponent may undertake an investigation to determine whether a proposal for change in this classification could be considered for approval by the Secretary. Any such investigation must be conducted in consultation with the EPA and be conducted by a suitably qualified person whose appointment has been endorsed by the EPA and approved by the Secretary. The report and recommendation must be submitted to the EPA for endorsement prior to submission to the Secretary. If the Secretary is satisfied that the recommendation is reasonable, then the Secretary may amend the inversion class applying to the project under this approval.</p>	Noise monitoring data	<p>As reported in Section 2.5 of the monthly noise monitoring reports:</p> <p><i>As noise limits apply under the strongest inversion conditions (Stability Class G), no exemptions for inversion conditions are applicable for BCM. Based on the information above, noise limits have been assumed to apply under all meteorological conditions except during periods of rainfall or wind speeds greater than 3 m/s at 10 metres above ground level.</i></p> <p>There have been no investigations or requests for a change in classification.</p>	Not triggered	
15	Blasting	<p>The Proponent shall ensure that the blasting on the site does not cause exceedances of the criteria in Table 6.</p> <p>However, these criteria do not apply if the Proponent has a written agreement with the relevant owner or infrastructure provider/owner, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	<p>2020 Annual Review 2021 Annual Review 2022 Annual Review</p> <p>Monitoring data</p> <p>Project website Letter from DPE dated 7 July 2022</p>	<p>2020 IEA Recommendation : Ensure blasts are undertaken under appropriate weather conditions. Delays to blasts should be implemented if required based on real time weather data review.</p> <p>2020 IEA Recommendation : Implement changes to the TARP notifications system to distinguish "triggers" from "exceedances" so that reportable exceedances are not missed</p> <p>A review of monitoring data indicated that there was one occasion where blasting criteria was exceeded. BCOPL received a penalty notice from the EPA on 21 July 2022 for this exceedance.</p> <p>BCOPL undertook an internal investigation and response to the EPA with the findings of the investigation, which determined that the exceedance was due to wind gusts and not blasting operation. The EPA withdrew the penalty notice in December 2022. In addition, DPE provided a response to the reported exceedance on 7 July 2023, stating that from the evidence presented by BCOPL an exceedance of criteria had not occurred. There were no other exceedances of criteria within the audit period.</p> <p>As reported in the 2022 Annual Review, a blast which was conducted on 14 November 2022 was not recorded by the 'Goonbri' blast monitoring station, constituting a non-compliance</p> <p>In response to the recommendations of the 2020 IEA, BCOPL continue to engage with blast monitoring contractors delineating the definition of 'triggers' and 'exceedances', BCOPL have engaged a consultant to review planning and fume protocols. BCOPL note that the current technology that is available on site does not allow for this level of reporting and that they will improve processes to review results of monitoring. BCOPL delivered training with supervisors in October 2021 to improve environmental performance regarding ensuring blasts are only undertaken during appropriate weather conditions. Once the BMP is approved, post MOD 8 as per approval from DPE, training of staff will occur again.</p>	Non-compliant	CA 2: Ensure that blast monitoring equipment is regularly maintained and working prior to blasting so that blasts are adequately reported



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16	Blasting hours	The Proponent shall only carry out blasting on the site between 9 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.	2020 Annual Review 2021 Annual Review 2022 Annual Review	Annual reviews report that all blasts were conducted between the approved times of 9am to 5pm Monday to Saturday.	Compliant	
17	Blasting frequency	The Proponent may carry out a maximum of: (a) 1 blast a day; unless an additional blast is required following a blast misfire; and (b) 4 blasts a week, averaged over a calendar year; for the project 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, or to blasts required to ensure the safety of the mine or its workers. Note: 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.	2020 Annual Review 2021 Annual Review 2022 Annual Review	Annual reviews report that: a) blasting was not undertaken more than once per day during the 2020, 2021 or 2022 reporting periods. b) 2020 91 blasts = 1.75 per week 2021 - 142 blasts = 2.7 per week 2022 - 125 blasts = 2.4 per week	Compliant	
18	Property inspections	If the Proponent receives a written request from the owner of any privately-owned land within 2 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 report updated, then within 2 months of receiving this request the Proponent shall: (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to: • establish the baseline condition of any buildings and/or structures on the land, or update the previous property inspection report; and • identify any measures that should be implemented to minimise the potential blasting impacts of the project on these buildings and/or structures; and (b) give the landowner a copy of the new or updated property inspection report. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or landowner disagrees with the findings of the independent property investigation, either party may refer the matter to the Secretary for resolution. The timeframe for completion of the inspection and provision of the report is subject to suitable access arrangements being granted by the landowner.		BCOPL reported that no requests for property inspections have been received during the audit period.	Not Triggered	
19	Property investigations	If the owner of any privately-owned land claims that the buildings and/or structures on his/her land have been damaged as a result of blasting on site, then within 2 months of receiving this claim in writing from the landowner the Proponent shall: (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to investigate the claim; and (b) give the landowner a copy of the property investigation report. If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damages to the satisfaction of the Secretary. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or landowner disagrees with the findings of the independent property investigation, either party may refer the matter to the Secretary for resolution. The timeframe for completion of the inspection and provision of the report is subject to suitable access arrangements being granted by the landowner.		BCOPL reported that no requests for property inspections have been received during the audit period.	Not Triggered	
20	Operating Conditions	During mining operations on site, the Proponent shall: (a) implement best management practice to: • protect the safety of people and livestock in the surrounding area; • protect public or private infrastructure/property in the surrounding area from any damage; and • minimise the dust and fume emissions of any blasting; and • minimise blasting impacts on heritage items in the vicinity of the site; (b) co-ordinate the timing of blasting on site with the timing of blasting at other mines within the Leard Forest Mining Precinct to minimise the cumulative blasting impacts of the mines; and (c) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site, to the satisfaction of the Secretary.	2020 Annual Review 2021 Annual Review 2022 Annual Review Blast Management Plan (Rev. 5, dated November 2018) Complaints register Monitoring data Blast management strategy (Ver 4, dated April 2020). Project website Letter from DPE dated 7 July 2022 Penalty notice from EPA dated 20 July 2022 Letter from NSW Revenue dated 31 March 2023	<i>2020 IEA Recommendation: Recommend for drone footage to continue for longer so that future complaints may be verified to determine whether blast fume did remain and travel off site at a distance.</i>  A review of monitoring data indicated that there was one occasion where blasting criteria was exceeded. BCOPL received a penalty notice from the EPA on 20 July 2022 for this exceedance. BCOPL undertook an internal investigation and response to the EPA with the findings of the investigation, which determined that the exceedance was due to wind gusts and not blasting operation. The EPA withdrew the penalty notice in December 2022. BCOPL were sent a letter from NSW Revenue on 31 March 2023 indicating that the fine associated with the penalty notice had been cancelled. In addition, DPE provided a response to the reported exceedance on 7 July 2023, stating that from the evidence presented by BCOPL an exceedance of criteria had not occurred. There were no other exceedances of criteria within the audit period.  The following blasting complaints were received over the reporting period: - July 2022 - June 2022 - July 2021 - July 2021  Based on the information presented by BCOPL, it is considered that the blast management system is extensive and represents good practice. Proposed blasting times are published on the BCOPL website and via a sign along the entrance road. Procedures for communication and coordination of blasts between neighbouring mines is outlined in Section 6.2 of the Blast Management Strategy  The 2020 IEA recommended that drone footage would continue longer so that future complaints could be verified. BCOPL have extended drone footage procedures beyond the initial blast. This procedural change was implemented in 2021. It is recommended that this procedure be captured in the updated Blast Management Plan.	Compliant	Improvement recommendation: Include drone or stationary camera recording procedure in updated blast management plan.

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
21		<p>The Proponent shall not undertake blasting on-site within 500 metres of:</p> <p>(a) any public road without the approval of Council; or</p> <p>(b) any land outside the site not owned by the Proponent, unless:</p> <ul style="list-style-type: none"> <li>• the Proponent has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the Proponent has advised the Department in writing of the terms of this agreement, or</li> <li>• the Proponent has: <ul style="list-style-type: none"> <li>o demonstrated to the satisfaction of the Secretary that the blasting can be carried out closer to the land without compromising the safety of the people or livestock on the land, or damaging the buildings and/or structures on the land; and</li> <li>o 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 land.</li> </ul> </li> </ul>	Compensation agreement	<p>a) Leard Forest Rd was previously a public road but has been closed since 2015.</p> <p>b) Boggabri Coal and the Forestry Corporation of NSW maintain a 'compensation agreement' that allows for Boggabri Coal to undertake any 'Mining Operations and any Mining Purpose'.</p> <p>No other non BCOPL owned land is within 500 metres.</p>	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
22	Blast Management Plan	<p>22. The Proponent shall prepare and implement a Blast Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be submitted to the Secretary for approval within 6 months from the date of project approval;</p> <p>(b) be prepared in consultation with the EPA, the CCC and interested members of the local community potentially affected by blasting operations;</p> <p>(c) propose any alternative ground vibration limits for public infrastructure in the vicinity of the site;</p> <p>(d) describe the measures that would be implemented to ensure:</p> <ul style="list-style-type: none"> <li>• best management practice is being employed; and</li> <li>• compliance with the relevant conditions of this approval;</li> </ul> <p>(e) include a road closure management plan for blasting within 500 metres of a public road, that has been prepared in consultation with Council;</p> <p>(f) include a specific blast fume management protocol to demonstrate how emissions will be minimised including risk management strategies if blast fumes are generated;</p> <p>(g) include a monitoring program for evaluating the performance of the project including:</p> <ul style="list-style-type: none"> <li>o compliance with the applicable criteria; and</li> <li>o minimising fume emissions from the site; and</li> </ul> <p>(h) include a Leard Forest Mining Precinct Blast Management Strategy that has been prepared in consultation with other mines within the Leard Forest Mining Precinct to minimise cumulative blasting impacts.</p> <p>Note: The Leard Forest Mining Precinct Blast Management Strategy can be developed in stages and will need to be subject to ongoing review dependent upon the determination of and commencement of other mining projects in the area.</p>	<p>Blast Management Plan (Rev. 5, dated November 2018)</p> <p>Blast management strategy (Ver 4, dated April 2020).</p> <p>Site observations</p>	<p><i>2020 IEA Recommendation: Ensure blasts are undertaken under appropriate weather conditions. Delays to blasts should be implemented if required based on real time weather data review - recommendation was addressed in 2020 Annual Review, with target completion 01/08/2021</i></p> <p>The latest version of the Blast Management Plan (BMP) is dated November 2018 and was approved by DPIE on 21 February 2019. The Blast Management Strategy is dated April 2020.</p> <p>The preparation of the BMP meets the requirements of the relevant consent conditions. The Blast Management Plan was originally prepared in January 2013, with this being within six months of the Project Approval. Key sections for items required by this condition:</p> <ul style="list-style-type: none"> <li>- Consultation summary - Appendix D</li> <li>- Alternate ground vibration limits - Section 5.1</li> <li>- Management Measures including road closures - Section 6</li> <li>- Blast fume management protocol - Appendix C</li> <li>- Weather monitoring program - Section 7.2 and 7.3</li> <li>- Leard Forest Mining Blast Management Strategy - Section 6.5 and Appendix E</li> </ul> <p>The Blast Management Plan is currently under revision. As described above, DPE have granted approval for the submission of the updated plans within three months of MOD8 determination which is currently being assessed.</p> <p>Implementation of the requirements over the audit period were generally satisfactory. However, as reported in the 2022 annual review, the continuous rainfall readings at the 60 m AWS were not recorded for the period between 5-12 May 2022. The readings for continuous solar radiation at the weather stations were also not recorded for the period between 21 July 2022 and 7 December 2022. BCOPL also advised that data capture for sigma theta was 90% in May 2023 due to a faulty sensor. The sensor has been fixed and is now capturing data continuously.</p>	Non-compliant	CA 3: Ensure that maintenance routines include the weather station for regular inspection and maintenance
23	Odour	Unless otherwise authorised by an EPL, the Proponent shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act.	Complaints register	23 July 2022 - blast fume complaint, an investigation was undertaken and no blast fume was identified.	Compliant	
24	Greenhouse gas	The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Secretary.	AQGHGMP (Rev.6, Dated July 2018)	BCOPL have an approved AQGHGMP (July 2018). GHG performance is included as part of the options analysis for new equipment. BCOPL continued to decrease fuel burning throughout the audit period. This included reviewing existing operating practices and engine configurations, and assessing the viability of alternate products through engaging specialist consultants.	Compliant	
25	Acquisition on request due to Air Quality	<p>Upon receiving a written request for acquisition from an owner of the land listed in Table 7, the Proponent shall acquire the land in accordance with the procedures in Conditions 8-9 of Schedule 4.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• To interpret the locations referred to in Table 7 see the applicable figure(s) in Appendix 4.</li> </ul>		Properties owned by Whitehaven	Not triggered	
26	Additional Air Quality Mitigation upon Request	<p>Upon receiving a written request from the owner of any residence on the land listed in Table 7 or the land listed in Table 8, the Proponent shall implement additional air quality mitigation measures (such as air filters, a first flush roof water drainage system and/or air conditioning) at the residence in consultation with the owner. These measures must be reasonable and feasible and directed towards reducing the air quality impacts of the project on the residence.</p> <p>If within 3 months of receiving this request from the owner, the Proponent 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: To interpret the locations referred to in Table 8, see the applicable figure(s) in Appendix 4.</p>		Properties owned by Whitehaven	Not triggered	
27	Air Quality Assessment	<p>Except for the air quality affected land in Table 7, the Proponent shall ensure that particulate matter emissions generated by the project do not exceed the criteria listed in Table 9, Table 10 and Table 11 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.</p> <p>Notes to Table 9, Table 10 and Table 11:</p> <ul style="list-style-type: none"> <li>• a Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources).</li> </ul>	<p>2020 Annual Review 2021 Annual Review</p> <p>2022 Annual Review</p> <p>Monitoring data</p> <p>Exceedance notification letter (sent to DPE 9 May 2023)</p>	<p><i>2020 IEA Recommendation: all exceedances of the relevant air quality criteria be investigated in accordance with the requirements of the AQGHGMP to determine if they are attributable to BCOPL operations</i></p> <p><i>2020 IEA Recommendation : DPIE should be informed of any exceedance of the relevant air quality criteria, regardless of the exceedance being a non-compliance or not. If the exceedance is not attributable to BCOPL operations, evidence of the investigation or data that led to this conclusion should be provided with the notification;</i></p> <p>A review of monitoring data and reporting in annual reviews indicate that BCOPL are generally managing dust adequately at the site. One exceedance of criteria was reported at the Glenhope HVAS, which recorded a reading of 76 µg/m3 on 6 March 2023, which exceeds the short term PM10 criteria described in Table 10. BCOPL prepared an incident report and submitted it to DPE regarding the incident. The incident report found that the exceedance was likely to be caused by bushfires in the surrounding area and not from dust generated by mining operations.</p> <p><i>2020 IEA Recommendation: It is recommended that in line with the requirements of note (d) of Schedule 3 Condition 27 of the Boggabri Coal PA, confirmation be sought from the secretary on the status of days believed to be extraordinary events prior to classifying any day as an extraordinary event day and removing the day from the annual average.</i></p> <p>The 2020 IEA review alerted BCOPL to the requirement of seeking the Secretary for the classification of 'extraordinary events' prior to the status of days being classified as 'extraordinary events'. There was one instance of air quality exceedance over the reporting period, which was reported to DPE despite the investigation findings attributing the exceedance to bushfires. In the next update of the AQGGMP, BCOPL have committed to develop a procedure for investigating and recording air quality exceedances including:</p> <ul style="list-style-type: none"> <li>• Investigation requirements;</li> <li>• 'extraordinary event' classification;</li> <li>• Regulatory liaison; and</li> <li>• Recording and reporting requirements.</li> </ul>	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
	Criteria	<p>sources),</p> <ul style="list-style-type: none"> <li>• b Incremental impact (ie incremental increase in concentrations due to the project 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.</li> <li>• d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Secretary.</li> </ul>		<p><i>2020 IEA Recommendation: a standard methodology should be developed for the investigation and reporting of any exceedances recorded by the air quality monitors.</i></p> <p>The 2020 IEA recommended that a standard methodology for the investigation and reporting of any exceedance of relevant air quality criteria should be developed. BCOPL have committed to incorporating this into the next revision of the AQGHGMP.</p> <p><i>2020 IEA Recommendation: In the interest of transparency it is recommended that:</i></p> <ol style="list-style-type: none"> <li>1) a table of all days with exceedances of the 24-hour average criteria be included in the annual reports together with findings of any investigations and status of days as determined by DPIE (extraordinary day or not); and</li> <li>2) all valid data captured by the TEOM be reported and included in the chart. Extraordinary days may then be excluded from the annual average calculations.</li> </ol> <p>A table of exceedances is included in Section 6.2.2 of the annual review documents where applicable.</p>	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
28		The Proponent shall ensure that particulate matter emissions generated by the project do not exceed the criteria listed in Table 9, Table 10 and Table 11, at any occupied residence on any mine owned land (including land owned by adjacent mines) unless: (a) all reasonable and feasible avoidance and mitigation measures have been employed to prevent exceedance of the criteria; (b) the tenant, and landowner (where owned by a mine other than the Proponent), has been notified of health risks in accordance with the notification requirements under Schedule 4 of this approval; (c) the tenant on project owned land can terminate their tenancy agreement without penalty, subject to giving reasonable notice, and the Proponent uses its best endeavours to provide assistance with relocation and sourcing of alternative accommodation; (d) air mitigation measures such as air filters, a first flush roof water drainage system and/or air conditioning) are installed at the residence, if requested by the tenant and landowner (where owned by a mine other than the Proponent); and (e) particulate matter air quality monitoring is undertaken to inform the tenant and landowner (where owned by a mine other than the Proponent) of potential health risks; and (f) the monitoring data are provided to the tenant in an appropriate format, for a medical practitioner to assist the tenant in making an informed decision on the health risks associated with occupying the property, to the satisfaction of the Secretary.	2020 Annual Review 2021 Annual Review 2022 Annual Review Monitoring data Exceedance notification letter (sent to DPE 9 May 2023)	No exceedances of air quality criteria have been generated by mining operations over the audit period. As explained above, one exceedance of criteria was reported at the Glenhope HVAS, but an investigation found that the exceedance was likely to be caused by bushfires in the surrounding area and not from dust generated by mining operations.	Compliant	
29	Air Quality Acquisition Criteria	If particulate matter emissions generated by the project exceed, or contribute to an exceedance of the relevant cumulative criteria, in Table 12, Table 13 or Table 14 at any residence on privately-owned land or on more than 25 percent of any privately owned land, then upon receiving a written request for acquisition from the landowner the Proponent shall acquire the land in accordance with the procedures in conditions 8-9 of schedule 4.  Notes to Table 12, Table 13 and Table 14: a Total impact (ie incremental increase in concentrations due to the project plus background concentrations due to all other sources); b Incremental impact (ie incremental increase in concentrations due to the project on its own); 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; d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, or any other activity agreed by the Secretary		BCOPL advised that no written request for acquisition was received during the audit period	Not triggered	
30	Operating Conditions	The Proponent shall: (a) implement best management practice to minimise the odour, fume and dust emissions of the project, including best practice coal loading and profiling and other measures to minimise dust emissions from coal transportation by rail; (b) operate a comprehensive air quality management system on site that uses a combination of predictive meteorological forecasting, predictive and real time 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 approval; (c) manage PM2.5 levels in accordance with any requirements of an EPL; (d) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see note d under Table 14 above); (e) minimise any visible air pollution; (f) minimise the surface disturbance of the site generated by the project; and (g) co-ordinate the air quality management on site with the air quality management at other mines within the Leard Forest Mining Precinct to minimise the cumulative air quality impacts of the mines, to the satisfaction of the Secretary.	Monitoring data Complaints register Site observations	2020 IEA Recommendation: Regularly include discussion around dust impacts in morning briefings and make EPA Dust Handbook available to all operators. Empower operators to contact OC to request water cart or request water cart or mitigation if dust generation is observed  The Air Quality Management System is described in Section 6.1.2 of the AQGHGMP and Section 4.6 of the Air Quality Management Strategy. Predictive and real time air quality monitoring/management is implemented across BCOPL and neighbouring mines to reduce air quality impacts.  The site inspection indicated dust was managed appropriately with water carts observed and minimal dust, despite the site inspection being held on a hot windy day.  As described in Condition 27 of Schedule 3, only one exceedance of dust criteria was reported in the audit period, which following an investigation was determined to not have been caused by mining activities. Two complaints regarding dust were received over the reporting period, which were investigated and no further action taken. In general, dust/odour mitigation practices at the site are generally adequate.  In response to the recommendation of the 2020 IEA, BCOPL has made the EPA dust handbook available at the morning briefings and discussed dust impacts at pre-start meetings. Operators are reminded to call up OCE and request water carts when required.	Compliant	
		The Proponent shall prepare and implement an Air Quality and Greenhouse Gas Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with the EPA and the CCC, and be submitted to the Secretary for approval within 6 months from the date of project approval; (b) integrate the recommendations of a Site Specific Best Management Determination and Reactive Dust Management Strategy prepared to the satisfaction of the EPA; (c) describe the measures that would be implemented to ensure: • best management practice is being employed, consistent with the development of the site specific best management determination and reactive dust management strategy; • the air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events; and • compliance with the relevant conditions of this consent. (d) describe the proposed air quality management system; (e) include a risk/response matrix to codify mine operational responses to varying levels of risk resulting from weather conditions and specific mining activities; (f) include commitments to provide summary reports and specific briefings at CCC meetings on issues arising from air quality monitoring;	AQGGMP (Rev.6, Dated July 2018)  Air Quality Management Strategy (Ver.08, dated 17 May 2017).  Site observations  Monitoring data	2020 IEA Recommendations: all exceedances of the relevant air quality criteria be investigated in accordance with the requirements of the AQGHGMP to determine if they are attributable to BCOPL operations  2020 IEA Recommendation: DPIE should be informed of any exceedance of the relevant air quality criteria, regardless of the exceedance being a non-compliance or not. If the exceedance is not attributable to BCOPL operations, evidence of the investigation or data that led to this conclusion should be provided with the notification;  2020 IEA Recommendation: a standard methodology should be developed for the investigation and reporting of any exceedances recorded by the air quality monitors. The latest version of the Air Quality and Greenhouse Gas Management Plan (AQGHGMP) is dated July 2018 and was approved by DPIE on 6 September 2018. Key sections for items required by this condition: - Measures to manage air quality impacts and air quality management system- Section 5 - Risk and response matrix - Section 5.4 - Commitments for the provision of information - Section 7.3 - The air quality monitoring program - Section 6, 7.1 and 8 - BTM Complex Air Quality Management Strategy - Appendix F  The 2020 IEA noted several improvement recommendations. The AQGHGMP is currently being reviewed and is scheduled to be submitted for approval within three months of the determination of MOD8.		

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
31	Air Quality and Greenhouse Gas Management Plan	<p>(g) include an air quality monitoring program that:</p> <ul style="list-style-type: none"> <li>uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the project;</li> <li>adequately supports the proactive and reactive air quality management system;</li> <li>includes PM2.5 monitoring;</li> <li>includes monitoring of occupied project-related residences and residences on air-affected land listed in Table 7 and Table 8, subject to the agreement of the tenant and/or landowner;</li> <li>evaluates and reports on the effectiveness of the air quality management system;</li> <li>includes a protocol for determining any exceedances of the relevant conditions in this approval; and</li> </ul> <p>(h) includes a Leard Forest Mining Precinct Air Quality Management Strategy that has been prepared in consultation with other coal mines in the Precinct to minimise the cumulative air quality impacts of all mines within the Precinct, that includes:</p> <ul style="list-style-type: none"> <li>systems and processes to ensure that all mines are managed to achieve their air quality criteria;</li> <li>a shared environmental monitoring network and data sharing protocol;</li> <li>control monitoring site(s) to provide real time data on background air quality levels (i.e. not influenced by mining from the Leard Forest Mining Precinct and representative of regional air quality);</li> <li>a shared predictive and real time air dispersion model covering the Leard Forest Mining Precinct to be used for assessment of cumulative impacts, optimising location of the shared real time monitoring network, validation of air predictions and optimising mitigation measures; and</li> <li>procedures for identifying and apportioning the source/s and contribution/s to cumulative air impacts for both mines and other sources, using the air quality and meteorological monitoring network and appropriate investigative tools such as modelling of post incident plume dispersion, dual synchronised monitors and chemical methods of source apportionment.</li> </ul>		Site observations and monitoring data indicate the management measures are being implemented and effective.	Compliant	Improvement recommendation: Ensure that the updated AQGGMP addresses issues outlined in the 2020 IEA. Consultation with parties outlined in this condition is also recommended.
32	Meteorological monitoring	For the life of the project, the Proponent shall ensure that there is a meteorological station in the vicinity of the site that: <p>(a) complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline; and</p> <p>(b) 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.</p>	2020 Annual Review 2021 Annual Review 2022 Annual Review Site observation	BCOPL have established a meteorological station to continuously measure and record wind speed, wind direction, temperature, solar radiation and rainfall. The meteorological station was observed during the site visit.	Compliant	
33	Water supply	The Proponent shall ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of mining operations on site, to match its available water supply to the satisfaction of the Secretary.	2020 Annual Review 2021 Annual Review 2022 Annual Review	Summary of WALs and water usage is reported in Section 3.3.2.2 and 3.3.2.3 of the Annual Reviews for the audit period. The SWMP lists 5 BCOPL water access licences for the Lower Namoi Regulated River Water Source and has adequately ensured that water supply is sufficient for activities.	Compliant	
34	Compensatory water supply	The Proponent shall provide a compensatory water supply to any landowner of privately-owned land whose water supply is adversely and directly impacted (other than an impact that is negligible) as a result of the project, in consultation with DPE Water, and to the satisfaction of the Secretary. The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributed to the project. Equivalent water supply should be provided (at least on an interim basis) within 24 hours of the loss being identified. If the Proponent and the landowner 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. If the Proponent is unable to provide an alternative long-term supply of water, then the Proponent shall provide alternative compensation to the satisfaction of the Secretary.		BCOPL advised that there have been no requests during the audit period.	Not triggered	
35	Surface water discharge	The Proponent shall ensure that all surface water discharges from the site comply with the discharge limits (both volume and quality) set for the project in any EPL.	2020 Annual Review 2021 Annual Review 2022 Annual Review	<p>Six discharges occurred in 2022. Two of these events were triggered by discharges from Licenced Discharge Point 1 (SD6) and four discharge events were triggered by discharges from Licenced Discharge Point 3 (SD3). These discharges occurred because of high rainfall occurring in September (148.2 mm), October (145.8 mm) and November (110.2 mm) 2022.</p> <p>Discharge limits for TSS at Licenced Discharge Point 3 (SD3) were exceeded on 2 November and 14 November, however as per condition L2.5 of the EPL these elevated concentrations do not classify as a non-compliance due to the significant rainfall received around the time of discharge.</p>	Compliant	
36	Operating Conditions	The Proponent shall: <p>(a) develop a detailed soil management protocol that identifies procedures for</p> <ul style="list-style-type: none"> <li>comprehensive soil surveys prior to soil stripping;</li> <li>assessment of top-soil and sub-soil suitability for mine rehabilitation; and</li> <li>annual soil balances to manage soil handling including direct respreading and stockpiling;</li> </ul> <p>(b) maximise the salvage of suitable top-soils and sub-soils and biodiversity habitat components such as bush rocks, tree hollows and fallen timber for rehabilitation of disturbed areas within the site and for enhancement of biodiversity offset areas;</p> <p>(c) ensure that coal reject or any potentially acid forming interburden materials must not be emplaced at elevations within the Boggabri pit shell where they may promote acid or sulphate species generation and migration beyond the pit shell</p> <p>(d) ensure that any coal barrier between the final void and any future surrounding mining operations must remain intact in order to impede exchange of any contained groundwaters in the Boggabri pit shell.</p>	RMP (Rev.9 dated April 2020)	<p>2020 IEA Recommendation: Undertake weed management on topsoil stockpiles to mitigate risk of weed infestation to rehabilitation areas.</p> <p>Soil Management Protocol has been developed to meet the requirement of condition a) and is included in the Rehabilitation Management Plan dated April 2020. Enright Land Management were engaged to spray topsoil areas during 2021</p>	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
37	Flood impacts Boggabri Rail Spur Line and Haul Road	The rail spur line, rail spur bridges and any upgrade to the haul road must be designed and constructed to minimise impacts on flooding. Prior to construction of the rail spur line or any upgrades to the haul road, the Proponent shall undertake a flood assessment of the detailed design to confirm there would be minimal impacts as predicted in the EA. This shall include assessment of impacts of the rail spur line embankment and proposed design of stormwater culverts along the rail spur line to the Namoi River to assess changes to localised flood impacts within the Nagero creek catchment and adjoining Bollol Creek catchment. The assessment must be undertaken in consultation with DPE Water, North West LLS, Council and BCS, to the satisfaction of the Secretary.		Construction of the rail spur line completed prior to the audit period.	Not Triggered	
38	Water Management Plan	The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Secretary. This plan must be prepared in consultation with BCS, DPE Water, North West LLS and the CCC, by suitably qualified and experienced person/s whose appointment has been approved by the Secretary, and be submitted to the Secretary for approval within 6 months of the date of this approval. In addition to the standard requirements for management plans (see condition 3 of Schedule 5), this plan must include:	WMP (Rev.6, dated May 2017)	<i>2020 IEA Recommendation: Undertake appropriate investigations to determine how requirements for 1 GL air capacity can be retained following mining through of MW5</i>  The most recent approved Water Management Plan is dated May 2017 and was approved by DPIE on 24 May 2017. An update to the Water Management Plan has been completed and was submitted to the DPIE for approval in July 2019. No approval or response has been received from DPE at this time. The WMP is the overarching framework document for the water management system at the site. The preparation of the WMP meets the requirements of the relevant consent conditions with the Site Water Balance, Surface Water Management Plan and Groundwater Management Plan detailing requirements of specific conditions.  In response to the 2020 IEA Improvement Recommendation, the long term mine planning team is developing options to ensure adequate air capacity and water storage is planned and provided prior to MW5 being mined through.	Compliant	
		(a) a Site Water Balance, that: • includes details of: o sources and security of water supply, including contingency for future reporting periods; o prioritisation strategy for water sources o water use on site; o water management on site; o any off-site water discharges; o reporting procedures, including the preparation of a site water balance for each calendar year; o a program to validate the surface water model, including monitoring discharge volumes from the site and comparison of monitoring results with modelled predictions; and o methodologies used in the preparation of the site water balance, including provision of data sources, measurement type (direct sample / mass balance / engineering calculations / factors) and formulas used for all inflows, processes and outflows. • is supported by an annual improvement program to identify and address deficiencies and improvements within monitoring, measurement and calculation methods; • includes an action plan and schedule to implement annual water efficiency initiatives, and the recommendations in the Advisian peer review report titled "Peer Review of Site Water Use Aspects of Boggabri Coal MOD 5 Project, 22 July 2016", as set out in Appendix 6A; and • describes the measures that would be implemented to minimise clean water use on site.	Site water balance (Rev 8 dated May 2017)	The most recent approved Site Water Balance is dated May 2017 and was approved by DPIE on 24 May 2017. An update to the Site Water Balance was completed and submitted to the DPIE for approval in July 2019. No approval or response has been received from DPIE to date.  A more recent review of the Site Water Balance has been completed in response to the 2022 rainfall events.  The preparation of the Site Water Balance meets the requirements of the relevant consent conditions.	Compliant	Improvement recommendation: Ensure the revised Site Water Balance and stormwater management systems are included in the updated SWMP
38		(b) a Surface Water Management Plan, which includes: • detailed baseline data on surface water flows and quality in the water-bodies that could potentially be affected by the project; • detailed baseline data on soils within the irrigation management area; • detailed baseline data on hydrology across the downstream drainage system of the Namoi River floodplain from the mine site to the Namoi River; • a detailed description of the water management system on site, including the: o clean water diversion systems; o erosion and sediment controls (dirty water system); o mine water management systems including irrigation areas; o discharge limits in accordance with EPL requirements; o water storages; o haul road and Boggabri Rail Spur Line and bridge flood and water diversions; detailed plans, including design objectives and performance criteria for: o design and management of final voids; o design and management for the emplacement of reject materials, sodic and dispersible soils and acid or sulphate generating materials; o design and management for construction and operation of the Boggabri Rail Spur Line and bridge across the Namoi River floodplain and upstream adjoining Nagero/Bollol creek catchments; o reinstatement of drainage lines on the rehabilitated areas of the site; and o control of any potential water pollution from the rehabilitated areas of the site; • performance criteria for the following, including trigger levels for investigating any potentially adverse impacts associated with the project: o the water management system; o soils within the irrigation area; o downstream surface water quality; o downstream flooding impacts, including flood impacts due to the construction and operation of the Boggabri Rail Spur Line and rail bridge; and o stream and riparian vegetation health, including the Namoi River; • a program to monitor: o the effectiveness of the water management system; o soils within the irrigation area; and o surface water flows and quality in the watercourses that could be affected by the project; o downstream flooding impacts; and • reporting procedures for the results of the monitoring program; • a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the project; and	SWMP (dated May 2017)	<i>2020 IEA Recommendation: continue to liaise with DPIE with regard to the approval of the revised water management system and the removal of the clean water diversion.</i>  The most recent approved Surface Water Management Plan is dated May 2017. Key sections that address the requirements of this condition: - Baseline information - Section 3 - The Surface Water Management System - Section 4 - Water Management Trigger Levels and Responses - Section 7 - Monitoring program - Section 6  The SWMP generally is compliant with the requirements of this condition, however as identified in the 2020 IEA the clean water drain presented in Appendix A of the SWMP to the north of the disturbance area has been mined through and has not been reinstated. BCOPL are preparing an update to the SWMP that depicts that this drain has been removed, however the updated plan has not been approved constituting a non-compliance against this condition. BCOPL are required to submit the updated plan within 3 months of the determination of MOD8.	Non-compliant	CA 4: Ensure the the recommendations of the 2020 IEA are included in the updated SWMP

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
38		<p>(c) a Groundwater Management Plan, which includes:</p> <ul style="list-style-type: none"> <li>detailed baseline data of groundwater levels, yield and quality in the region, and privately-owned groundwater bores including a detailed survey/schedule of groundwater dependent ecosystems (including stygo-fauna), that could be affected by the project;</li> <li>the monitoring and testing requirements specified in the PAC recommendations for groundwater management as set out in Appendix 6;</li> <li>detailed plans, including design objectives and performance criteria, for the design and management of the proposed final void;</li> <li>groundwater assessment criteria including trigger levels for investigating any potentially adverse groundwater impacts;</li> <li>a program to monitor and assess: <ul style="list-style-type: none"> <li>groundwater inflows to the open cut mining operations;</li> <li>the seepage/leachate from water storages, backfilled voids and the final void;</li> <li>interconnectivity between the alluvial and bedrock aquifers;</li> <li>background changes in groundwater yield/quality against mine-induced changes;</li> <li>the impacts of the project on: <ul style="list-style-type: none"> <li>regional and local (including alluvial) aquifers;</li> <li>groundwater supply of potentially affected landowners;</li> <li>aquifers potentially affected by the mine irrigation area;</li> <li>groundwater dependent ecosystems (including potential impacts on stygo-fauna) and riparian vegetation.</li> </ul> </li> </ul> </li> <li>a program to validate the groundwater model for the project, including an independent review of the model every 3 years, and comparison of monitoring results with modelled predictions; and</li> <li>a plan to respond to any exceedances of the performance criteria; and</li> </ul>	<p>GMP (Rev 6, Dated 10 February 2017)</p> <p>2021 Annual Review 2022 Annual Review</p> <p>Water monitoring data Boggabri, Tarrawonga, Maules Creek Complex Groundwater Model Update (v3.02, dated December 2020)</p>	<p>2020 IEA Recommendation: Vary the EPL in consultation with EPA to align with the appropriate borehole locations and remove those that have been mined through.</p> <p>The most recent Groundwater Management Plan is dated 10 February 2017 and is generally compliant with the requirements of this condition.</p> <p>Key sections that address the requirements of this condition:</p> <ul style="list-style-type: none"> <li>Baseline information - Section 3</li> <li>Groundwater Monitoring Program - Section 4</li> <li>Water Management Trigger Levels and Management Measures- Sections 6 and 7</li> </ul> <p>A review of water quality monitoring data indicates that there were exceedances of trigger values during the audit period. The following points were also not monitored over the reporting period:</p> <ul style="list-style-type: none"> <li>IBC2181 - Unable to access in the March 2023 GME</li> <li>IBC2181 - Unable to access in the November 2022 GME</li> <li>MWP01 - Unable to access in the January 2021 GME</li> <li>IBC2181 - Unable to access in the June 2021 GME</li> </ul> <p>The Annual Review documents note that the GMP is required to be reviewed to account for the destroyed monitoring bores. It is understood that BCOPL intend to submit an updated plan for DPE approval within 3 months of the determination of MOD8 which is currently being assessed.</p> <p>The groundwater model was reviewed and updated in late 2020 by Australasian Groundwater and Environmental Consultants.</p> <p>In response to 2020 IEA Improvement Recommendation, EPL 12407 was varied in 2021 to remove mined though bores.</p>	Non-compliant	CA 5: Ensure that the updated GMP accurately reflects the Groundwater Monitoring Regime and the latest variation of EPL 12407
		<p>(d) a Leard Forest Mining Precinct Water Management Strategy that has been prepared in consultation with other mines within the Precinct to:</p> <ul style="list-style-type: none"> <li>minimise the cumulative water quality impacts of the mines;</li> <li>review opportunities for water sharing/water transfers between mines;</li> <li>co-ordinate water quality monitoring programs as far as practicable;</li> <li>undertake joint investigations/studies in relation to complaints/exceedances of trigger levels where cumulative impacts are considered likely; and</li> <li>co-ordinate modelling programs for validation, re-calibration and re-running of the groundwater and surface water models using approved mine operation plans.</li> </ul> <p>Note: The Leard Forest Mining Precinct Water Management Strategy can be developed in stages and will need to be subject to ongoing review dependent upon the determination of and commencement of other mining projects in the area</p>	<p>BTM Complex Water Management Strategy (Rev F, dated 9 May 2019)</p> <p>Boggabri, Tarrawonga, Maules Creek Complex Groundwater Model Update (v3.02, dated December 2020)</p>	<p>The BTM Complex Water Management Strategy has been prepared and is dated May 2019. The Plan was developed in consultation with other mines and documents that regular meetings are undertaken to discuss water management and determine the requirements for any coordinated monitoring or modelling. The groundwater model was reviewed and updated in late 2020 by Australasian Groundwater and Environmental Consultants.</p>	Compliant	
39	Biodiversity	The Proponent shall implement the Biodiversity Offset Strategy described in the EA, summarised in Table 15 and shown conceptually in Appendix 7, to the satisfaction of the Secretary.	<p>Biodiversity Offset Strategy (Rev G, dated March 2019)</p> <p>Site observations</p>	<p>A biodiversity offset strategy has been prepared and implemented for the project.</p> <p>Offset sites were observed during the site inspection.</p>	Compliant	
40	Leard Forest Mining Precinct Regional Biodiversity Strategy	<p>The Proponent shall commission and fund the preparation of a Leard Forest Mining Precinct Regional Biodiversity Strategy, jointly with all other coal mines within the Precinct. The Strategy shall be co-ordinated through the Department (refer condition 42 below) and prepared by suitably qualified, experienced and independent person/s whose appointment has been endorsed by BCS and subsequently approved by the Secretary, in the following stages:</p> <p><b>Stage 1 – Scoping Stage</b></p> <p>A scoping report for development of the Strategy must be submitted, within 6 months of the date of this approval, for endorsement by BCS and subsequent approval by the Secretary. The Secretary may extend this period with the agreement of BCS. The scoping report must:</p> <p>(a) include terms of reference, scope and objectives for the Strategy, including recommendations for the Strategy’s geographic extent;</p> <p>(b) identify the ongoing functions and members of the working group (see condition 41 of Schedule 3);</p> <p>(c) include a project management plan of the Strategy, with a time schedule, indicative dates for working group meetings, review and milestones for completion;</p> <p>(d) include a funding program for the development of the Strategy, including provision of adequate resources for the participation of working group members; and</p> <p>(e) include a consultation/communications program for the Strategy.</p> <p>Note: The broad terms of reference must be guided by the Planning Assessment Commission (PAC) merit review for the Boggabri Coal Mine (February 2012) – Recommendation 1 for the development of a regional biodiversity strategy.</p> <p><b>Stage 2 – Strategy Development</b></p> <p>The Strategy must be developed in accordance with the approved Scoping Stage report and submitted for endorsement by BCS and subsequent approval by the Secretary within 18 months of the date of this approval. The Secretary may extend this period with agreement of BCS.</p> <p><b>Stage 3 – Strategy Review</b></p> <p>The Strategy must be reviewed by the end of December 2018, following completion of audits of the rehabilitation and Biodiversity Offset Areas required to be undertaken under approvals for coal mines within the Precinct. The Review shall be conducted by suitably qualified, experienced and independent person/s whose appointment has been endorsed by BCS and approved by the Secretary. Any modifications to the Strategy arising from the review must be endorsed by BCS prior to approval by the Secretary</p>	<p>Leard Forest Regional Biodiversity Strategy Stage 1 - Scoping Report</p> <p>Leard Forest Regional Biodiversity Strategy Stage 2 - Strategy Report</p> <p>Leard Forest Regional Biodiversity Strategy Stage 3 - Preliminary Strategy Review</p> <p>Letter from BCD dated 26 July 2019</p>	<p>The Leard Forest Regional Biodiversity Strategy Stage 1 - Scoping Report was prepared in July 2015, prior to the commencement of this audit period.</p> <p>The Leard Forest Regional Biodiversity Strategy Stage 2 - Strategy Report was prepared in August 2017, prior to the commencement of this audit.</p> <p>Umwelt prepared a preliminary review of the Leard Forest Regional Biodiversity Strategy in 2018. The scope of the review was reduced to solely focussing on the implementation of the strategy in the revised biodiversity management plans to provide a list of recommendations to the BTM Complex for future revisions of the Leard Forest Regional Biodiversity Strategy. The preliminary review included a recommendation (recommendation 4.6) that a comprehensive review of the strategy should be undertaken by 31 December 2021. A letter of response was provided by BCD on 26 July 2019 providing comments on the preliminary review supporting this recommendation.</p> <p>The Comprehensive Review of the strategy has not been undertaken and therefore the recommendations of the preliminary review have not been implemented. This is considered a non-compliance against this condition.</p>	Non-compliant	CA 6: Undertake the comprehensive review of the Leard Forest Regional Biodiversity Strategy in 2024.
41		The Strategy shall be prepared in collaboration with a working group containing (subject to the outcomes of the Stage 1 – Scoping Stage) representatives of the Department, BCS, Resources Regulator, North West LLS, Council and DCEW and the other Leard Forest Mining Precinct mines; which shall be chaired by a suitably qualified, experienced and independent person whose appointment has been approved by the Secretary.		The Leard Forest Regional Biodiversity Strategy was prepared prior to the commencement of this audit period.	Not triggered	



Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
42		The cost of preparing the Strategy, including the independent chairperson and a co-ordinator to be employed by the Department shall be shared equitably between the coal mines in the Leard Forest Mining Precinct on the basis of the approved clearing of remnant vegetation (including native grassland) by the mines, based on the following arrangements: (a) Stage 1 is to be initially funded by the Proponent, with appropriate adjustments made following the determination of the Maules Creek Coal and Tarrawonga Coal Projects and as per approved funding arrangements finalised under the Stage 1 Scoping Report; (b) Stage 2 is to be funded by all Leard Forest Mining Precinct mines based on the arrangements approved under the Stage 1 Scoping Report; and (c) Stage 3 is to be funded by all Leard Forest Mining Precinct mines based on recommendations in the approved Stage 2 Leard Forest Mining Precinct Regional Biodiversity Strategy. Note: Based on predicted clearing of native vegetation provided in the EA documents for the three projects within the Leard Forest Mining Precinct, the proposed funding split would equate to total contributions of 36% from Boggabri (clearing of 1,385 ha), 54% from Maules Creek (clearing of 2,078ha) and 10% from Tarrawonga (clearing of 397 ha). This funding arrangement may change depending upon the determination outcomes of individual projects and can be further refined in the Stage 1 Scoping Stage.		The Leard Forest Regional Biodiversity Strategy was prepared prior to the commencement of this audit period.	Not triggered	
43	Revised Biodiversity Offset Strategy	The Proponent shall prepare and implement a revised Biodiversity Offset Strategy for the identified offset areas in Table 15 to the satisfaction of the Secretary. The revised Strategy must: (a) not reduce the size or quality of the proposed offset areas; (b) be consistent (as far as is possible) with the recommendations and objectives of the Leard Forest Mining Precinct Regional Biodiversity Strategy; (c) be prepared in consultation with OEH, Namoi CMA, CCC, DPI Catchments and Lands and DoE; (d) identify the land to be acquired for the additional offset area of 1,000 ha in Table 15; (e) identify the land to be acquired for the additional modification offset area (Modification 3) of 103 ha and the additional modification offset area (Modification 4) of 132 ha as identified in Table 15; (f) identify the special lease/Crown reserve land subject to a funding/management agreement with DPI Catchments and Lands, and if this land area is less than the identified 441 ha, then the Proponent must identify substitute areas that would provide an equivalent increase in biodiversity values; and (g) be submitted within 30 months of the date of this approval, or within 6 months of the approval of Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy (whichever is sooner) for endorsement by OEH and subsequent approval by the Secretary.	Biodiversity Offset Strategy (Rev G, dated March 2019) Site observations	2020 Biodiversity Coal Mine Biodiversity Audit Recommendation: The report is consistent with the RBS. Section 5.1 of the BOS states that the BOS is not consistent with the Leard Forest Mining Precinct Regional Biodiversity Strategy. It is recommended that this error be corrected in the next revision of the BOS.  These requirements are covered in Section 4.2, Table 4.3 and Section 5.4 of Biodiversity Offset Strategy, satisfying the requirements of this condition. The typographical error identified in the previous Biodiversity Audit has been corrected.	Compliant	
44		For the White Box - Yellow Box - Blakeley's Red Gum Grassy Woodland Endangered Ecological Community the Proponent shall: (a) ensure that the Biodiversity Offset Strategy and Rehabilitation Strategy are focused on protection, rehabilitation, re-establishment and long-term maintenance of viable stands of this community; (b) investigate in consultation with OEH and the North West LLS, all factors likely to enhance or impede the effective long-term restoration of degraded remnants of this EEC in offset areas or regeneration of this EEC on disturbed areas (both offset areas and the site) (c) within 24 months of the date of this approval (and if possible in conjunction with Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy), submit a report of this investigation and provide an implementation plan to maximise the prospects for rehabilitation and regeneration of this EEC on the offset areas and the site, for approval by the Secretary, and (d) incorporate the approved implementation plan into the revised Biodiversity Management Plan, required under condition 50.	Biodiversity Offset Strategy (Rev G, dated March 2019)	These requirements are covered in Section 5.1.2 of Appendix A Biodiversity Offset Strategy, Refer to Sections 1.3, 2.2, 6, 7, Table 3.1 and Appendix F of the Biodiversity Management Plan	Compliant	
45		For all threatened species on site, the proponent shall ensure that the Biodiversity Offset Strategy and Rehabilitation Strategy are focussed on protection, rehabilitation and long-term maintenance of viable stands of suitable habitat for these species.  Note: the threatened fauna species on site include Regent Honey Eater, Speckled Warbler, Swift Parrot, Brown Treecreeper, Diamond Firetail, Grey-crowned Babbler, Hooded Robin, Little Lorikeet, Varied Sittella, Black Chinned Honeyeater, Painted Honeyeater, Pied Honeyeater, Little Eagle, Spotted Harrier, Black Necked Stork, Square Tailed Kite, Turquoise Parrot, Barking Owl, Masked Owl, Superb Parrot, Eastern False Pipistrelle, Greater Long-eared Bat, Yellow-bellied Sheath Tail Bat, Eastern Cave Bat, Eastern Bent-wing Bat, Large-eared Pied Bat, Little Pied Bat, Spotted-tailed Quoll, Squirrel Glider and Koala	Biodiversity Offset Strategy (Rev G, dated March 2019)	These requirements are covered in Section 5.1.2 and Appendix A of Biodiversity Offset Strategy, Refer to Sections Appendix E and F of the Biodiversity Management Plan	Compliant	
46		The Proponent shall: (a) investigate, in consultation with BCS and the North West LLS, all factors likely to enhance or impede the effective long-term provision of suitable habitat(s) for the following species: Brown Treecreeper, Hooded Robin, Black-chinned Honeyeater, Painted Honeyeater, Pied Honeyeater, Grey-crowned Babbler, Speckled Warbler, Diamond Firetail, Varied Sittella, Regent Honeyeater, Eastern False Pipistrelle, Greater Long-eared Bat, Yellow-bellied Sheath Tail Bat;  (b) within 24 months of the date of this approval (and if possible, in conjunction with Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy), submit a report of this investigation and provide an implementation plan to ensure delivery of suitable areas of viable habitat for the species included in (a) above, for approval by the Secretary; and  (c) incorporate the approved implementation plan into the revised Biodiversity Management Plan, required under condition 50. Note: the species listed in (a) are those identified in the Secretary's Assessment Report as likely to be impacted by the project.	Biodiversity Offset Strategy (Rev G, dated March 2019)	These requirements were covered in Appendix F of Biodiversity Management Plan	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
47	Long Term Security Offset	The Proponent shall make suitable arrangements to provide appropriate long-term security for the offset areas: (a) For the areas included in Table 15 owned by the Proponent, the long-term security shall be provided by way of the Proponent: • entering a biodiversity stewardship agreement pursuant to Part 5 Division 2 of the BC Act; • entering a conservation agreement pursuant to Part 5 Division 3 of the BC Act; and/or • transferring land to National Parks estate under the National Parks & Wildlife Act 1974. The agreement or transfer of land must be registered by February 2020 unless agreed otherwise by the Secretary after consultation with the Chief Executive of BCS. If conservation or stewardship agreements are made to secure the land, the agreements must remain in force in perpetuity. (b) For the areas included in Table 15 as Crown Reserve Land and Additional Land managed for Corridor Enhancement, the long-term security shall be provided by a form of binding agreement acceptable to the Secretary that records the obligations assumed by the Proponent under the conditions of this approval in relation to these offset areas. These agreements must be in force within 12 months of the approval of Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy, or other date agreed by the Secretary, to the satisfaction of the Secretary.	Letter from DPE (Dated 28 November 2022)	2020 Biodiversity Coal Mine Biodiversity Audit Recommendation: The report is consistent with the RBS. Section 5.1 of the BOS states that the BOS is not consistent with the Leard Forest Mining Precinct Regional Biodiversity Strategy. It is recommended that this error be corrected in the next revision of the BOS.  BCOPL received a letter from DPE on 28 November 2022 approving a request to extend the compliance deadline until 30 June 2024.	Not Triggered	
48	Agricultural Production in Offset Areas	Offset areas are to be managed primarily for the purposes of compensating for biodiversity impacts of the project and improving regional biodiversity outcomes. However, to the extent that limited agricultural production on the lots purchased for offsets is compatible with these objectives, the Biodiversity Management Plan and other conditions of this approval, the Proponent shall: (a) include in the Biodiversity Management Plan an agricultural suitability assessment of surplus land on the offset properties, in particular for the proposed corridor enhancement zones; and (b) maintain the agricultural productivity of the surplus areas.	Biodiversity Management Plan (Dated October 2018)  Site observations	These requirements are covered in Section 6.2.3 and Appendix G of the Biodiversity Management Plan.  Site observations of some of the offset indicated the agricultural productivity of the surplus areas is maintained.	Compliant	
49	Biodiversity Management Plan	The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with BCS, DCEW, CCC and the North West LLS, and be submitted to the Secretary for approval within 6 months of the date of this approval; The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This plan must: within 6 months of the date of this approval b) describe how the implementation of the biodiversity offset strategy would be integrated with the overall rehabilitation of the site c) describe the short, medium, and long term measures that would be implemented to: i) manage the remnant vegetation and habitat on the site and in the offset area/s (if and when applicable), and ii) implement the biodiversity offset strategy (if and when applicable), including detailed performance and completion criteria d) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary) e) include a detailed description of the measures that would be implemented including the procedures to be implemented for: i) enhancing the quality of existing vegetation and fauna habitat ii) restoring native vegetation and fauna habitat on the biodiversity areas and rehabilitation area through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features	Biodiversity Management Plan (Dated October 2018)  Site observations  Quality Assurance Plan - Topsoil Subsoil Recovery  Topsoil Management Checklist  Quality Assurance Plan - Rehabilitation Slope and Topsoil Placement	2020 Biodiversity Coal Mine Biodiversity Audit Recommendation: It is recommended that a formal reporting/chain of custody mechanism is created to track information such as age of topsoil, location and status of habitat stockpiles  The most recent Biodiversity Management Plan is dated October 2018 and is generally compliant with the requirements of this condition. Key sections that address the requirements of this condition: - Consultation log - Section 1.4.2 - Implementation of the BOS - Section 6.2 - Biodiversity management - Section 6, Appendix E and F. - Performance criteria - Section 7.3  Site observations of site fencing, rehabilitation and offsets indicated the BMP is being implemented.  In response to the 2020 Biodiversity Audit Recommendation, a formal chain of custody has not been developed. Instead BCOPL use internally developed quality assurance plans to capture data on the quality and quantity of stockpiles.	Compliant	
50		The Proponent shall revise the Biodiversity Management Plan within 30 months of the date of this approval, or within 6 months after the approval of Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy, whichever is sooner. The revised plan must: (a) be prepared in consultation with BCS, DCEW, DPE Water, the CCC and the North West LLS; (b) demonstrate consistency with any findings of Leard Forest Mining Precinct Regional Biodiversity Strategy; and (c) include any implementation plans arising from the studies required under conditions 44 and 46 of this approval; to the satisfaction of the Secretary.		These requirements were triggered prior to the audit period, and are therefore not triggered during the current audit period.	Not triggered	
51	Vegetated Corridor between Boggabri and Maules Creek Coal Projects	For the vegetated buffer corridor required to be retained and protected between the projects under Condition 7 of Schedule 2 of this approval the Proponent shall: (a) use its best endeavours to work cooperatively with the Proponent of the Maules Creek Coal Project to enhance the functioning of the area as a biodiversity corridor; and (b) include in the Biodiversity Management Plan the details as to how impacts on the corridor are to be minimised, to the satisfaction of the Secretary.	Biodiversity Management Plan (Dated October 2018)	These requirements are addressed in Section 6 and Appendix I of the Biodiversity Management Plan	Compliant	
52	Conservation bond	Within 36 months of the date of this approval or within 6 months of the approval of the revised Biodiversity Management Plan required under condition 50 of Schedule 3 (whichever is sooner), the Proponent shall lodge a Conservation and Biodiversity 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: (a) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and (b) employing a suitably qualified quantity surveyor to verify the calculated costs. to the satisfaction of the Secretary. 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. 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. With the agreement of the Secretary, this bond may be combined with rehabilitation security deposit administered by Resources Regulator. Note: Alternative funding arrangements for long term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by BCS as part of a Biobanking Agreement or transfer to conservation reserve estate can be used to reduce the liability of the conservation and biodiversity bond.	Letter from DPE (Dated 28 November 2022)	BCOPL received a letter from DPE on 28 November 2022 approving a request to extend the compliance deadline until 30 June 2024.	Not Triggered	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
53		<p>By the end of December 2017 and then every 5 years, unless the Secretary agrees otherwise, the Proponent shall commission suitably qualified, experienced and independent person/s, whose appointment has been approved by the Secretary, to undertake an audit of the revegetation of the rehabilitation area, management and restoration within the Biodiversity Offset Strategy areas to the satisfaction of the Secretary. This audit must:</p> <p>a) include consultation with BCS, North West LLS, DPE Water, DCCEW, CCC and Resources Regulator;</p> <p>b) assess the performance of the revegetation in the rehabilitation area completed to date against the completion criteria in the Rehabilitation Management Plan;</p> <p>c) assess the performance of management and restoration in the off-site Biodiversity Offset Strategy areas completed to date against the completion criteria in the Biodiversity Management Plan;</p> <p>d) identify any measures that should be implemented to improve the performance of rehabilitation, management and restoration within the rehabilitation and biodiversity offset areas; and</p> <p>e) if the completion criteria have not been met, or are not adequately trending towards being met, determine the likely ecological value of the rehabilitation and restoration once completed, and recommend additional measures to augment the Biodiversity Offset Strategy to ensure that it adequately offsets the project's impacts on biodiversity.</p> <p>If the audit recommends the implementation of additional measures to augment the Biodiversity Offset Strategy in accordance with (e) above, then within 6 months of the completion of the audit the Proponent shall revise the Biodiversity Offset Strategy, in consultation with the Department, BCS and DCCEW, and to the satisfaction of the Secretary.</p>	<p>This audit</p> <p>Site observations</p> <p>Annual Reviews</p>	<p>This audit was undertaken to satisfy the requirements of this condition. Consultation is outlined in Section 3.8 of the main report.</p> <p>Rehabilitation performance measures and completion criteria is presented in Table 7.6 of the Biodiversity Management Plan. The measures presented generally relate to performance measures and provided limited measureable criteria for rehabilitation to be assessed against. Completion criteria for the site is currently due to the amendments to the <i>Mining Regulation 2016</i>. Rehabilitation objectives for the site have been approved by NSW Resources Regulator on 13 October 2023. BCOPL are currently drafting the rehabilitation completion criteria for the project.</p> <p>Active rehabilitation was undertaken in 2020. No active rehabilitation has occurred over 2021 and 2022, as per the former MOP. The current rehabilitation forward program indicates that approximately 47 ha would be prepared for rehabilitation in 2023. The rehabilitation undertaken in 2019/2020 was reported to have been progressing to the Ecosystem and Land Use Development phase. Biodiversity monitoring continued over the audit period. The Annual Report states that the rehabilitation monitoring shows that 2010 and 2011 rehabilitation areas are likely to exceed the RMP performance criteria for shrubby woodland/forest with remaining PCT likely to meet the performance criteria, indicating that rehabilitation works are progressing well. Exotic species richness is reported as above the anologue benchmark. BCOPL have proposed that ongoing weed management works would be undertaken in order to reduce the exotic species richness within rehabilitated areas, therefore no corrective action in this case is required. There is also a lack of structural characteristics within the rehabilitated land, however BCOPL has improved habitat though the salvage of timber and stags which have been distributed within the rehabilitated areas. BCOPL have also continued to install nest boxes into the biodiversity offset areas. Salvage of timber is ongoing as mining progresses. Livestock has been noted grazing in the Jerralong Biodiversity Offset Area in 2022, Braefield in 2021 and Namoi and Eastern Offset Areas in 2020. No repeat events of grazing in offset areas have occurred during the reporting period, indicating that BCOPL have been rectifying these issues as they become aware of them. No areas of salinity have been noted in the 2022 monitoring surveys.</p> <p>During the site visit, rehabilitation in various stages was observed, from preparing topsoil to relatively established areas. As reported in the 2022 Annual Review, no rehabilitation at the site has reached the completion criteria outlined in Table 7.6 of the Biodiversity Management Plan (despite this criteria about to be superceded) but it is progressing towards it.</p>	Compliant	
54	Forestry Plantation Offset Strategy	<p>The Proponent shall prepare a Eucalyptus Forestry Plantation Offset Strategy to the satisfaction of FCNSW, within 12 months of the date of this approval. The Forestry Plantation Offset Strategy shall provide at least a minimum 168 ha plantation area (as committed in the EA), or alternative as agreed by FCNSW. The Strategy shall identify proposed funding and management arrangements for the development and maintenance of the plantation offset. If there is a dispute over these requirements, either party may refer it to the Secretary for resolution, whose decision shall be final.</p>	<p>2021 Annual Return</p> <p>2022 Annual Return</p> <p>Executed Compensation Agreement</p>	<p><i>2020 Biodiversity Coal Mine Biodiversity Audit Recommendation: It is recommended that an extension to this approval condition is sought. It is recommended that, together with Forests NSW, this strategy is promptly finalised to the satisfaction of the relevant parties.</i></p> <p>As reported in the 2021 and 2022 Annual Return, BCOPL are required to prepare a Eucalyptus Forestry Plantation Offset Strategy to the satisfaction of Forestry corporation of NSW (Forestry NSW) within 12 months of the date of SDD 09_0182. SSD 09_0182 was approved 18 July 2012. During the audit period, BCOPL have concluded negotiations with Forestry Corporation NSW and have come to a Boggabri Coal Project Joint Venture Compensation Agreement. Condition 4.6 of the agreement provides for a Plantation Offset Charge that both parties have agreed to instead to the Eucalyptus Plantation Offset Strategy. BCOPL have provided a copy of the executed compensation agreement.</p>	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
55	Aboriginal Heritage Conservation Strategy	<p>The Proponent shall prepare and implement an Aboriginal Heritage Conservation Strategy for the project and the Biodiversity Offset Strategy areas to the satisfaction of the Secretary. This Strategy must enhance and conserve the Aboriginal cultural heritage values (both cultural and archaeological) and provide for their long-term protection and management. The Strategy must:</p> <p>(a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;</p> <p>(b) be prepared in consultation with BCS, the local Aboriginal community and other mines within the Leard Forest Mining Precinct, and submitted to the Secretary for approval within 18 months from the date of project approval;</p> <p>(c) identify the Aboriginal cultural heritage values of the Biodiversity Offset Strategy areas;</p> <p>(d) identify areas of high Aboriginal cultural heritage significance within both the site and the Leard Forest Mining Precinct;</p> <p>(e) identify a range of options for enhancing and conserving Aboriginal cultural heritage values, with specific consideration of the potential for the long-term protection and management of significant sites within either the site, the Biodiversity Offset Strategy areas or other lands within the Leard Forest Mining Precinct identified as having high cultural heritage significance to the Aboriginal community; and</p> <p>(f) consider cumulative impacts and potential for developing joint initiatives with other mines within the Leard Forest Mining Precinct for enhancing and conserving Aboriginal cultural heritage values.</p> <p>Notes: Known Aboriginal sites are shown on the plans in Appendix 8</p>	<p>ACHS (Date May 2017)</p> <p>2020 Annual Review</p> <p>2021 Annual Review</p> <p>2022 Annual Review</p>	<p>The AHCS (dated September 2017) was prepared by UQ Cultural &amp; Heritage Unit to address this condition. Key sections that address the requirements of this condition:</p> <ul style="list-style-type: none"> <li>- Consultation log - Section 1.6 and 6</li> <li>- Identification of Aboriginal Cultural Heritage Values and consideration of impacts - Section 7</li> <li>- Heritage Conservation - Section 8</li> </ul> <p>The strategy meets the requirements of this condition and was implemented appropriately over the audit period as detailed in the annual review documents.</p>	Compliant	
56	Heritage Management Plan	<p>The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;</p> <p>(b) be prepared in consultation with the BCS and the local Aboriginal stakeholders (in relation to the management of Aboriginal heritage values);</p> <p>(c) be submitted to the Secretary for approval prior to any development that may impact heritage items, unless the Secretary agrees otherwise;</p> <p>(d) include the following for the management of Aboriginal heritage:</p> <ul style="list-style-type: none"> <li>• a detailed plan for the implementation of the approved Aboriginal Heritage Conservation Strategy;</li> <li>• a description of the measures that would be implemented for: <ul style="list-style-type: none"> <li>o protecting, monitoring and managing Aboriginal sites on the site which are outside of the approved disturbance area;</li> <li>o maintaining and managing reasonable access for Aboriginal stakeholders to heritage items on the site and within the Biodiversity Offset Strategy areas;</li> <li>o managing the discovery of any human remains or previously unidentified Aboriginal objects on site, including (in the case of human remains) stop work provisions and notification protocols;</li> <li>o ongoing consultation of the local Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage both on-site and within any Aboriginal heritage conservation areas;</li> </ul> </li> <li>o ensuring any workers on site receive suitable heritage inductions prior to carrying out any activities which may disturb Aboriginal sites, and that suitable records are kept of these inductions;</li> <li>• a strategy for the storage and management of any heritage items salvaged on site, both during the project and long term;</li> </ul> <p>(e) include the following for the management of historic heritage:</p> <ul style="list-style-type: none"> <li>• a detailed plan for the implementation of mitigation and management measures for historic heritage items identified to be impacted by the project, in particular proposed consultation, archival recording, research and archaeological investigations to be undertaken for the locally significant Heathcliff residence prior to and during any disturbance;</li> <li>• a detailed plan for management measures for maintaining or enhancing the heritage values of heritage items on project-related land which are outside of the approved disturbance area;</li> <li>• a description of the measures that would be implemented for: <ul style="list-style-type: none"> <li>o managing the discovery of human remains or previously unidentified heritage items on site;</li> </ul> </li> <li>and</li> <li>o ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that suitable records are kept of these inductions.</li> </ul> <p>Notes:</p> <ul style="list-style-type: none"> <li>• The Department acknowledges that the initial Heritage Management Plan may not include a detailed plan for the implementation of the Aboriginal Heritage Conservation Strategy. If this occurs, the Proponent will be required to update the plan as soon as practicable following the Secretary's approval of the Aboriginal Heritage Conservation Strategy.</li> </ul>	<p>CHMP (Rev 7, Dated November 2016)</p> <p>2020 Annual Review</p> <p>2021 Annual Review</p> <p>2022 Annual Review</p> <p>Site observations</p>	<p>2020 IEA Recommendation: Improvement REC: Implement the outstanding recommendations from the 2017 Audit as reported in the 2019 Annual Review in the updated CHMP.</p> <p>The CHMP was prepared in 2016 and was approved by DPE in 2017 and has not undergone formal update over the reporting period. The CHMP was initially prepared by Archaeology Australia and has been subsequently been updated by BCOPL Staff. Aboriginal parties were consulted during the preparation of the plan, however as described in the 2020 IEA, there is no indication of how this consultation was incorporated into the plan. Key sections that address the requirements of this condition:</p> <ul style="list-style-type: none"> <li>- Impact mitigation - Section 4</li> <li>- Salvage methodology - Section 4.3 and 4.4</li> <li>- Historic site plan of management - Section 5</li> <li>- Monitoring program - Section 7</li> </ul> <p>Salvage of Aboriginal Heritage Items has continued over the audit period, with the results being reported in the Annual Review Documents. From the evidence reviewed and site observations, the salvage and management of Aboriginal Heritage items has been consistent with the procedures outlined in CHMP.</p> <p>It is noteworthy that the CHMP is in the process of being updated. It is understood that the CHMP will be submitted to DPE following the determination of MOD8. The recommendation from the previous audit has been carried over to this audit.</p>	Compliant	Improvement recommendation: Implement the outstanding recommendations from the 2017 Audit as reported in the 2019 Annual Review in the updated CHMP.
57	Archaeological Salvage Program	<p>The Proponent shall prepare and implement an Archaeological Salvage Program for the project to the satisfaction of the Secretary. This Program must:</p> <p>(a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;</p> <p>(b) be prepared in consultation with the BCS and the local Aboriginal stakeholders;</p> <p>(c) incorporate methodology including:</p> <ul style="list-style-type: none"> <li>• sub-surface testing;</li> <li>• staged salvage, based on anticipated mine planning;</li> <li>• pre-disturbance monitoring;</li> <li>• site assessment and reporting protocols;</li> <li>• research objectives to inform knowledge of Aboriginal occupation;</li> <li>• protection, storage and management of salvaged Aboriginal objects;</li> <li>• addressing relevant statutory requirements under the National Parks and Wildlife Act 1974; and</li> <li>• proposed long term plan for protection of salvaged Aboriginal objects.</li> </ul>	<p>CHMP (Rev 7, Dated November 2016)</p> <p>2020 Annual Review</p> <p>2021 Annual Review</p> <p>2022 Annual Review</p> <p>Site observations</p>	<p>The archaeological salvage program is detailed in the CHMP. Archaeological Salvage Program was undertaken throughout the audit period, with results being published in the Annual Reviews.</p> <p>BCOPL facilitates an Aboriginal Stakeholder Community Forum (ASCF), meetings of the ASCF were held in May and November 2021, February, May and September in 2022 and February, July and December 2020.</p> <p>Areas where salvage works have occurred were observed during the site visit, indicating the Archaeological Salvage Program is being implemented.</p>	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
58	Road Upgrade and Maintenance	The Proponent shall construct, operate and maintain the bridges over the Kamilaroi Highway for the Boggabri Rail Spur Line and the haul road bridge to the satisfaction of RMS, and shall bear all costs associated with the construction and maintenance of these bridges.		The bridges over the Kamilaroi Highway for the Boggabri Rail Spur Line and the Haul Road were constructed outside the audit period. No maintenance on these structures has occurred over the audit period.	Not Triggered	
58A		The Proponent shall design and construct the intersections with the Kamilaroi Highway for access to the haul road to the satisfaction of RMS.		The intersections with the Kamilaroi Highway were completed outside the audit period.	Not Triggered	
59		The Proponent shall meet the requirements of the TfNSW in respect of road access from the Kamilaroi highway for temporary construction traffic, road intersection upgrades and maintenance of TfNSW roads used in respect of the project.		The intersections with the Kamilaroi Highway were completed outside the audit period.	Not Triggered	
60	Traffic management plan	The Proponent shall prepare and implement a Traffic Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with the RMS, Council and Gunnedah Council; (b) be submitted to the Secretary for approval within 6 months of the date of this approval; (c) propose an appropriate program and schedule of works for any intersection upgrades to be undertaken or contributed to by the Proponent arising from conditions 58 and 59 of Schedule 3; (d) include: (i) a code of conduct for drivers of heavy vehicles; (ii) nominated heavy vehicle access routes for construction and operational stages, including details on volumes and nature of heavy/over size and over/mass vehicles; (iii) measures to minimise traffic impacts at school bus pick up and drop off times; (iv) consideration of measures to minimise dust from unsealed roads that may be used for access to the mine site; and (v) a monitoring program to audit vehicle movements against predictions in the EA.	TMP (Rev 5, dated August 2022)	The latest version of the Traffic Management Plan (TMP) is dated August 2022. The preparation of the TMP meets the requirements of the consent conditions. Based on site inspections and the Annual Reviews, it considered that the TMP is being appropriately implemented. No traffic related incidents have been recorded in the audit period.	Compliant	
61	Leard Forest Road Closure	The Proponent shall prepare and submit a Leard Forest Road Closure Strategy for approval by the Secretary in consultation with Council, FCNSW, MCCC, CCC and the local community affected by the road closure. The strategy must: (a) provide a similar level of road access from Maules Creek to Manila Road during flood events compared to the existing Leard Forest Road, following the closure of Leard Forest Road; (b) investigate options for a road realignment to join onto Goonbri Road to the east of Leard State Forest; (c) be funded by the Proponent for the capital cost of any upgrades or road realignment and identify allocation of ongoing maintenance costs; (d) include ongoing review of the effectiveness of the road closure strategy and provision of additional mitigation measures as necessary to maintain a similar level of access during flood events; and (e) be implemented prior to the closure of Leard Forest Road.	2020 IEA	The Leard Forest Road Closure Strategy was prepared in 2014 and implemented prior to the audit period as described in the previous audit.	Not triggered	
62	Monitoring of Coal Transport	The Proponent shall: (a) keep records of the: • amount of coal transported from the site (on a monthly basis); and • date and time of each train movement generated by the project; and (b) make these records available on its website at the end of each calendar year.	Project website	Coal transport and raiiling dates and time are reported on the project website.	Compliant	
63	Rail Transport	The Proponent shall liaise with Gunnedah Shire Council regarding the recommendations made in the Gunnedah Traffic Study for mitigating impacts of coal rail transportation on road safety and congestion in the Gunnedah LGA due to closures of rail level crossings.	2020 IEA	Complete prior to the audit period in 2020 as described in the previous audit.	Not triggered	
64		Within 12 months of the completion of the Gunnedah Traffic Study, the Proponent shall provide a report of the outcomes of this liaison and identify any proposals recommended by either the Proponent or the Gunnedah Shire Council towards implementing reasonable and feasible recommendations, to the satisfaction of the Secretary	2020 IEA	Complete prior to the audit period in 2020 as described in the previous audit.	Not triggered	
65	Visual Operating Conditions	The Proponent shall: (a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the project; (b) ensure no outdoor lights shine above the horizontal; (c) wherever possible, ensure that mobile equipment is appropriately designed and/or retrofitted to prevent light being directed above the horizontal; (d) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting or its latest version; (e) provide for the establishment of trees and shrubs and/or the construction of mounding or bunding: • along the access road to the mine site; • along the private haul road; • along the Boggabri Rail Spur Line; • around the water storage dams; and • at other areas identified as necessary for the maintenance of satisfactory visual amenity; (f) ensure that the visual appearance of all buildings, structures (including the rail spur bridge over the Namoi river floodplain and Kamilaroi highway), facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape. to the satisfaction of the Secretary.	Complaints register Site observations	BCOPL have not received any complaints in regard to visual amenity over the audit period. The site is generally obscured from public viewpoints. Buildings have been constructed using materials which are unobtrusive (charcoal and green).  Lighting was observed to be directed below the horizontal and trees and shrubs were observed along access roads and around storage areas. The site was also generally neat and tidy.	Compliant	
66	Additional Visual Impact Mitigation	Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct views of the mining operations and infrastructure on site during the project, the Proponent shall implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) to reduce the visibility of these mining operations and infrastructure from the residences on their properties. These mitigation measures must be reasonable and feasible, and must be implemented within a reasonable timeframe. If the Proponent 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. Notes: • The additional visual impact mitigation measures must be aimed at reducing the visibility of the mining operations on site from significantly affected residences, and do not require measures to reduce the visibility of the mining operations from other locations on the affected properties; • The additional visual impact mitigation measures do not necessarily have to include the implementation of measures on the affected property itself (i.e. the additional measures could involve the implementation of measures outside the affected property boundary that provide an effective reduction in visual impacts); and • Except in exceptional circumstances, the Secretary will not require additional visual impact mitigation to be undertaken for residences that are more than 7.5 kilometres from the mining operations.		BCOPL advised that no requests have been received during the audit period and no residences have direct view of the mine.	Not triggered	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
67	Bushfire management	The Proponent shall: (a) ensure that the project is suitably equipped to respond to any fires on site; and (b) assist the Rural Fire Service, FCNSW, emergency services and National Parks and Wildlife Services as much as possible if there is a fire in the surrounding area.	Biodiversity Management Plan (Dated October 2018)  Site observations	The biodiversity corridor plan contained within the Biodiversity Management Plan includes bushfire management procedures. The site has a number of dams which can be utilised for bushfire fighting if required.  Fire fighting equipment was observed at various locations during the site inspection.	Compliant	
68	Waste	The Proponent shall: (a) implement all reasonable and feasible measures to minimise the waste (including coal reject) generated by the project; (b) ensure that the waste generated by the project is appropriately stored, handled and disposed of; (c) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review.	Site observations  2020 Annual Review 2021 Annual Review 2022 Annual Review	Generally waste was managed appropriately on site, with waste receptacles clearly labelled. The site is also neat and tidy. However it was noted that the correct waste was not always deposited into the correct bins, with plastic wrap observed in the steel bin, constituting a non-compliance.  Waste is reported on in the annual reviews.	Non-compliant	CA 7: Ensure that staff are made aware of correct waste management procedures and that waste slides are included in the toolbox talks quarterly.
69	Rehabilitation Objectives	The Proponent must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. This rehabilitation must be generally consistent with the proposed Rehabilitation Strategy described in the EA (and depicted conceptually in Appendix 9) and comply with the objectives in Table 16.	RMP (Rev 9, dated April 2020)  Boggabri Coal Annual Rehabilitation Report (2022)  Boggabri Coal Mine Rehabilitation Remediation Plan Waste Emplacement Area, Southern Batter	<i>2020 IEA Recommendation: Further investigations to confirm that the proposed "rice paddy" final landform meets this development consent condition of "constructed landforms drain to the natural environment" and the MOP rehabilitation objective of creating a stable free draining landform</i>  The rehabilitation management plan is dated April 2020 and outlines the rehabilitation of the site. The site is rehabilitated generally in accordance with the Rehabilitation Strategy and is reported upon annually.  BCOPL have advised that the "rice paddy" concept in practice retains topsoil and moisture and is a contour style erosion and sediment control system. It is a temporary structure to aid rehabilitation stability without a permanent damming capability or causing any medium to long-term ponding or vegetation die-off. BCOPL have completed successful establishment of this design on the 395 RL rehabilitated dump. There have been some sedimentation issues on the 360 RL rehabilitation area which require ongoing maintenance.	Compliant	
70	Progressive Rehabilitation	The Proponent shall rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies shall be employed when areas prone to dust generation cannot yet be permanently rehabilitated. Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development.	RMP (Rev 9, dated April 2020)  Boggabri Coal Annual Rehabilitation Report (2022)  Annual Review 2020 Annual Review 2021 Annual Review 2022  Site observations	<i>2020 IEA Recommendation: Undertake additional weed management in rehabilitation areas and repairs to erosion / scouring as required.</i>  <i>2020 IEA Recommendation: Consider cover crops and/or hydro mulch to assist with stabilisation in tube stock areas until tube stock takes off and ground cover increases. The site is rehabilitated generally in accordance with the Rehabilitation Strategy and is reported upon annually.</i>  BCOPL undertook rehabilitation of some areas during 2020. No active rehabilitation has occurred over 2021 and 2022, as per the former MOP. The current rehabilitation forward program indicates that approximately 47 ha would be prepared for rehabilitation in 2023.  Rehabilitation preparation works were observed during the site inspection. Former rehabilitated areas were inspected and appeared to be rehabilitating effectively, with minimal weeds.	Compliant	
71	Rehabilitation Strategy	The Applicant must prepare a Rehabilitation Strategy for all land disturbed by the development to the satisfaction of the Secretary. This strategy must: a) be prepared by a suitably qualified and experienced person/s; b) be prepared in consultation with the Resources Regulator, FCNSW, BCS, DPE Water, North West Local Land Services, Council and the CCC; c) be submitted to the Secretary for approval within one year of the date of approval of MOD 9, unless otherwise agreed by the Secretary; d) build upon the Rehabilitation Objectives in Table 16, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform, final void outcomes, post-mining land use/s and water management; e) align with strategic rehabilitation and mine closure objectives and address the principles of the Strategic Framework for Mine Closure (ANZMEC and MCA, 2000); f) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure; g) describe how the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan required under condition 49; h) investigate opportunities to refine and improve the final landform over time, including the configuration of the waste rock emplacement areas; i) include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes; j) detail how rehabilitation will be integrated with the adjoining Tarrawonga Coal Mine; k) and include a program to periodically review and update this strategy at least every three years.		As per the wording in this condition, the rehabilitation strategy is due 1 March 2024, 12 months from the approval of MOD9 and therefore this is not triggered.	Not triggered	
71A		The Applicant must implement the Rehabilitation Strategy approved by the Planning Secretary. Note: The Applicant must prepare and implement a Rehabilitation Management Plan in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992.		As per Schedule 3 Condition 71	Not triggered	
72	Final Void Design and Closure	The Proponent shall prepare and implement an updated Final Void and Mine Closure Plan as part of the Rehabilitation Strategy required under Schedule 3 Condition 71. This plan must: (a) be submitted to Resources Regulator and the Department by the end of December 2025; (b) address future stability of the proposed landforms, long term groundwater recovery and void groundwater quality characteristics; (c) include a detailed assessment of the hydrochemistry, hydrogeology and hydrology components of the final void and landform design that has been subject to independent review and verification by suitably qualified, experienced and independent person/s whose appointment has been approved by the Secretary. (d) demonstrate that: (i) the long term landform will not generate a pit lake; (ii) emplaced spoil has the capacity to drain to the natural environment; and (iii) drained waters do not adversely affect the downstream environment (e) identify opportunities for integrated mine planning with adjoining mines to minimise environmental impacts of the final landform.		BCOPL have progressed with a conceptual final landform, however completion of this is not required within the audit period.	Not triggered	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
73	Agricultural Production on Project-Owned Land	The Proponent shall use its best endeavours to ensure that the agricultural productivity of land that is project related (including remaining agricultural land on properties forming the biodiversity offset area) is maintained or enhanced. Note: This does not include land where disturbance is permitted under the conditions of this approval, or land that forms part of the biodiversity offset area. However, the corridor enhancement zone that forms part of the Biodiversity Offset Area will need to be further assessed for agricultural suitability and management may include both agricultural and conservation outcomes identified as part of an approved biodiversity management plan.	Annual Review 2020 Annual Review 2021 Annual Review 2022  Boggabri Coal Annual Rehabilitation Report (2022)  Site observations	Annual Reviews summarise the management of agricultural land by BCOPL. Site observations indicated agricultural land was being effectively managed by BCOPL.	Compliant	
74	Agricultural Production on land acquired due to impacts on residential receivers	The Proponent shall ensure that any properties primarily used for agricultural production that are acquired by the Proponent due to impacts on residential receivers continue to be operated and maintained for sustainable agricultural production, unless they have been incorporated into an approved biodiversity offset area. This condition ceases to have effect if the Proponent disposes of the property.	Annual Review 2020 Annual Review 2021 Annual Review 2022  Site observations	As reported in the annual reviews, agricultural lands owned by BCOPL continue to be managed for agricultural purposes under private lease agreements with local landholders. Site observations indicated agricultural land was being effectively managed by BCOPL.	Compliant	
75	Housing Strategy	The Proponent shall implement the Boggabri Coal Housing Commitment identified in the EA, in consultation with Council, to provide for: (a) construction of a minimum of 10 dwellings in Boggabri, within a timeframe agreed by Council; (b) construction of a minimum of 20 dwellings in Narrabri, within a timeframe agreed by Council; and (c) implementation of remaining commitments within the terms of the approved Social Impact Management Plan (see condition 77 of Schedule 3). If there is any dispute between Council and the Proponent regarding the timing of construction, then either party may refer the matter to the Secretary for resolution, whose decision shall be final.	Annual Review 2020 Annual Review 2021 Annual Review 2022  Notice of Practical Completion for the Boggabri Childcare Centre dated 23 February 2021	Housing and construction of the early learning centre were discussed in CCC meetings in 2020, 2021 and 2022. During 2021 BCOPL Commissioned an SQM Research report on the Narrabri, Gunnedah and Boggabri area were completed in December 2021. A housing survey was conducted in November 2022 during the 2022 reporting period.  Boggabri Early Learning Facility was completed in February 2021 with the notice of practical completion being dated 23 February 2021. The facility opened June 2021. BCOPL have submitted an application to develop multiple dwellings at Glentarkie Aged Care Facility in Boggabri.	Compliant	
76	Construction Workforce Accommodation	Prior to construction activities commencing, the Proponent shall prepare and implement a Construction Workforce Accommodation Plan, in consultation with Council, and to the satisfaction of the Secretary. The plan must: (a) provide details of the construction workforce numbers throughout all stages of construction including local vs. non-local hiring; and (b) for off-site accommodation options, demonstrate that the construction workforce can be suitably housed in approved accommodation facilities.	2020 IEA	Construction completed prior to the audit period as reported in the 2020 IEA.	Not triggered	
77	Social Impact Management Plan	The Proponent shall prepare and implement a Social Impact Management Plan for the project to the satisfaction of the Secretary to manage the potential impacts of the project. This plan must: (a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary; (b) be prepared in consultation with Council, Gunnedah Shire Council, the CCC, Aboriginal stakeholders and other relevant Government agencies and service providers, other mine operators in the Leard Forest Mining Precinct and submitted to the Secretary for approval within 12 months of project approval; (c) take into consideration relevant actions related to social impacts identified in the Strategic Regional Land Use Plan for New England North West; (d) identify the social impacts resulting from the various stages of the project (including construction, operational and decommissioning stages) in both the local and regional context, including but not limited to: • soft infrastructure such as housing, medical, education, childcare and emergency services; • hard infrastructure such as local and regional roads and rail; • economic/business development; and • workforce demand/supply factors, such as training needs; and • labour availability impacts on other sectors, such as agricultural enterprises; (e) incorporate the housing availability and affordability initiatives identified in the EA, including the Boggabri Coal Housing Commitment; (f) identify proposed initiatives for promoting workforce opportunities for residing in the area/region as opposed to FIFO/DIDO; (g) include a management and mitigation program to minimise and/or mitigate social impacts; and (h) include a monitoring program, incorporating key performance indicators and a review and reporting protocol, including reporting in the annual review.	SIMP (Rev 7, Dated August 2023)  Annual Review 2020 Annual Review 2021 Annual Review 2022	The latest version of the Social Impact Management Plan (SIMP) is dated August 2021. Section 2 of the SIMP summarises statutory requirements. Section 5 of the SIMP discusses social impacts relating to the development. Section 6 and Appendix B of the SIMP describes community engagement. Monitoring and reporting is described in Section 7.  Section 6.13 of the Annual Reviews report on the implementation of the measures outlined in the SIMP proposed to monitor social impacts.	Compliant	
Schedule 4 - Additional procedures						
1	Notification of Landowners/Tenants	Within 3 months of the date of this approval, the Proponent shall: (a) notify in writing the owner(s) of: • the land identified in conditions 3 and 25 of schedule 3 that they have the right to require the Proponent to acquire their land at any stage during the project; • any residence on the land listed in conditions 3 and 26 of schedule 3 that they have the right to request the Proponent for additional noise and/or air quality mitigation measures to be installed at their residence at any stage during the project; and • any privately-owned land within 2 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; (b) notify the tenants of any mine-owned land of their rights under this approval; and (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 EA identify that dust emissions generated by the project are likely to be greater than the relevant air quality criteria in schedule 3 at any time during the life of the project.		Undertaken prior to audit period.	Not triggered	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
2		<p>Prior to entering into any tenancy agreement for any land owned by the Proponent that is predicted to experience exceedances of the recommended dust criteria, the Proponent shall:</p> <p>(a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land;</p> <p>(b) advise the prospective tenants of the rights they would have under this approval; and</p> <p>(c) provide the prospective tenants with a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and</p> <p>(d) request the prospective tenants consult their medical practitioner to discuss the air quality monitoring data and predictions and potential health impacts arising from this information, to the satisfaction of the Secretary.</p>		BCOPL advised there are no tenancy agreements in place for land to 'exceed dust criteria'.	Not triggered	
3		<p>As soon as practicable after obtaining monitoring results showing:</p> <p>(a) an exceedance of the relevant criteria in schedule 3, the Proponent shall notify the affected landowner in writing of the exceedance, and provide regular monitoring results to each of these parties until the project is complying with the relevant criteria again; and</p> <p>(b) an exceedance of the relevant air quality criteria in schedule 3, the Proponent shall send a copy of:</p> <ul style="list-style-type: none"> <li>the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and</li> <li>the air quality monitoring data, in an appropriate format so that a medical practitioner can assist the resident in making an informed decision on the health risks associated with occupation of the property, to the landowner/s and/or existing tenants of the land.</li> </ul>		<p>Although one Penalty Notice was received by BCOPL during the 2022 reporting period relating to a self-reported blasting exceedance, this penalty was withdrawn following an investigation which established that the exceedance was due to wind gusts not blasting operations.</p> <p>One air quality exceedance was recorded over the audit period, however upon investigation it was deemed that the exceedance was not caused by mining operations. No notification to the community is required in this instance.</p>	Compliant	
4	Independent review - Landowners	<p>If an owner of privately-owned land considers the project to be exceeding the criteria in schedule 3 (other than the noise criteria), then he/she may ask the Secretary in writing for an independent review of the impacts of the project on his/her land. If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, the Proponent shall:</p> <p>(a) commission a suitably qualified, experienced and independent expert, 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 project is complying with the relevant impact assessment criteria in schedule 3; and</li> <li>if the project is not complying with these criteria then: <ul style="list-style-type: none"> <li>determine if the more than one mine is responsible for the exceedance, and if so the relative share of each mine towards the impact on the land;</li> <li>identify the measures that could be implemented to ensure compliance with the relevant criteria; and</li> </ul> </li> </ul> <p>(b) give the Secretary and landowner a copy of the independent review.</p>		BCOPL advised that no requests have been made to the Secretary within the audit period regarding an independent review.	Not triggered	
5		<p>If the independent review determines that the project is complying with the relevant criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Secretary.</p> <p>If the independent review determines that the project is not complying with the relevant criteria, and that the project is primarily responsible for this non-compliance, then the Proponent shall:</p> <p>(a) acquire the land in accordance with the procedures in conditions 8-9 below; or if preferred by the landowner,</p> <p>(b) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until the project complies with the relevant criteria; or</p> <p>(c) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the Secretary.</p> <p>If the independent review determines that the project is not complying with the relevant acquisition criteria, and that the project is primarily responsible for this non-compliance, then upon receiving a written request from the landowner, the Proponent shall acquire all or part of the landowner's land in accordance with the procedures in condition 8-9 below.</p>		No independent reviews undertaken during the audit period.	Not triggered	
6		<p>the independent review determines that the relevant criteria are being exceeded, but that more than one mine is responsible for this exceedance, then together with the relevant mine/s the Proponent shall:</p> <p>(a) acquire the land in accordance with the procedures in conditions 8-9 below; or if preferred by the landowner,</p> <p>(b) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until there is compliance with the relevant criteria; or</p> <p>(c) secure a written agreement with the landowner and other relevant mine/s to allow exceedances of the relevant impact assessment criteria, to the satisfaction of the Secretary.</p>		No independent reviews undertaken during the audit period.	Not triggered	
7	Independent review - Biodiversity and Heritage	<p>If a person has good reason to believe the Proponent is not implementing the biodiversity and/or heritage conditions in schedule 3 satisfactorily, then he/she may ask the Secretary in writing for an independent review of the matter. If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, the Proponent shall:</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 person and/or any relevant agencies;</li> <li>investigate the person's complaints/claims;</li> <li>review the environmental performance of the Proponent;</li> <li>determine whether the Proponent's performance is satisfactory or not; and if necessary</li> <li>recommend measures to improve the Proponent's performance; and</li> </ul> <p>(b) give the Secretary and complainant a copy of the independent review.</p>		BCOPL advised that there have not been any requests for an independent review made to the Secretary within the audit period.	Not triggered	



Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
8	Land acquisition	<p>Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall 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 project, 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 mitigation measures required under conditions 3 and 26 of schedule 3;</li> </ul> <p>(b) the reasonable costs associated with:</p> <ul style="list-style-type: none"> <li>relocating within the Tamworth, Narrabri, Gunnedah or Moree 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 Proponent 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>		BCOPL advised that there have not been any requests for the acquisition of land during the audit period	Not triggered	
		<p>Upon receiving such a request, the Secretary shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p> <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 Proponent shall 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 Proponent shall 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 Proponent's binding written offer under this condition within 6 months of the offer being made, then the Proponent's obligations to acquire the land shall cease, unless the Secretary determines otherwise.</p>		BCOPL advised that there have not been any requests for the acquisition of land during the audit period	Not triggered	
9		The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 6 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.		BCOPL advised that there have not been any requests for the acquisition of land during the audit period	Not triggered	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
Schedule 5 - Environmental Management, Reporting and Auditing						
1	Environmental Management - Environmental Management Strategy	The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Secretary. The strategy must: (a) be submitted to the Secretary for approval within 6 months of the date of this approval; (b) provide the strategic framework for environmental management of the project; (c) identify the statutory approvals that apply to the project; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project; (e) describe the procedures that would be implemented to: • keep the local community and relevant agencies informed about the operation and environmental performance of the project; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the project; • respond to any non-compliance; • respond to emergencies; and (f) include: • copies of any strategies, plans and programs approved under the conditions of this consent; and • a clear plan depicting all the monitoring to be carried out in relation to the project.	EMS (Rev 2, Dated June 2020)  Site observations	The latest version of the Environmental Management Strategy (EMS) is dated June 2020. Key sections of the EMS that address the requirements of this condition are: -Section 2.1 (Leases, Licences and Approvals) - Section 3.1 (Roles and Responsibilities) - Section 3.2 (Management Plans) - Section 3.4 to 3.7 (Incident reporting, community complaints and dispute resolution practices) -Appendix B (Environmental Management Policy)  It is noted that the EMS is due for review and is proposed for review following the determination of MOD8.  Site observations and interviews indicated the site team have a good understanding of the requirements and the site is managed appropriately, with no major environmental issues observed.	Compliant	Improvement recommendation: Ensure that the updated EMS reflects the updates to management plans outlined in this audit
2	Adaptive Management	The Proponent must assess and manage project-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 approval and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation. Where any exceedance of these criteria and/or performance measures has occurred, the Proponent must at the earliest opportunity: (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur ; (b) 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 courses of action; and (c) implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary	Annual Review 2020 Annual Review 2021 Annual Review 2022	Criteria exceedances are detailed in the Annual Reviews. In 2020/2021/2022 exceedances of Sound Power Levels. BCOPL has undertaken extensive consultation with DPE in relation to this non-compliance. The condition requiring this monitoring to occur is subject of Project Approval Modification Application by BCOPL	Compliant	
3	Management Plan Requirements	The Proponent shall ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include: (a) detailed baseline data; (b) a description of: • the relevant statutory requirements (including any relevant consent, licence or lease conditions); • any relevant limits or performance measures/criteria; • 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; (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria (d) a program to monitor and report on the: • impacts and environmental performance of the project; • effectiveness of any management measures (see c above); (e) a contingency plan to manage any unpredicted impacts and their consequences; (f) a program to investigate and implement ways to improve the environmental performance of the project over time; (g) a protocol for managing and reporting any: • incidents; • complaints; • non-compliances with statutory requirements; and • exceedances of the impact assessment criteria and/or performance criteria; and (h) a protocol for periodic review of the plan	Refer to management plan conditions in this table.	Management plans prepared and approved generally comply with the requirements of a) to h). Some management plans require specific items to be addressed which are in addition to requirements of a-h. BCOPL has received a letter from DPE indicating that the revised plans are required to be submitted 3 months following the determination of MOD8.	Compliant	
4	Annual review	By the end of March each year, the Proponent shall review the environmental performance of the project for the previous calendar year to the satisfaction of the Secretary. This review must: (a) 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; (b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the: • relevant statutory requirements, limits or performance measures/criteria; • monitoring results of previous years; and • relevant predictions in the EA; (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance; (d) identify any trends in the monitoring data over the life of the project; (e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and (f) describe what measures will be implemented over the next year to improve the environmental performance of the project.		2020 IEA Improvement Recommendation: Include additional information in the annual reviews regarding longer term trends particularly in terms of surface water, noise and air quality  The format and presentation of the Annual Review documents satisfies the requirements of this condition. BCOPL have also integrated the 2020 IEA recommendation of including additional information in the annual reviews regarding longer term trends particularly in terms of surface water, noise and air quality.  As noted in the 2022 Annual Review, the 2021 Annual Review was submitted after the due date.	Non-compliant	CA 8: Ensure that annual reviews are submitted by the due date.

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
5	Revision of Strategies, Plans and Programs	<p>Within 3 months of the submission of:</p> <p>(a) an annual review under condition 4 above;</p> <p>(b) an incident report under condition 8 below;</p> <p>(c) an audit under condition 10 below; and</p> <p>(d) any modification to the conditions of this approval,</p> <p>the Proponent shall review the strategies, plans, and programs required under this approval. Where this review results in revisions to any such document, then within 4 weeks of the completion of the revision, unless the Secretary agrees otherwise, the revised document must be submitted to the Secretary for approval.</p>	Refer to management plan conditions in this table.	<p>2020 IEA Improvement Recommendation: Prepare a document review register to evidence dates when documents are reviewed. Register should identify if any changes are identified as being required.</p> <p>It is noted that most plans required under this development consent have not been revised over the audit period and require updating, constituting a non-compliance against this condition. However it is noted that DPE have written to BCOPL indicating that they may submit the updated management plans for approval within 3 months of the determination of MOD8.</p> <p>In response to the 2020 IEA Improvement Recommendation, BCOPL have developed a document register for EMS documents.</p>	Non-compliant	CA 9: Ensure that all plans required under this consent are reviewed and updated (if applicable) 3 months after the triggers outlined in Schedule 5, Condition 5 occur
6	Management of Cumulative Impacts	In conjunction with the owners of the nearby mines in the Leard Forest Mining Precinct, the Proponent shall use its best endeavours to minimise the cumulative impacts of the project on the surrounding area to the satisfaction of the Secretary.	2020 Annual Review 2021 Annual Review 2022 Annual Review Complaints register	Cumulative impacts to air quality, blasting impacts, water quality and noise are managed under joint environmental strategies prepared for the Boggabri, Tarrawonga. Maules Creek Mine complex. BCOPL has received a small number of complaints over the audit period, indicating that cumulative impacts are being appropriately managed.	Compliant	
7	Community Consultative Committee	<p>The Proponent shall operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Secretary. This CCC must be operated in general accordance with the Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version), and be operating within 6 months of the date of this approval.</p> <p>The CCC must include one member representing the MCCC (if the MCCC is still operating and agreed to by the MCCC), one member from Aboriginal stakeholder groups, and seek to include some joint membership with CCCs for other operating coal mines within the Leard Forest Mining Precinct, unless otherwise agreed by the Secretary.</p> <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 Proponent complies with this approval; and</li> <li>In accordance with the Department's guideline, the CCC should be comprised on an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the local community.</li> </ul>	CCC meeting minutes	Evidence of CCC meetings on website. CCC consists of relevant structure as per this condition including an independent chair. CCC minutes are provided on the website dating back to 2012.	Compliant	
8	Incident reporting	The Proponent shall notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the project, the Proponent shall notify the Secretary and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.	Exceedance notification letter (sent to DPE 9 May 2023) Non-Compliance notifications	<p>No environmental incidents causing material harm have occurred during the audit period.</p> <p>BCOPL provided the following notices relating to environmental non-compliances during the audit period:</p> <ul style="list-style-type: none"> <li>- Notification of blast overpressure exceedance on 30 April 2022 sent to DPE (3 May 2022)</li> <li>- Exceedance on 6 March 2023 of criteria at Glenhope HVAS sent to DPE on 2 May 2023. Given that this occurred more than a week from the incident occurring, this constitutes a non-compliance against this condition.</li> </ul>	Non-compliant	CA 10: Ensure that non-compliances are reported within 7 days of occurrence.
9	Regular reporting	The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.	Project website	<p>Environmental performance is outlined on the website through environmental reporting, including summaries for groundwater, surface water, dust and noise.</p> <p>Annual reviews are available on the website.</p>	Compliant	
10	Auditing - Independent Environmental Audit	<p>By the end of June 2014 and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <p>(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</p> <p>(b) include consultation with the relevant agencies;</p> <p>(c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval, and any other relevant approvals, relevant EPL/s and/or Mining Lease (including any assessment, plan or program required under these approvals);</p> <p>(d) assess whether the Proponent is implementing best noise, blasting and air quality management practice;</p> <p>(e) investigate and report on the measures taken to minimise the noise impacts of the project during meteorological conditions when the noise limits in this approval do not apply, including:</p> <ul style="list-style-type: none"> <li>the effectiveness of these measures in maintaining noise impacts within the relevant noise criteria in this approval and/or the limits in the relevant EPL; and</li> <li>any additional measures available to mitigate noise impacts under such meteorological conditions</li> </ul> <p>(f) investigate and report on the measures taken to minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see condition 30(d) of Schedule 3), including:</p> <ul style="list-style-type: none"> <li>the effectiveness of these measures in maintaining air quality impacts within the criteria in Table 9, Table 10 and Table 11 of Schedule 3; and</li> <li>any additional measures available to mitigate air quality impacts under such conditions;</li> </ul> <p>(g) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and</p> <p>(h) recommend measures or actions to improve the environmental performance of the project and/or any strategy, plan or program required under these approvals.</p> <p>Note: This audit team must be led by a suitably qualified auditor, and include experts in noise, air quality, ecology, Aboriginal heritage and any other fields specified by the Secretary.</p>	2020 IEA (Dated 15 December 2020)	<p>Previous audits were undertaken in 2014, 2017 and 2020. The 2020 IEA was undertaken by SLR Consulting. This audit was undertaken in compliance with the requirements of this condition.</p> <p>The audit team for this audit was approved on 31 August 2023. Key sections of this audit that demonstrate compliance with this condition are:</p> <ul style="list-style-type: none"> <li>- Section 4.2 (summary of compliance)</li> <li>- Section 4.6 (Adequacy of plans and strategies)</li> <li>- Section 4.7 and Appendix B (Agency consultation)</li> <li>- Section 5.2 (Corrective actions)</li> <li>- This table (compliance assessment against the requirements of the consent, licences and leases)</li> </ul> <p>This audit was commissioned on the 11 October 2023, four months after the end of June as required by this condition. BCOPL were not granted an extension from DPE, and therefore a non-compliance against this component of the condition is recorded. It is noted that the previous audit assessed a period of 3 August 2017 to 6 November 2020, with this audit covering a period of 7 November 2020 to 17 November 2023. The continuous nature of the audit periods have ensured that there are no gaps when assessing compliance.</p>	Non-compliant	CA 11: Ensure that future Independent Environmental Audits are commissioned by the end of June.
11		Within 3 months of commissioning this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.	2020 IEA (Dated 15 December 2020) This IEA	<p>The 2020 Audit was completed in December 2020 and submitted to DPIE in December 2020. Submission was within the specified three month period.</p> <p>As per the date of commission for this audit, the submission of this IEA is due by 11 January 2024.</p>	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
12	Access to information	The Proponent shall: (a) within 3 months of the date of this approval, make the following information publicly available on its website: • the EA; • all current statutory approvals for the project; • approved strategies, plans and programs required under the conditions of this consent; • a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this consent; • a complaints register, which is to be updated on a monthly basis; • minutes of CCC meetings; • the last five annual reviews; • any independent environmental audit, and the Proponent's response to the recommendations in any audit; • any other matter required by the Secretary; and (b) keep this information up to date, to the satisfaction of the Secretary.	Project website	All relevant information required by this condition has been sighted and accessed via the Boggabri website.	Compliant	
13	Online Communication of Onsite Activities and Monitoring of Noise and Air Quality	The Proponent shall ensure that the noise and air quality risk/response matrices required to be developed in the Noise and Air Quality Management Plans and validated real time monitoring data are available on line and includes: (a) timely publication of validated monitoring data in a clearly understandable form; (b) identification of mine operational responses to monitoring data and weather forecasts; and (c) provision for on-line input /response by members of the community and real time engagement with regionally-based regulatory compliance staff, to the satisfaction of the Secretary.	Project website	2020 IEA Improvement Recommendation: Include the daily operational response information in the real time summary report  The Noise Management Plan and AQHGMP are available online, as well as monitoring results. Real time monitoring results are presented in the 'Operational Information and Monitoring' tab on the project website. BCOPL have incorporated and operational response statement on this page. A link to the online community feedback form is present on the website.	Compliant	
14	Incident notification	The Applicant must immediately notify the Department and any other relevant agencies after it becomes aware of an incident. The notification must be in writing via the Department's Major Projects Website and identify the development (including the application number and name) and set out the location and nature of the incident.	Exceedance notification letter (sent to DPE 9 May 2023)  Non-Compliance notifications	As described in the compliance findings for Condition 8 of Schedule 5, the exceedance of air quality criteria at the Glenhope HVAS was sent to DPE more than a week from the incident occurring (incident occurring 6 March 2023, notification sent 2 May 2023).	Non-compliant	Refer to Condition 8 of Schedule 5
15	Non-Compliance Notification	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 via the Department's Major Projects Website and identify the development (including the application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the noncompliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Non-Compliance notifications  Letter from DPE dated 13 June 2023	BCOPL provided the following non-compliance notices during the audit period: - Notification of blast overpressure exceedance on 30 April 2022 sent to DPE (3 May 2022) - Notification of the inability to access a monitoring point during 2022 floods sent to DPE 9 May 2022. No indication that this notification was sent within 7 days of the non-compliance occurring, however, as this condition was introduced at the approval of MOD9 (February 2023), this event is not considered a non-compliance. - Notification of power being lost at Wilberoi East TEOM on 31 December 2022 sent to DPE 5 January 2023  A letter from DPE was received on 13 June 2023 in relation to the submission of the 2022 annual review. The letter outlined that DPE had not been served a non-compliance notification for the non-compliance against Condition 22 of Schedule 3, constituting a non-compliance against this condition, however as this condition was added to the licence in February 2023, a non-compliance is not recorded against this condition.	Compliant	

Condition	Short Title	Commitment	Documents Reviewed	Assessment	Compliance Finding	Recommendation
<b>MP09_0182 Statement of Commitments</b>						
1	Mining operations	Upon the Receipt of Project Approval, Boggabri Coal will relinquish DA 36/88 at the appropriate time as agreed between Boggabri Coal and DP&I.	2020 IEA	Old DA has been relinquished as reported by the previous IEA.	Compliant	
2		Boggabri Coal commits to using reasonable endeavours to reach in good faith an appropriate barrier coal extraction agreement with Aston by the end of Year 5 of operations.		The end of Year 5 of operations has passed at the site and therefore this condition is not triggered.	Not triggered	
3	Environmental Management and Monitoring	Boggabri Coal's Environmental Monitoring Programs for air quality, water quality, noise and blasting will be reviewed and updated as required, in consultation with the relevant regulators for approval by DP&I as specified in conditions of Project Approval.	NMP (rev 13, dated April 2019) BMP (Rev. 5, dated November 2018) AQGHGMP (Rev.6, Dated July 2018) WMP (Rev.6, dated May 2017) SWMP (dated May 2017) GMP (Rev 6, Dated 10 February 2017)	The NMP, BMP, AQGHGMP and GMP have not been updated during the audit period. The WMP and SWMP have been submitted to DPE but not have not been approved. DPE have granted approval for the submission of the updated plans within three months of MOD8 determination.	Non-compliant	Refer to Condition 5 of Schedule 5
4		Boggabri Coal's EMPs will be revised and updated as required, in consultation with the relevant regulators for approval by DP&I as specified in any conditions of Project Approval for Surface and Groundwater Management, Flora and Fauna, Rehabilitation and Landscape Management (including Void Management) and Aboriginal Archaeology and Cultural Heritage Management.	SWMP (dated May 2017) GMP (Rev 6, Dated 10 February 2017) RMP (Rev.9 dated April 2020) Biodiversity Management Plan (Dated October 2018) CHMP (Rev 7, Dated November 2016)	The Biodiversity Management Plan, GMP and the CHMP have not been updated during the audit period. The WMP and SWMP have been submitted to DPE but not have not been approved. DPE have granted approval for the submission of the updated plans within three months of MOD8 determination. The RMP would be superseded following the approval of the new RMP (replacing the former MOP under the Mining Regulation 2016). This plan is currently in draft.	Non-compliant	Refer to Condition 5 of Schedule 5
5	Air Quality	Boggabri Coal will utilise technologies and initiatives as required to ensure that the air quality outcomes described in the EA are achieved	AQGGMP (Rev.6, Dated July 2018) Air Quality Management Strategy (Ver.08, dated 17 May 2017) Monitoring data Site observations	The air quality management system is described in the Air Quality Greenhouse Gas Management Plan. Results of monitoring events are published on the website and in Annual Reviews. The results of the monitoring, along with site observations indicate BCOPL are effectively managing dust to achieve the outcomes in the EA.	Compliant	
6		Boggabri Coal will undertake regular monitoring of greenhouse gas emissions and energy efficiency initiatives to ensure that greenhouse gas emissions per tonne of product coal are kept to the minimum practicable level.	Annual Review 2020 Annual Review 2021 Annual Review 2022	GHG emissions are reported in section 6.10 of the Annual Review. Scope 1 and Scope 2 emissions have been gradually decreasing since 2016. Emissions are generally less than what was predicted in the 2010 Environmental Assessment, with the exception of electricity and diesel usage. These changes are attributed to a larger equipment fleet, a higher rate of electricity usage and a change in the way in which fugitive emissions are calculated. Key steps BCOPL are taking to decrease emissions are: - Construction of an on-site solar farm - Continuing revegetation - Committing to reviewing site practices and reducing emissions where practical.	Compliant	
7		Boggabri Coal will install a TEOM air quality monitoring unit(s).	AQGGMP (Rev.6, Dated July 2018) Air Quality Management Strategy (Ver.08, dated 17 May 2017) Monitoring data	BCOPL have installed and operate TEOM air quality monitoring equipment.	Compliant	

Condition	Short Title	Commitment	Documents Reviewed	Assessment	Compliance Finding	Recommendation
8	Noise and Blasting	Boggabri Coal will implement the necessary noise control and management measures to ensure that the EA predicted noise levels at private receivers as listed in Table 25 of the EA are not exceeded	NMP (rev 13, dated April 2019) BTM Noise Management Strategy (Ver 9, dated 18 May 2017) Monitoring data Complaints register	The noise management plan outlines the noise management system at the site. A review of the noise monitoring data and complaints register indicate that noise levels at private residences are not exceeded.	Compliant	
9		Boggabri Coal will manage its blasting practices such that the recommended DECCW guidelines, existing at the time of approval; will be met at all privately owned receivers.	Blast Management Plan (Rev. 5, dated November 2018) Blast management strategy (Ver 4, dated April 2020).	Blast management is detailed in the BMP and the Blast Management Strategy. BCOPL have been generally compliant with the requirements of the EPL and the criteria in the BMP.  Although one Penalty Notice was received by BCOPL during the 2022 reporting period relating to a self-reported blasting exceedance, this penalty was withdrawn following an investigation which established that the exceedance was due to wind gusts not blasting operation.	Compliant	
10		Boggabri Coal will install a real time noise monitoring system and a real time meteorological monitoring system with predictive software capabilities.	NMP (rev 13, dated April 2019) BTM Noise Management Strategy (Ver 9, dated 18 May 2017) Monitoring data	Real-time noise monitoring system with predictive software capabilities has been established. This system is described in the NMP.	Compliant	
11		Boggabri Coal will use its reasonable endeavours to establish negotiated agreements with near neighbours as described in Section 2.4.3 of the Residual Matters report.		Occurred prior to the audit period	Not triggered	
12		Boggabri Coal will install a system for monitoring inversion strengths.	NMP (rev 13, dated April 2019) Monitoring data	The meteorological station has a system to monitor inversions.	Compliant	
13	Water resources	Boggabri Coal will continue to monitor groundwater ingress and impacts on surrounding privately owned bores. In the event that monitoring confirms a deleterious impact on any privately owned water bore Boggabri Coal will meet the cost of modifying the bore or replace any water loss.	GMP (Rev 6, Dated 10 February 2017) Water monitoring data	The groundwater monitoring program is outlined in the GMP. Groundwater is monitored by specialists and reported on in the annual reviews and through the publishing of data on the website. No adverse impacts to water supply have been reported over the audit period.	Compliant	
14		Boggabri Coal will use best endeavours to acquire additional water entitlements to ensure maximum operational capabilities in extreme dry years.	Annual reviews	Summary of WALs and water usage is reported in Section 3.3.2.2 and 3.3.2.3 of the Annual Reviews for the audit period. The SWMP lists 5 BCOPL water access licences for the Lower Namoi Regulated River Water Source.	Compliant	
15	Traffic	To offset the closure of a section of Leard Forest Road Boggabri Coal will upgrade Harparary Road including three culverts and a new bridge over the Namoi River as described in its VPA with NSC.		Completed prior to the audit period.	Not triggered	

Condition	Short Title	Commitment	Documents Reviewed	Assessment	Compliance Finding	Recommendation
16		Boggabri Coal will continue to investigate alternative road access options to the Maules Creek Community to mitigate the closure of a section of Leard Forest Road in consultation with the NSC and MCCC.		Completed prior to the audit period.	Not triggered	
17		Boggabri Coal will construct an overpass on Therribri Road across the Private Coal Haul Road should road coal haulage reach 5.5 Mtpa.		There was no haulage of coal via road during the audit period.	Not triggered	
18		Boggabri Coal will commit to a financial contribution to the upgrade of the intersections identified in the road safety audit commensurate with the impacts of the Project		Completed prior to the audit period.	Not triggered	
19		Prior to the construction of the rail spur overpass within the easement of the Kamilaroi Highway Boggabri Coal will consult with all relevant regulatory authorities and will develop a rail construction and traffic management plan in consultation with the RMS.		Completed prior to the audit period.	Not triggered	
20	Ecology	To offset impacts on fauna and flora from the Project, Boggabri Coal will establish a Regional East-West Wildlife Corridor which will be proactively managed to enhance its ecological values as detailed in Section 8.5 of the EA.	Biodiversity Offset Strategy (Rev G, dated March 2019) 2020 Annual Review 2021 Annual Review 2022 Annual Review	BCOPL have established the Regional East-West Wildlife Corridor as per the BOS for the project. Annual monitoring is undertaken in these areas which informs implementation of management measures.	Compliant	
21		The mine rehabilitation program will focus on the re-establishment of Box-Gum Woodland.	RMP (Rev 9, dated April 2020) Annual reviews	Mine rehabilitation is described in the Rehabilitation Management Plan, which focusses on re-establishing the native box gum woodland at the site. Rehabilitation is reported upon in the annual reviews.	Compliant	
22		Boggabri Coal will establish a 186 ha hardwood commercial forest in consultation with Forest NSW.	2021 Annual Return 2022 Annual Return  Executed Compensation Agreement	During the audit period, BCOPL have concluded negotiations with Forestry Corporation NSW and have come to a Boggabri Coal Project Joint Venture Compensation Agreement. Condition 4.6 of the agreement provides for a Plantation Offset Charge that both parties have agreed to instead to the Eucalyptus Plantation Offset Strategy. BCOPL have provided a copy of the executed compensation agreement.	Compliant	
23		Boggabri Coal will maintain a natural vegetation corridor link between its operations and the Maules Creek Coal Project until further assessments are undertaken, relevant approvals are received and appropriate offset measures are put in place.	Biodiversity Management Plan (Dated October 2018)	Management of the natural vegetation corridor is outlined in Section 6 and Appendix I of the biodiversity management plan.	Compliant	

Condition	Short Title	Commitment	Documents Reviewed	Assessment	Compliance Finding	Recommendation
24		Boggabri Coal will acquire an additional offset property(s) consisting of 1,000 ha of remnant vegetation including 650 ha of Box Gum Woodland ('like for like') and 350 ha of Derived Native Grassland to add to its biodiversity offset strategy within 3 years of the grant of Project Approval in one of the following local areas: 1. Nandewar Corridor – north-south Mt Kaputar National Park to Kelvin State Forest; 2. Pilliga Corridor – east-west Mt Kaputar National Park to Pilliga East State Forest; and 3. Leard Corridor – west-east Leard State Forest to Nandewar Range.		This offset was obtained prior to the audit period.	Not triggered	
25	Visual	Boggabri Coal will progressively rehabilitate the mining and OEAs to minimise visual impact.	Annual reviews Site observations	Evidence of progressive rehabilitation noted during the site inspection and from data in the Annual Reviews.	Compliant	
26	Aboriginal Archaeology and Cultural Heritage	The salvage and the protection of all known Aboriginal objects within the Project Boundary will continue to be managed in accordance with a revised Aboriginal Archaeology and Cultural Heritage Management Plan in consultation with the local Aboriginal community and EPA	Annual reviews Site observations	Salvage of Aboriginal Heritage Items has continued over the audit period, with the results being reported in the Annual Review Documents. From the evidence reviewed, the salvage and management of Aboriginal Heritage items has been consistent with the procedures outlined in CHMP.  Areas of salvage where observed during the site inspection.	Compliant	
27		Boggabri Coal will establish a keeping place for the purpose of housing salvaged Aboriginal artefacts from the mine site.	Annual reviews	The establishment of a Keeping Place is discussed at Aboriginal Stakeholder Community Forum (ASCF) and CCC meetings as described in the annual reports.	Compliant	
28	Non-Aboriginal Heritage	Boggabri Coal will undertake archival recordings of the Daisymede shearing shed and yards, Daisymede piggery and the Heathcliff property residence prior to any disturbance or relocation of these sites.	Site interviews	No disturbance in this area has occurred over the audit period.	Not triggered	
29	Community	Boggabri Coal will enter into a Voluntary Planning Agreement with NSC with regard to the Project including a commitment of up to \$9.67 Million to be contributed to NSC for the purpose of funding the following upgrades or works to NSC infrastructure: • Upgrades to the Boggabri Caravan Park; • Erection of a monument in recognition of the achievements of Ben Lexcen; • Improve public seating throughout Boggabri; • Support for the Boggabri Home and Community Care organisation; • Upgrades to Harparary Road and Bridge over the Namoi River; and • In full satisfaction of any requirements under Section 94 of the EP&A Act.	SIMP (Rev 7, Dated August 2023) Annual reviews	BCOPL's contributions to NSC in accordance with the VPA, prior to this audit period, totalled over \$12 million and continued throughout the audit period as described in the Annual Returns.	Compliant	
30	Housing	Boggabri Coal will implement the strategies outlined in Section 2.6.2 of the Residual Matters Report to ensure the Project does not have a material impact on housing availability and affordability in the Narrabri and Gunnedah LGA's.	SIMP (Rev 7, Dated August 2023) Annual reviews	The implementation of these measures is ongoing and is reported on in the annual review documents.	Compliant	
31	Reporting	Boggabri Coal will prepare an Annual Review (which summarises monitoring results and reviews performance) and distribute it to the relevant regulatory authorities and the Boggabri CCC.	Annual reviews CCC Meeting minutes	The Annual Reviews have been completed over the audit period. The annual review documents were reportedly submitted to DPE and other regulatory authorities over the reporting period via the portal. BCOPL have advised that they direct CCC members towards the website for distribution of the annual review due to the large file size, or provide hard copies upon request. A review of the CCC meeting minutes identifies that a status update for the Annual Reviews are being provided regularly.	Compliant	
32	Rail	Boggabri Coal will actively coordinate with ARTC to ensure environmental impacts on the ARTC rail network are minimised as far as practical.	Monitoring data Complaints register	Monitoring data and the complaints register indicate that BCOPL are managing rail noise adequately.	Compliant	
33		Boggabri Coal will continue to work with the GSC in the development of a solution to potential cumulative rail impacts on traffic in Gunnedah.	CCC Meeting minutes Complaints register	GSC are regularly consulted as part of the project, including having a representative present at BTM Complex CCC meetings.	Compliant	
34	Rehabilitation	Boggabri Coal will revise its existing RMP and undertake rehabilitation trials in the development of its topsoil utilisation strategy and rehabilitation success criteria to the satisfaction of EPA & DTIRIS-Resources Regulator and for approval by DP&I.	RMP (Rev 9, dated April 2020) Annual reviews	Rehabilitation is described in the Rehabilitation Management Plan dated April 2020. The Annual Reviews provides a summary of rehabilitation activities for the audit period and those planned for following 12 months.  A rehabilitation strategy to satisfy the requirements of Condition 71 of Schedule 3 is currently being prepared.	Compliant	



Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
<b>EPL 12407</b>						
<b>1. Administrative conditions</b>						
A1.1	What the licence authorises and regulates	This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation. Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition	Annual Review 2020 Annual Review 2021 Annual Review 2022	Works are being undertaken at the site consistent with the requirements of this condition.	Compliant	
A2.1	Premises or plant to which this licence applies	The licence applies to the premises		The Audit reviewed compliance within the Project Approval boundary.	Compliant	
A3.1	Other activities	This licence applies to all other activities carried on at the premises, including chemical storage.		Appropriate chemical storage was observed during the site visit.	Compliant	
A4.1	Information supplied to the EPA	Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence. In this condition the reference to "the licence application" includes a reference to: a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.		Activities on site are carried out generally in accordance with licence.	Compliant	
<b>2 Discharges to Air and Water and Applications top Land</b>						
P1.1	Location of monitoring/discharge points and areas	The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.	Annual Review 2020 Annual Review 2021 Annual Review 2022 Monitoring data  AQGGMP (Rev.6, Dated July 2018)  Air Quality Management Strategy (Ver.08, dated 17 May 2017).	Air quality monitoring results over the reporting period are presented in the Annual Reviews and on a month by month report on the project website. Monitoring at the points specified in this condition occurred over the reporting period.  Monitoring locations and procedures are documented in the AQGGMP and shown in Appendix A. EPA point 45 (HVAS 'Glenhope') is not shown on the map in the AQGGMP. This should be updated next time the plan is reviewed.	Compliant	Improvement Recommendation : Ensure the updated AQGGMP reflects the current points outlined in EPL 12407
P1.2		The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area			Note	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
P1.3		The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point	WMP (Rev.6, dated May 2017) SWMP (dated May 2017) GMP (Rev 6, Dated 10 February 2017)	2020 IEA Recommendation: Continue to liaise with EPA regarding EPL variation to ensure that monitoring points in EPL align with those utilised by the site  The EPL was varied in 2021 to better reflect the groundwater monitoring occurring at the site. Water quality monitoring results over the reporting period are presented in the Annual Reviews and on a quarterly report on the project website. Monitoring at the points specified in this condition occurred over the reporting period.  Monitoring locations are detailed in the Water Management Plan, Surface Water Monitoring Plan and the Groundwater Monitoring Plan. As described in the compliance assessment for Condition 38(c) of Schedule 3, the groundwater monitoring plan has not been updated to reflect the existing monitoring regime.	Compliant	
P 1.4	Weather monitoring	The following point(s) in the table are identified in this licence for the purpose of the monitoring of weather parameters at the point.	2020 Annual Review 2021 Annual Review 2022 Annual Review	BCOPL have established a meteorological station to continuously measure and record wind speed, wind direction, temperature, solar radiation and rainfall.	Compliant	
<b>3 Limit conditions</b>						
L1.1		Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997	2022 Annual Review	Six discharges occurred in 2022, two from Licenced Discharge Point 1 (SD6) and four from Licenced Discharge Point 3 (SD3). These discharges were compliant with the requirements of this licence.	Compliant	
L2.1	Concentration limits	For each monitoring/discharge point or utilisation area specified in the table(s) below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.			Note	
L2.2		Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.			Note	
L2.3		To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table(s).			Note	
L2.4		Water and/or Land Concentration Limits	2022 Annual Review	Six discharges occurred in 2022, two from Licenced Discharge Point 1 (SD6) and four from Licenced Discharge Point 3 (SD3).  Discharge limits for TSS at Licenced Discharge Point 3 (SD3) were exceeded on 2 November and 14 November, however as per condition L2.5 of the EPL these elevated concentrations do not classify as a non-compliance due to the significant rainfall received within 5 days of the time of discharge (110.2 mm).	Compliant	
L2.5		The Total Suspended Solids concentration limits specified for Points 1, 3, 4 may be exceeded for water discharged provided that: (a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 38.4 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and (b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 38.4 millimetre, 5 day rainfall event. Note: 38.4 mm equates to the 5 day 90%ile rainfall depth for Gunnedah sourced from Table 6.3a Managing Urban Stormwater: Soils and Construction Volume 1: 4th edition, March 2004.	2022 Annual Review	As above.	Compliant	
L3.1	Waste	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.	2021 Annual review	The EPA issued an Official Caution letter on 30 July 2021 in relation to burying 937 end-of-life haul truck tyres, at depth, between 2014 and 2020, constituting a non-compliance against this condition.  Condition L3.1 has since been added to the EPL permitting the disposal of tyres at BCM, and therefore no corrective action is required.	Non-compliant	
L3.2		This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.			Note	
L3.3		The licensee may dispose of up to 300 end-of-life mining heavy plant tyres on the premises in each annual return year period up until 11 January 2023. Should the report provided in accordance with condition R3.5: 1. be submitted to the EPAs satisfaction at intervals of 2 years; and 2. find that recycling options are not feasible; then the onsite disposal of the end-of life heavy mining plant tyres may continue for the subsequent 2 annual reporting periods. Only waste tyres generated at the premises may be disposed of in accordance with this condition.	Recycling Options for the End - of - life Heavy Plant Tyres (V1, dated 4 October 2023)  2021 Annual Review 2022 Annual Review  Sample of Tyre Disposal Quality Assurance Plans	Following the addition of this condition on the licence, BCOPL disposed of tyres within the pit as per this condition.  The R3.5 report has been prepared and was submitted to the EPA on 3 October 2023.  Based on the information supplied, BCOPL continued to dispose of tyres between 11 January 2023 and the date of submission for the R3.5 report, constituting a non-compliance against this condition. Given that the R3.5 report has been provided to the EPA, no corrective action is proposed.	Non-compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
L4.1	Noise Limits	Noise generated at the premises must not exceed the noise limits in the table below.	Noise monitoring data Complaints register	<p>2020 IEA Recommendation: Ensure blasts are undertaken under appropriate weather conditions. Delays to blasts should be implemented if required based on real time weather data review.</p> <p>2020 IEA Recommendation: Implement changes to the TARP notifications system to distinguish "triggers" from "exceedances" so that reportable exceedances are not missed.</p> <p>Attended noise monitoring undertaken in 2020, 2021, 2022 identified that operational noise at private residences was compliant with noise impact criteria.</p> <p>In response to the recommendations of the 2020 IEA, BCOPL continue to engage with blast monitoring contractors delineating the definition of 'triggers' and 'exceedances', BCOPL have engaged a consultant to review planning and fume protocols. BCOPL note that the current technology that is available on site does not allow for this level of reporting and that they will improve processes to review results of monitoring. BCOPL delivered training with supervisors in October 2021 to improve environmental performance regarding ensuring blasts are only undertaken during appropriate weather conditions. Once the BMP is approved, post MOD 8 as per approval from DPE, training of staff will be implemented again.</p>	Compliant	
L4.2		The noise limits identified in the above table do not apply at privately owned residences that are: a) identified as residences subject to acquisition or noise mitigation on request within the Project Approval Conditions (09_0182); or b) subject to a private agreement, relating to the noise levels, between the licensee and the land owner.			Note	
L4.3		For the purpose of condition L4.2(a) above, those properties identified as residences subject to acquisition or noise mitigation on request within the Project Approval Conditions (PA 09_0182) are:	2020 Annual Review 2021 Annual Review 2022 Annual Review	A copy of the current ownership status of surrounding properties is included as a figure in the Annual Reviews.	Compliant	
L4.4		For the purpose of the table above: a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays; b) Evening is defined as the period from 6pm to 10pm; c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.			Note	
L4.5		The noise limits set out in the Noise Limits table apply under all meteorological conditions except for the following: a) Wind speeds greater than 3 metres/second at 10 metres above ground level. For the purposes of this condition: a) Data recorded by the meteorological station identified as EPA Identification Point(s) W1 must be used to determine meteorological conditions; and b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.	Noise monitoring data	Attended noise monitoring is undertaken by a noise specialist consultant on a monthly basis. Calibration of acoustic equipment is provided in Appendix B of the monthly noise report.	Compliant	
L4.6		For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.	Noise monitoring data	Monthly monitoring report includes modifying factors in Section 3.4. It is noted that the INP has been superseded by the Noise Policy for Industry (NPI).	Compliant	
L4.7	Determining compliance	To determine compliance: a) with the Leq(15 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located: i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or ii) within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or on any suitable alternate location. iii) within approximately 50 metres of the boundary of a National Park or a Nature Reserve. b) with the LA1(1 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located at any suitable alternate location. c) with the noise limits in the Noise Limits table, the noise measurement equipment must be located: i) at the most affected point at a location where there is no dwelling at the location; or ii) at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.	Noise monitoring data	The monthly noise reports outlines that attended monitoring is undertaken in accordance with NSW EPA requirements as well as Australian Standard AS 1055 Acoustics Description and Measurement of Environmental Noise.	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
L5.1	Blasting	The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	2020 Annual Review 2021 Annual Review 2022 Annual Review  Blasting data	<i>2020 IEA Recommendation: Recommend for drone footage to continue for longer so that future complaints may be verified to determine whether blast fume did remain and travel off site at a distance.</i>  No 2020, 2021 and 2022 blasting exceedances were identified in the monitoring data. A blasting event on the 30th of April 2022 generated a blasting overpressure of 123 dB. An investigation into this this blast found the overpressure was due to wind gusts rather than blasting.  The 2020 IEA recommended that drone footage would continue longer so that future complaints could be verified. BCOPL have extended drone footage procedures beyond the initial blast. This procedural change was implemented in 2021.	Compliant	
L5.2		The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	2020 Annual Review 2021 Annual Review 2022 Annual Review  Blasting data	No exceedances of this criteria were identified in the data reviewed for the reporting period.	Compliant	
L5.3		Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	2020 Annual Review 2021 Annual Review 2022 Annual Review  Blasting data	No ground vibration exceedances were reported in the reporting period.	Compliant	
L5.4		Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	2020 Annual Review 2021 Annual Review 2022 Annual Review  Blasting data	No ground vibration exceedances were reported in the reporting period.	Compliant	
L5.5		Blasting operations at the premises may only take place between 9:00am-5:00pm Monday to Saturday. Blasting is not permitted on public holidays. Blasting outside the hours specified above can only take place with the written approval of the EPA.	2020 Annual Review 2021 Annual Review 2022 Annual Review  Blasting data	All blasts occurred within the defined time limits	Compliant	
L5.6		Blasting at the premises is limited to 1 blast on each day on which blasting is permitted.  Note: Additional blasts are permitted where it is demonstrated to be necessary for safety reasons and the EPA and neighbours have been notified of the intended blast prior to the additional blast being fired.	2020 Annual Review 2021 Annual Review 2022 Annual Review  Blasting data	Blasts were limited to 1 per day	Compliant	
L5.7		Condition L5.6 does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately- owned land, or to blasts required to ensure the safety of the mine or its workers.  Note: For the purpose 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.			Note	
<b>4. Operating Conditions</b>						
O1.1	Activities must be carried out in a competent manner	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Site inspections	Site inspection confirmed that site operations are undertaken in a competent manner. Generally, waste was managed appropriately with waste receptacles clearly labelled. However, it was noted that the correct waste was not always deposited into the correct bins, with plastic wrap observed in the steel bin, constituting a non-compliance.	Non-compliant	Refer to Condition 68 of Schedule 3
O2.1	Maintenance of plant and equipment	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.	Maintenance workorders and logs	Maintenance logs were provided for the audit, indicating that BCOPL maintain a preventative and proactive maintenance regime.	Compliant	
O3.1	Dust	All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.	Site observation Monitoring results Complaints records	Practices viewed during the site audit, such as the use of water carts, were generally effective at reducing windblow dust on site, as indicated by the monitoring results and lack of complaints.	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
O3.2		Trucks transporting coal from the premises must be covered immediately after loading to prevent wind blown emissions and spillage. The covering must be maintained until immediately before unloading the trucks.		Coal by road has ceased.	Not Triggered	
O4.1	Effluent application to land	The quantity of effluent applied to the utilisation area(s) must not exceed the capacity of the utilisation area(s) to effectively utilise the effluent. For the purpose of this condition, "effectively utilise" includes the ability of the soil to absorb the nutrient, salt and hydraulic loads and the applied organic material without causing harm to the environment.	Maintenance workorders and logs Site observations	The effluent system was generally well managed during the audit period. A work order is generated every four weeks to undertake meter reading. BCOPL have recently experienced some blockages within the system and have utilised trucks to evacuate holding tanks.  The utilisation area did not appear wet during the site inspection and was covered in healthy vegetation.	Compliant	
O4.2		Effluent application to the utilisation area(s) must not occur in a manner that causes surface run-off from the utilisation area(s).	Site observation	No runoff was observed from the utilisation area during the site inspection.	Compliant	
O4.3		Spray from effluent application to the utilisation area(s) must not drift beyond the boundary of the utilisation area(s) to which it has been applied.	Site observation	No spray drift was observed from the utilisation area during the site inspection.	Compliant	
O5.1	Waste Management	The Licensee is authorised to dispose of heavy plant-tyre waste generated on the premises in accordance with condition L3.3, in the waste rock/overburden emplacements. The Licensee must: a) ensure that heavy plant waste tyres are re-used on the premises as much as practical; b) ensure that any surplus heavy plant waste tyres can be emplaced by being spread out within the waste rock/overburden emplacement and buried as deep as practical, but covered by at least 20m of inert material beneath any final rehabilitated surface; c) place heavy plant waste tyres at least 15 metres away from coarse reject material or tailings emplacement areas; d) not emplace any heavy plant waste tyres directly on the pit floor or in a location that is likely to impede or contaminate saturated aquifers; e) not emplace any heavy plant waste tyres in a position that compromises the stability of the final rehabilitation landform; f) not emplace any heavy plant waste tyres within 15m of heated or potentially acid forming materials; g) not place any heavy plant waste tyres in an area likely to leach to any watercourse; and h) record the co-ordinates (easting, northing and elevation) of each disposal location.	Sample of Tyre Disposal Quality Assurance Plans Site observation	BCOPL received an official caution from the NSW EPA in relation to burying 937 end-of-life haul truck tyres, at depth, between 2014 -2020. BCOPL submitted a modification to the EPA to add this condition to the licence, which was approved in a variation dated 5 October 2021.  During tyre disposal, BCOPL track compliance with this condition by completing the Tyre Quality Disposal Plan form. A sample of these was provided for the audit, indicating compliance with this condition.  A tyre disposal area was inspected and it complied with the requirements of this condition.	Compliant	
O5.2		Stockpiles of any heavy plant waste tyres stored at the premises awaiting disposal must; a) be less than 3 metres height and; b) not cover an area of more than 200 square metres; and c) not be located within 10 metres of any other flammable or combustible materials.	Sample of Tyre Disposal Quality Assurance Plans Site observations	The sample of Tyre Disposal Quality Assurance Plan forms provided indicate the BCOPL are operating in compliance with this condition. A tyre disposal area was inspected and it complied with the requirements of this condition.	Compliant	
O6.1	Blast Fume	Offensive blast fume must not be emitted from the premises. Definition: Offensive blast fume means post-blast gases (whether visible or invisible, odorous or odourless) from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances: (i) are harmful to (or is likely to be harmful to) a person that is outside the premises from which it is emitted, or (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.	2020 Annual Review 2021 Annual Review 2022 Annual Review  Blasting data	A complaint received mentioned blast fume (23 July 2022), an investigation was undertaken and no blast fume was identified, a second complaint referenced blast odour (31 July 2020), the complainant raised complaint with EPA and EPA requested information from BCOPL, no actions were undertaken as no evidence was found that any exceedance of limits had occurred.	Compliant	
O6.2	Pollution Incident Response Management Plan	The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must document systems and procedures to deal with all types of incidents (e.g. spills, explosions, fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment.	PIRMP (Rev 13, Dated 26 September 2023)	The PIRMP was most recently updated in September 2023. A description of the main major hazards that could occur at the premises is outlined in Section 3.2.1. The likelihood of these events occurring are outlined in Section 3.2.2. Pre-emptive mitigation measures are outlined in Section 3.2.3. A chemical log and map is provided in Section 3.3. Incident response is outlined in Section 5.  The PIRMP was most recently tested on 25 September 2023.	Compliant	
O6.3		The licensee must keep the PIRMP on the premises at all times	Site observation	A copy of the PIRMP is kept at the site.	Compliant	
<b>5 Monitoring and Recording Conditions</b>						
M1.1	Monitoring records	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.			Note	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
M1.2		All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Project website	Evidence of monitoring records relevant to the EPL were provided and are available on the BCOPL website.	Compliant	
M1.3		The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	Project website	Review of monitoring records confirmed that date, time and point of each sample (and person where relevant) was recorded.	Compliant	
M2.1	Requirement to monitor concentration of pollutants discharged	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:			Note	
M2.2		Air Monitoring Requirements	2020 Annual Review 2021 Annual Review 2022 Annual Review  2022 EPA Annual Return  Monitoring data	<i>2020 IEA Recommendation: Continue to liaise with EPA regarding EPL variation to ensure that monitoring points in EPL align with those utilised by the site.</i>  Air monitoring was generally sampled in accordance with the requirements of this condition. In response to the 2020 IEA recommendation, monitoring points were modified as per the February 2021 variation.  As reported in the 2021 Annual Review, the High Velocity Air Sampler (HVAS) unit located at the Glenhope property could not be accessed due to regional flooding and accordingly did not obtain samples on 23 and 29 November 2021. No corrective action is proposed. As reported in the 2022 Annual Return, PM10 samples were not taken for Monitoring Point 45 constituting a non-compliance with this condition. This event has not occurred again and therefore no corrective action is proposed.  In addition, the HVAS monitoring network in place for the BCM was not in line with monitoring sites specified within the EPL. The Cooboobindi HVAS was relocated to the Glenhope property during June 2020. An EPL variation was approved on 5 February 2021.	Non-compliant	
M2.3		Water and/ or Land Monitoring Requirements	2020 Annual Review 2021 Annual Review 2022 Annual Review  Monitoring data	<i>2020 IEA Recommendation: Continue to liaise with EPA regarding EPL variation to ensure that monitoring points in EPL align with those utilised by the site.</i>  Water monitoring was undertaken in accordance with the requirements of this condition and conditions M2.4 to M2.7 over the reporting period. In response to 2020 IEA Improvement Recommendation, EPL 12407 was varied in 2021 to remove mined through bores.	Compliant	
M2.4		For the purposes of the table(s) above Special Frequency 2 means the collection of samples as soon as practicable after a wet weather discharge from points 1, 3, and 4 and in any case not more than 12 hours after a discharge commences.	Note		Note	
M2.5		The frequency of monitoring and the pollutant/s to be monitored may be varied by the EPA once the variability of the monitoring results is established.	Note		Note	
M2.6		For the purposes of the table(s) above, monitoring at points 7, 12, 13 and 18 is not required when the bore is dry or inadequate water is available to collect a sample.	Note		Note	
M2.7		For the purposes of the table(s) above, monitoring at points 36, 38, and 39 is not required in the quarterly period if the monitoring site is dry or inadequate water is available to collect a sample.	Note		Note	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
M3.1	Testing methods - concentration limits	Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with: a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.  Note: The Protection of the Environment Operations (Clean Air) Regulation 2021 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".	AQGGMP (Rev.6, Dated July 2018) Monitoring data	Air quality monitoring is undertaken in accordance with the approved AQGGMP. The approved sampling methods to be followed for the various types of air quality monitoring at the BCOPL are provided in Appendix C of the management plan. Testing has been conducted in accordance with these requirements over the reporting period.	Compliant	
M3.2		Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	2020 Annual Review 2021 Annual Review 2022 Annual Review  Monitoring data	Testing of waters is undertaken in accordance with the requirements of this condition.	Compliant	
M4.1	Weather monitoring	For each monitoring point specified below in the table below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency specified opposite in the other columns.	2020 Annual Review 2021 Annual Review 2022 Annual Review  2022 EPL Annual Return  Monitoring data	Weather monitoring over the reporting period was generally in accordance with the requirements of this condition.  As reported in the 2022 annual review, the continuous rainfall readings at the 60 m AWS were not recorded for the period between 5-12 May 2022. The readings for continuous solar radiation at the weather stations were also not recorded for the period between 21 July 2022 and 7 December 2022. BCOPL also advised that data capture for sigma theta was 90% in May 2023 due to a faulty sensor. The sensor has been fixed and is now capturing data continuously.	Non-compliant	Refer to Condition 22 of Schedule 3
M4.2		The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in this section.	2020 Annual Review 2021 Annual Review 2022 Annual Review  2022 EPL Annual Return  Monitoring data	As described above, there were two periods during the audit period where data was not captured continuously. These issues were rectified by BCOPL and have not occurred again, indicating that maintenance was effective.	Compliant	
M5.1	Recording of pollution complaints	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	Complaints register	A complaints register is maintained on the project website.	Compliant	
M5.2		The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	Internal complaints register	BCOPL provided the internal complaints register which contained all the information required by this condition.	Compliant	
M5.3		The record of a complaint must be kept for at least 4 years after the complaint was made.	Complaints register	A complaints register is maintained on the project website and goes back to 2018.	Compliant	
M5.4		The record must be produced to any authorised officer of the EPA who asks to see them.			Note	
M6.1	Telephone complaints line	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	Project website	Community hotline number is provided on the website. This is a 24 hour hotline.	Compliant	
M6.2		The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	Project website	The complaints line is available on the website.	Compliant	
M6.3		The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.			Note	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
M7.1	Blasting	To determine compliance with limit condition(s) for blasting: a) Airblast overpressure and ground vibration levels experienced at the following noise sensitive locations must be measured and recorded for all blasts carried out in or on the premises; - Identified on "Goonbri" and "Wilberoi East" identified on the map titled Plan No. 1 EPL Boundary and Environmental Monitoring locations dated 05/03/2019 (DOC19/227801) b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.  Note: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in conditions L3.1 to L3.4 at any noise sensitive locations other than the locations identified in the above condition.	2022 Annual Review	As reported in the 2022 Annual Review, a blast which was conducted on 14 November 2022 was not recorded by the 'Goonbri' blast monitoring station, constituting a low risk non-compliance.  BCOPL received a penalty notice from the EPA on 30 April 2022 for an alleged breach of blast criteria reported on 30 April 2022. BCOPL undertook and internal investigation and response to the EPA with the findings of the investigation, which determined that the exceedance was due to wind gusts and not blasting operation. The EPA withdrew the penalty notice in December 2022.	Non-compliant	Refer to Condition 15 of Schedule 3
M8.1	Noise monitoring	To assess compliance with the noise limits presented in the Noise Limits table, attended noise monitoring must be undertaken in accordance with the condition titled Determining Compliance, outlined above, and: a) at noise monitoring locations N2, N3 and N4 as shown on the map titled "Noise Management Strategy Boggabri Coal Pty Ltd, Appendix A" in the most recently approved Boggabri Coal Operations Pty Ltd Noise Management Plan as approved by the DPIE. b) occur monthly in a reporting period; and c) occur during each night period as defined in the NSW Industrial Noise Policy for a minimum of 15 minutes	Noise monitoring data	2020 IEA Recommendation: Continue to liaise with EPA regarding EPL variation to ensure that monitoring points in EPL align with those utilised by the site.  Noise monitoring undertaken over the reporting period was done in a manner compliant with this condition.	Compliant	
<b>6 Reporting Conditions</b>						
R1.1	Annual return documents	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices.  At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.	EPL 12704 portal	The 2020, 2021 and 2022 Annual Returns were submitted to the EPA over the audit period. A review of non-compliances identified in these annual returns indicate that their submission was satisfactory.	Compliant	
R1.2		An Annual Return must be prepared in respect of each reporting period, except as provided below.  Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.		The Annual returns are provided for each reporting period	Compliant	
R1.3		Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.  Note: An application to transfer a licence must be made in the approved form for this purpose.		BCOPL were the only licence for the site over the reporting period.	Not Triggered	
R1.4		Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.		No licences were surrendered over the reporting period.	Not Triggered	
R1.5		The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	EPL 12704 portal	The 2020, 2021 and 2022 Annual Returns were submitted within the required timeframe.	Compliant	
R1.6		The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	EPL 12704 portal	The 2020, 2021 and 2022 Annual Returns are submitted to the EPA via an online portal, where records are kept.	Compliant	
R1.7		Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	EPL 12704 portal	The 2020, 2021 and 2022 Annual Returns are submitted to the EPA via an online portal. No evidence available on the portal to suggest that BCOPL are not compliant with this condition.	Compliant	



Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
R1.8		The licensee must provide the EPA with an Annual Heavy Plant-Tyre Disposal Report. The report must be submitted with the licence Annual Return each year. The Annual Heavy Plant-Tyre Disposal Report must include and not be limited to: a) Each tyre serial number; b) Supplier of each tyre; c) Purchase date of each tyre; d) Disposal date of each tyre; e) Co-ordinates (easting and northings) of the locations where each tyre was disposed of by burial in accordance with condition O5.1; f) The real level (RL) in metres AHD of each tyre emplacement location; g) The number of tyres buried within each emplacement location; and h) The cumulative total number and tonnage of tyres disposed of at the premises each year.	Annual Heavy Plant Tyre Disposal Report 2022 Annual Heavy Plant Tyre Disposal Report 2023	The Annual Heavy Plant Tyre Disposal Reports for 2022 and 2023 were provided for the audit. The register is being kept in accordance with the requirements of this condition.	Compliant	
R2	Notification of environmental harm	Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.		No incidents causing or threatening material harm occurred over the reporting period.	Not Triggered	
R2.1		Notifications must be made by telephoning the Environment Line service on 131 555.		As above.	Not Triggered	
R2.2		The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.		As above.	Not Triggered	
R3.1	Written report	Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	2021 Annual Review Non-Compliance notifications	The EPA requested additional information from BCOPPL in relation to the following events during 2021: - Review of complaint related to two blasts being fired in quick succession. The EPA issued a Formal Warning Letter requesting more information. - An official caution issued on 18 August 2021 seeking more information about end of life tyre management On both occasions BCOPPL provided information to the EPA to their satisfaction.  BCOPPL also received a penalty notice from the EPA on 30 April 2022 for an alleged breach of blast criteria reported on 30 April 2022. BCOPPL undertook and internal investigation and response to the EPA with the findings of the investigation, which determined that the exceedance was due to wind gusts and not blasting operation. The EPA withdrew the penalty notice in December 2022.	Compliant	
R3.2		The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	2021 Annual Review Non-Compliance notifications	The information presented in the audit indicates that the EPA were satisfied with the response.	Compliant	
R3.3		The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.	2021 Annual Review Non-Compliance notifications	The information presented in the audit indicates that the EPA were satisfied with the response.	Compliant	
R3.4		The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	2022 Annual Review Non-Compliance notifications	The information presented in the audit indicates that the EPA were satisfied with the response.	Compliant	
R3.5		The licensee must undertake a review of available recycling options for end of life heavy plant tyres at least once every 2 years and provide a report to the EPA that contains and is not limited to the following: 1. analysis of the current capacity of recycling facilities that can accept end of life mining heavy plant tyres for processing in NSW and other neighbouring states; 2. evidence of enquiries made by the proponent in the previous 24 months to actively seek recycling options for end of life heavy mining plant tyres generated at the premises; 3. analysis of any pre-treatment options that can be performed at the premises to reduce costs associated with the transport and recycling of end of life mining heavy plant tyres 4. analysis of the specific costs to the licensee associated with the transport and delivery/acceptance of site generated end of life mining heavy plant tyres at the nearest capable recycling facilities; 5. the current costs associated with the continued on site burial of end of life mining heavy plants tyres; 6. A full cost benefit analysis of continued on-site burial of end of life mining tyres compared to their transportation from the site and their recycling/reprocessing.	Recycling Options for the End - of - life Heavy Plant Tyres (V1, dated 4 October 2023)	BCOPPL have prepared a review of recycling options for heavy plant tyres. This report satisfies the requirements of this condition. This report was submitted to the EPA on 3 October 2023.	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
R4.1	Noise Monitoring Report	A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the monthly monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include: a) an assessment of compliance with noise limits presented in this licence; and b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in this licence.	Sample of reports submitted to the EPA	Monthly attended noise monitoring is undertaken and reported monthly. Copies of the monthly reports are available on the website. BCOPL provided a sample of submitted reports.	Compliant	
R4.2		The licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.	2022 Annual Review Non-Compliance notifications	Blast exceedances were reported appropriately over the reporting period.	Compliant	
<b>7 General conditions</b>						
G1.1	Copy of licence kept at the premises or plant	A copy of this licence must be kept at the premises to which the licence applies.	Site inspection	A copy of the licence is kept at the premises.	Compliant	
G1.2		The licence must be produced to any authorised officer of the EPA who asks to see it.	Site inspection	A copy of the licence is kept at the premises.	Compliant	
G1.3		The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Site inspection	A copy of the licence is kept at the premises.	Compliant	
G2.1	Completed Programs	Completed PRP Programs			Note	
<b>8 Special Conditions</b>						
E1.1	Noise Management	Noise impacts where wind speed exceeds 3 metres per second at 10 metres above the ground must be addressed by: a) documenting noise complaints received to identify any higher level of impacts or wind patterns; where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts where wind speed exceeds 3 metres per second at 10 metres above the ground should be developed and implemented.	Monitoring data	No exceedances of noise criteria were recorded over the reporting period, therefore it is considered that the site has generated negligible impacts during the reporting period.	Compliant	
E2.1	Water Capacity Management	The licensee must maintain at all times, air capacity of 1000ML for mine water storage on the premises.	Site inspection	<i>2020 IEA Recommendation: Investigations to determine how requirements for 1 GL air capacity can be retained following mining through of MW5.</i>  In response to the 2020 IEA Improvement Recommendation, the long term mine planning team is developing options to ensure adequate air capacity and water storage is planned and provided prior to MW5 being mined through.  Site observations indicated there was at least 1000ML of capacity within storage areas.	Compliant	
E2.2		The requirements of condition E2.1, do not take effect until the 1 January 2013.			Note	

Clause	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	
<b>Standard Conditions Mining Regulation 2016 Schedule 8A Part 2</b>						
4(1)	Must prevent or minimise harm to environment	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.	2020 Annual Review 2021 Annual Review 2022 Annual Review  Site inspection	Based on the information provided by BCOPL and evidence during the site inspection, there has been no evidence of material harm during the audit period and reasonable and feasible mitigation and management measures are in place..	Compliant	
4(2)		In this clause— harm to the environment has the same meaning as in the Protection of the Environment Operations Act 1997.			Note	
5	Rehabilitation to occur as soon as reasonably practicable after disturbance	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.	2020 Annual Review 2021 Annual Review 2022 Annual Review  Boggabri Coal Annual Rehabilitation Report (2022)	Rehabilitation is being undertaken on an ongoing basis and in accordance with rehabilitation requirements specified in SSD 09_0182.  Rehabilitation is reported upon in the annual reviews and the annual rehabilitation reports.	Compliant	
6(1)	Rehabilitation must achieve final land use	The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area.	2020 Annual Review 2021 Annual Review 2022 Annual Review  Boggabri Coal Annual Rehabilitation Report (2022)	Rehabilitation is being undertaken on an ongoing basis and in accordance with rehabilitation requirements specified in SSD 09_0182.	Compliant	
6(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).		MP09_0182 has been obtained by BCOPL.	Compliant	
6(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). Note— Clause 7 requires a rehabilitation risk assessment to be conducted whenever a hazard is identified under this subclause.	RMP (Draft, Amendment 4, Dated November 2023)  Correspondence from Resources Regulator dated 7 September 2023  Approved Rehabilitation Objectives Statement (dated 13 October 2023)	Part 3 of the Draft RMP contains a rehabilitation risk assessment which outlines the risks to BCOPL achieving rehabilitation objectives.  BCOPL provided correspondence from NSW Resources Regulator dated 7 September 2023. Resources Regulator refused several of the rehabilitation objectives , where several rehabilitation objectives were refused. The status of the rehabilitation objectives were changed to draft by Resources Regulator. The rehabilitation objectives were approved on 13 October 2023.  In response to the corespondence, the RMP is being revised.	Compliant	

Clause	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	
6(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— (a) as set out in the rehabilitation objectives statement and rehabilitation completion criteria statement, and (b) for a large mine—as spatially depicted in the final landform and rehabilitation plan, and (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. planning approval means— (a) a development consent within the meaning of the Environmental Planning and Assessment Act 1979, or (b) an approval under that Act, Division 5.1.			Note	
7(1)	Rehabilitation risk assessment	The holder of a mining lease must conduct a risk assessment (a rehabilitation risk assessment) that— (a) identifies, assesses and evaluates the risks that need to be addressed to achieve the following in relation to the mining lease— (i) the rehabilitation objectives, (ii) the rehabilitation completion criteria, (iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan, and (b) identifies the measures that need to be implemented to eliminate, minimise or mitigate the risks.	RMP (Draft, Amendment 4, Dated November 2023)	Part 3 of the Draft RMP contains a rehabilitation risk assessment which outlines the risks to BCOPL achieving rehabilitation objectives.	Compliant	
7(2)		The holder of the mining lease must implement the measures identified.	RMP (Draft, Amendment 4, Dated November 2023)	The measures proposed to address the risks to rehabilitation are generally already being implemented at BCOPL. Some items listed, such as the development of the Final Void and Mine Closure plan are not due for completion yet.	Compliant	
7(3)		The holder of a mining lease must conduct a rehabilitation risk assessment— (a) for a large mine—before preparing a rehabilitation management plan, and (b) for a small mine—before preparing the rehabilitation outcome documents for the mine, and (c) whenever a hazard is identified under clause 6(3)—as soon as reasonably practicable after it is identified, and (d) whenever given a written direction to do so by the Secretary.	RMP (Draft, Amendment 4, Dated November 2023)	Part 3 of the Draft RMP contains a rehabilitation risk assessment which outlines the risks to BCOPL achieving rehabilitation objectives.	Compliant	
8	Application of Division	This Division does not apply to a mining lease unless— (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 (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.			Note	
9	General requirements for documents	A document required to be prepared under this Division must— (a) be in a form approved by the Secretary, and Note— The approved forms are available on the Department’s website. (b) include any matter required to be included by the form, and (c) if required to be given to the Secretary—be given in a way approved by the Secretary.	RMP (Draft, Amendment 4, Dated November 2023)  Boggabri Coal Annual Rehabilitation Report (2022)  Boggabri Coal Forward Program (1 January 2023 to 31 December 2023)	The RMP, annual rehabilitation report and forward program were prepared in accordance with the applicable guidelines.	Compliant	

Clause	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	
10(1)	Rehabilitation management plans for large mines	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— (a) a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area, (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, (c) a summary of rehabilitation risk assessments conducted by the holder, (d) the risk control measures identified in the rehabilitation risk assessments, (e) the rehabilitation outcome documents for the mining lease, (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.	RMP (Draft, Amendment 4, Dated November 2023)	The RMP (currently in draft form) addresses these matters in the following sections: a) and b) Rehabilitation implementation is described in Part 6 c) and d) Rehabilitation risk assessment contains actions that BCOPL will implement as the site progresses towards rehabilitation. e) Rehabilitation objectives are outlined in Part 4 of the RMP. Note that some of these rehabilitation objectives were not approved by Resources Regulator and are currently being updated f) Rehabilitation monitoring is outlined in Part 8, in particular Section 8.3 discusses performance evaluation.	Compliant	
10(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.	RMP (Draft, Amendment 4, Dated November 2023)  Correspondence from Resources Regulator dated 7 September 2023	BCOPL produced the draft RMP and the rehabilitation objectives (with comments) during the audit. Section 4.1.2 of the RMP provides some discussion around the Resources Regulator refusal of the rehabilitation objectives. Resources regulator approved the rehabilitation objectives on 13 October 2023. The RMP is currently being updated by BCOPL to capture the approval.	Compliant	
10(3)		A rehabilitation management plan is not required to be given to the Secretary for approval.			Note	
10(4)		The holder of the mining lease— (a) must implement the matters set out in the rehabilitation management plan, and (b) if the forward program specifies timeframes for the implementation of the matters—must implement the matters within those timeframes.	RMP (Draft, Amendment 4, Dated November 2023)  Boggabri Coal Annual Rehabilitation Report (2022)  Site observations	BCOPL are implementing the measures outlined in the RMP during progressive rehabilitation of the site. From review of the 2022 Annual Rehabilitation report and site observations, it appears that the site is generally progressing toward the proposed rehabilitation objectives.	Compliant	
11	Amendment of rehabilitation management plans	The holder of a mining lease must amend the rehabilitation management plan for the mining lease as follows— (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, (b) as a consequence of an amendment made under clause 14 to a rehabilitation outcome document—within 30 days after the amendment is made, (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, (d) whenever given a written direction to do so by the Secretary—in accordance with the direction.	Approved Rehabilitation Objectives Statement (dated 13 October 2023)  RMP (Draft, Amendment 4, Dated November 2023)	NSW Resources Regulator approved the rehabilitation objectives for the site on 13 October 2023. The latest revision of the RMP is dated 10 November 2023, which is within 30 days of the Rehabilitation Objectives approval. The updated RMP however does not incorporate the approved rehabilitation objectives as required by condition (a).	Non-compliant	CA 12: Ensure that the next update of the RMP captures the approved Rehabilitation Objectives and completion criteria for the site.

Clause	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	
12(1)	Rehabilitation outcome documents	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— (a) the rehabilitation objectives statement, which sets out the rehabilitation objectives required to achieve the final land use for the mining area, (b) the rehabilitation completion criteria statement, which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives, (c) for a large mine, the final landform and rehabilitation plan, showing a spatial depiction of the final land use.	RMP (Draft, Amendment 4, Dated November 2023)  Approved Rehabilitation Objectives Statement (dated 13 October 2023)	The rehabilitation objectives statement was prepared and approved by Resources Regulator on 13 October 2023. Section 4.1.2 provides commentary that the completion criteria for the site will be submitted to Resources Regulator following rehabilitation objective approval.  The RMP provides commentary that the Spatial Data required under Part 5 was submitted to Resources Regulator on 25 November 2022. Resources Regulator refused the spatial data on 1 February 2023. The Spatial Data was resubmitted on 15 and 16 March 2023. Resources Regulator provided more comments on 6 September. BCOPL submitted revised spatial files on 29 September 2023 to Resources Regulator via the online portal.	Compliant	
12(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.	RMP (Draft, Amendment 4, Dated November 2023)	The final land use for the site is identified in the environmental assessment for the site . The RMP has been prepared to be consistent with Table 16 of Condition 69 of Schedule 3, MP 09_0182.	Compliant	
13(1)		The holder of a mining lease must prepare a program (a forward program) for the mining lease that includes the following— (a) a schedule of mining activities for the mining area for the next 3 years, (b) a summary of the spatial progression of rehabilitation through its various phases for the next 3 years, (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.	Boggabri Coal Forward Program (1 January 2023 to 31 December 2023)	BCOPL have prepared a forward program detailing works and rehabilitation for 2023, 2024 and 2025. The forward program satisfies the requirements of this condition.	Compliant	
13(2)	Forward program and annual rehabilitation report	The holder of a mining lease must prepare a report (an annual rehabilitation report) for the mining lease that includes— (a) a description of the rehabilitation undertaken over the annual reporting period, (b) a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period, (c) a report demonstrating progress made towards the achievement of the following— (i) the objectives set out in the rehabilitation objectives statement, (ii) the criteria set out in the rehabilitation completion criteria statement, (iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan.	Boggabri Coal Annual Rehabilitation Report (2022)	BCOPL have prepared an annual rehabilitation report for 2022, which is published on their website. The forward program is prepared in accordance with the requirements of this condition.	Compliant	
13(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.			Note	
13(4)		The holder of the mining lease must give the forward program and annual rehabilitation report to the Secretary.	Boggabri Coal Annual Rehabilitation Report (2022)  Boggabri Coal Forward Program (1 January 2023 to 31 December 2023)	The forward program and annual rehabilitation report have been prepared via the Resources Regulator online portal, satisfying the requirements of this condition.	Compliant	

Clause	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	
13(5)		In this clause— annual reporting period means each period of 12 months commencing on— (a) the date on which the mining lease is granted, or (b) if the Secretary approves another date in relation to the mining lease—the other date.	Correspondence from Resources Regulator dated 22 December 2022.	BCOPL requested a change in the annual reporting period to 1 January to 31 December. This was accepted by Resources Regulator on 22 December 2022.	Compliant	
14(1)	Amendment of rehabilitation outcome documents and forward program	This clause applies to— (a) a rehabilitation outcome document if it has been approved by the Secretary, and (b) a forward program if it has been given to the Secretary.			Note	
14(2)		The holder of a mining lease must not amend a document to which this clause applies that relates to the mining lease unless— (a) the Secretary gives the holder a written direction to do so, or (b) the Secretary, on written application by the holder, gives a written approval of the amendment.		As described in this table, the rehabilitation objectives for the site have been amended over the reporting period, however were not approved at the time of amendment. No amendments to approved documentation have occurred within the audit period.	Not triggered	
14(3)		The holder of the mining lease must amend the document in accordance with the Secretary's direction or approval.		As above, there have been some amendments to the rehabilitation objectives undertaken at the direction of Resources Regulator, however no amendments have been made to any approved documentation over the audit period.	Not triggered	
14(4)		Nothing in this clause prevents the holder of a mining lease preparing a draft amendment for submission to the Secretary for approval.			Note	
15(1)		The holder of a mining lease must do the following before the end of the initial period— (a) prepare a rehabilitation management plan, and (b) prepare rehabilitation outcome documents and give them, other than the rehabilitation completion criteria statement, to the Secretary for approval, and (c) prepare a forward program and give it to the Secretary.	RMP (Draft, Amendment 4, Dated November 2023)  Boggabri Coal Forward Program (1 January 2023 to 31 December 2023)	The initial period is defined as <i>a) '30 days, or other period approved by the Secretary, after this Division first applies to the mining lease, or</i> <i>b) if this Division applies to the mining lease because of an increase in the required security deposit—</i> <i>(i) when the surface of the mining area is disturbed by activities under the mining lease, or</i> <i>(ii) at a later date approved by the Secretary.</i>  The Conditions of Schedule 8A were applicable to large mines on 2 July 2022, meaning that the initial period is defined as concluding 1 August 2022.  The RMP (Original, dated 2 July 2022) was prepared within the initial period and has since been updated.  According to Section 4.1.2 of the RMP, the proposed rehabilitation outcomes were submitted to DPE on 15 March 2023, outside the initial period. The forward program was submitted on 31 March 2023, which was also after the initial period. As the initial period has concluded, no corrective action is proposed.	Non-compliant	

Clause	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	
15(2)	Times at which documents must be prepared and given	The holder of the mining lease must prepare a forward program and annual rehabilitation report and give them to the Secretary before— (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 (b) a later date approved by the Secretary.	Correspondence from Resources Regulator dated 22 December 2022.  Boggabri Coal Annual Rehabilitation Report (2022)  Boggabri Coal Forward Program (1 January 2023 to 31 December 2023)	BCOPL requested a change in the annual reporting period to 1 January to 31 December. This was accepted by Resources Regulator on 22 December 2022.  The forward program was submitted on 31 March 2023, which was more than 60 days from the completion of the reporting period. The Annual Rehabilitation report was submitted with the Annual Review, which is also greater than 60 days from the completion of the annual reporting period.	Non-compliant	CA 13: Ensure that the Annual Rehabilitation Report and Forward Program are submitted to DPE within 60 days of 31 December.
15(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.	Boggabri Coal Forward Program (1 January 2023 to 31 December 2023)	The forward program covers a period of 1 January 2023 to 31 December 2025. As there has not been an annual rehabilitation report prepared for this period, this condition is not triggered.	Not triggered	
15(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— (a) 60 days after a development consent is modified following an application referred to in clause 20(1)(b), or (b) a later date approved by the Secretary.	Approved Rehabilitation Objectives Statement (dated 13 October 2023)	NSW Resources Regulator approved the rehabilitation objectives for the site on 13 October 2023. No modifications to the development consent have occurred since the approved Rehabilitation Objectives for the site were approved, and therefore this condition is not triggered.	Not triggered	
15(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).		The forward program covers a period of 1 January 2023 to 31 December 2025. As there has not been an annual rehabilitation report prepared for this period, this condition is not triggered.	Not triggered	
15(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.		No amendments to submission dates for reports required under these conditions have been issued by Resources Regulator over the audit period.  BCOPL did requested a change in the annual reporting period to 1 January to 31 December, which has been accepted by Resources Regulator. This request however was in relation to the reporting period rather than the submission date of the report.	Not triggered	
15(7)		The holder of the mining lease must comply with the direction.		Not triggered during the audit period.	Not triggered	
15(8)		In this clause— initial period means the period commencing when the mining lease is granted and ending— (a) 30 days, or other period approved by the Secretary, after this Division first applies to the mining lease, or (b) if this Division applies to the mining lease because of an increase in the required security deposit— (i) when the surface of the mining area is disturbed by activities under the mining lease, or (ii) at a later date approved by the Secretary.			Note	
16(1)		This clause applies to the following documents— (a) a rehabilitation management plan, (b) a forward program, (c) an annual rehabilitation report.			Note	



Clause	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	
16(2)	Certain documents to be publicly available	The holder of a mining lease must make a document to which this clause applies publicly available by— (a) publishing it on its website in a prominent position, or (b) if the holder does not have a website— providing a copy of it to a person— (i) on the written request of a person, and (ii) without charge, and (iii) within 14 days after the request is received.	Project website	The forward program and rehabilitation report are published on the project website, however the Rehabilitation Management Plan is not, constituting a non-compliance.	Non-compliant	CA 14: Publish the Rehabilitation Management Plan on the website
16(3)		If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published— (a) for a rehabilitation management plan—within 14 days after it is prepared or amended, or (b) for a forward program or an annual rehabilitation report—within 14 days after it is given to the Secretary or amended,	Project website	The rehabilitation management plan has not been published on the website despite it being more than 14 days since its preparation.	Non-compliant	Refer to clause 16(2)
16(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.				Note
17	Records demonstrating compliance	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. Note— 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.		As per the audit findings for MP09_0182 and EPL 12407, record keeping practices by BCOPL are adequate.	Compliant	
18(1)	Report on non-compliance	The holder of a mining lease must provide the Minister with a written report detailing any non-compliance with— (a) a condition of the mining lease, or Note— The Act, section 364A contains provisions relating to the use and disclosure of information provided under this condition. (b) a requirement of the Act or this Regulation relating to activities under the mining lease	Site interviews	No non-compliance notifications have been issued to Resources Regulator during the reporting period.	Not triggered	
18(2)		The holder of the mining lease must provide the report within 7 days after becoming aware of the non-compliance.		As above	Not triggered	
18(3)		The holder of the mining lease must ensure the report— (a) identifies the condition of the mining lease, or the requirement of the Act or this Regulation, to which the non-compliance relates, and (b) describes the non-compliance and specifies the date or dates on which, or the period during which, the non-compliance occurred, and (c) describes the causes or likely causes of the non-compliance, and (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.		As above	Not triggered	

Clause	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	
19(1)	Nominated contact person	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. Note— 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.	Advice provided from BCOPL in email dated 10 November 2023.	Ben Hiatt is the nominated contact person. BCOPL have advised that this has been updated in the Resources Regulator Mining Title Portal.	Compliant	
19(2)		The holder of the mining lease must give written notice to the Secretary of— (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 (b) any change in nomination or in the nominated person’s contact details—within 28 days after the change occurs.	Advice provided from BCOPL in email dated 10 November 2023.	Ben Hiatt is the nominated contact person. BCOPL have advised that this has been updated in the Resources Regulator Mining Title Portal.	Compliant	
19(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.	Advice provided from BCOPL in email dated 10 November 2023.	Ben Hiatt is the nominated contact person. BCOPL have advised that this has been updated in the Resources Regulator Mining Title Portal.	Compliant	
20(1)	Additional requirements—application for or to modify development consent	The holder of a mining lease must give written notice to the Secretary within 10 days after— (a) making an application for development consent that relates to the mining area, or (b) making an application for modification of a development consent— (i) under the Environmental Planning and Assessment Act 1979, section 4.55(2), and (ii) that proposes to modify a condition of the consent that relates to rehabilitation of the mining area in a way that may affect an obligation under the mining lease relating to rehabilitation of the mining area.		As the project is classified as SSD, this clause is not triggered as per Clause 20(2)	Not triggered	
20(2)		This clause does not apply if the development is State significant development				

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Clause	Short Title	Condition		Documents Reviewed	Assessment	Compliance Finding	
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Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
<b>ML 1755</b>						
<b>Schedule 2 - Administrative Conditions</b>						
	Standard conditions	See Mining Regulation 2016, Schedule 8A, Part 2.  <b>NOTE TO HOLDERS:</b> The prescribed standard conditions in the Mining Regulation 2016, Schedule 8A, Part 2 apply in addition to the conditions in this Schedule 2 (but have not been replicated in this mining lease). The conditions imposed by the Mining Regulation 2016 prevail to the extent of any inconsistency with the conditions in this Schedule 2.		Refer to the Standard ML condition sheet.		
<b>General conditions</b>						
1	Notice to Landholders	(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: (i) that this mining lease has been granted or renewed; and (ii) whether the lease includes the surface. The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area. (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.		ML1755 is situated on land wholly owned by BCOPL.	Not Triggered	
2	Group security	The security deposit to be provided and maintained for this mining lease is part of a group security deposit. 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. The amount of the security deposit to be provided as a group security deposit has been assessed at \$70,713,000. The leases covered by the group security include this ML 1755 (1992) and: Lease type - CL Lease Number - 368 Act Year - 1973	Invoice 4000014873	The group security was paid on 6 January 2023.	Compliant	
3	Cooperation Agreement	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: • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues.		As ML1755 is situated on land wholly owned by BCOPL, this condition is not triggered.	Not Triggered	
	Special conditions	Nil			Note	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
<b>CL_368</b>						
<b>Schedule 2 - Administrative Conditions</b>						
	MINING LEASE CONDITIONS	<p>Standard conditions See Mining Regulation 2016, Schedule 8A, Part 2.</p> <p>NOTE TO HOLDERS: The prescribed standard conditions in the Mining Regulation 2016, Schedule 8A, Part 2 apply in addition to the conditions in this Schedule 2 (but have not been replicated in this mining lease). The conditions imposed by the Mining Regulation 2016 prevail to the extent of any inconsistency with the conditions in this Schedule 2.</p>		Refer to the Standard ML condition sheet.		
<b>General conditions</b>						
1	Notice to landholders	<p>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> <p>(i) that this mining lease has been granted or renewed; and</p> <p>(ii) whether the lease includes the surface.</p> <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>		CL 368 was most recently amended on 17 October 2022. The variation did not require consultation to be undertaken.	Compliant	
2	Group Security	<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 \$70,713,000.</p> <p>The leases covered by the group security include this CL 368 (1973) and:</p> <p>Lease type- ML Lease Number - 11755 Act Year -1992</p>	Invoice 4000014873	The group security was paid on 6 January 2023.	Compliant	
3	Cooperation Agreement	<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>Letter to Santos dated 18 October 2021</p> <p>Letter to Santos dated 14 November 2022</p>	<p>BCOPL have overlapping tenure with Santos PEL1. This was identified as a non-compliance by the 2020 Annual Review as a cooperation agreement had not been reached. BCOPL. BCOPL have made multiple attempts over the audit period to engage Santos in regards to a cooperation agreement. Santos have indicated that they do not believe that a cooperation agreement is warranted.</p> <p>As BCOPL have made reasonable attempt to secure this cooperation agreement over the audit period, they are considered compliant against this condition.</p>	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
4	Assessable Prospecting Operations	<p>(a) The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:</p> <p>(i) it is carried out in accordance with any necessary development consent; or</p> <p>(ii) if development consent is not required, the prior written approval of the Minister has been obtained.</p> <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>(d) The lease holder must comply with the approval granted to the holder under this condition.</p>		Mining over the reporting period was undertaken within the approval area for MP09_0182	Compliant	
	Special conditions	Nil			Note	
	Exploration Reporting	<p><i>Note: Exploration Reports (Geological and Geophysical)</i></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>			Note	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
<b>ML 1755 (Superseded)</b>						
<b>General conditions</b>						
1	Notice to landholders	(a) Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. (b) If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.		This occurred outside the audit period and is not triggered	Not triggered	
2	Rehabilitation	Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-general.	2020 Annual Review 2021 Annual Review 2022 Annual Review	BCOPL undertook rehabilitation works over the reporting period which is outlined in the annual review documents.	Compliant	
3	Mining Operations Plan and annual rehabilitation report	(a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting. (b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which: (i) identifies areas that will be disturbed; (ii) details the staging of specific mining operations, mining purposes and prospecting; (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; (iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and (v) reflects the conditions of approval under: • the Environmental Planning and Assessment Act 1979; • the Protection of the Environment Operations Act 1997; and • any other approvals relevant to the development including the conditions of this mining lease. (c) The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a> (d) The lease holder may apply to the Minister to amend an approved MOP at any time. (e) It is not a breach of this condition if: (i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Mine Health and Safety Act 2004 / Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 / Coal Mine Health and Safety Regulation 2006 or the Work Health and Safety Act 2011; and (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. (f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must: (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and (iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a> . Note: The Rehabilitation Report replaces the Annual Environmental Management Report.	Mining Operations Plan (Rev A, Dated 20 March 2020). 2020 Annual Review 2021 Annual Review 2022 Annual Review	2020 IEA Recommendation: Future Annual Reviews must report on progress in respect of rehabilitation completion criteria  2020 IEA Recommendation: Review rehabilitation monitoring process in line with the Resources Regulator Annual Rehabilitation Report guidance ( <a href="https://www.resourcesregulator.nsw.gov.au/__data/assets/pdf_file/0017/1262330/Form-and-way-Annual-rehabilitation-report-andforward-program-for-large-mines.pdf">https://www.resourcesregulator.nsw.gov.au/__data/assets/pdf_file/0017/1262330/Form-and-way-Annual-rehabilitation-report-andforward-program-for-large-mines.pdf</a> ) to ensure that progress against completion criteria is completed as required.  The MOP prepared for the reporting period (Amendment A) satisfied the requirements of this condition. The annual reviews for the reporting period were prepared in accordance with the requirements of this condition. The Annual Review template was updated to address the requirements of the 2020 IEA recommendation. BCOPL are producing an annual rehabilitation report in line with the updated guidelines from the Resources Regulator.	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
4	Compliance Report	<p>(a) The lease holder must submit a Compliance Report to the satisfaction of the Minister. The report must be prepared in accordance with any relevant guidelines or requirements published by the Minister for compliance reporting.</p> <p>(b) The Compliance Report must include:</p> <p>(i) the extent to which the conditions of this mining lease or any provisions of the Act or the regulations applicable to activities under this mining lease, have or have not been complied with;</p> <p>(ii) particulars of any non-compliance with any such conditions or provisions,</p> <p>(iii) the reasons for any such non-compliance;</p> <p>(iv) any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance.</p> <p>(c) The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease.</p> <p>(d) In addition to annual lodgement under condition 4(c) above, a Compliance Report:</p> <p>(i) must accompany any application to renew this mining lease under the Act;</p> <p>(ii) must accompany any application to transfer this mining lease under the Act; and</p> <p>(iii) must accompany any application to cancel, or to partially cancel, this mining lease under the Act.</p> <p>(e) Despite the submission of any Compliance Report under (c) or (d) above, the titleholder must lodge a Compliance Report with the Department at any date or dates otherwise required by the Minister.</p> <p>(f) A Compliance Report must be submitted one month prior to the expiry of this mining lease, where the licence holder is not seeking to renew or cancel this mining lease.</p>	<p>2020 Annual Review</p> <p>2021 Annual Review</p> <p>2022 Annual Review</p>	Annual reviews prepared over the reporting period satisfy the requirements of this condition.	Compliant	
5	Environmental Incident Report	<p>(a) The lease holder must notify the Department of all:</p> <p>(i) breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and</p> <p>(ii) breaches of environmental protection legislation causing or threatening material harm to the environment (as defined in the Protection of the Environment Operations Act 1997), arising in connection with significant surface disturbing activities, including mining operations, mining purposes and prospecting operations, under this mining lease. The notification must be given immediately after the lease holder becomes aware of the breach.</p> <p>Note. Refer to <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a> for notification contact details.</p> <p>(b) The lease holder must submit an Environmental Incident Report to the Department within seven (7) days of all breaches referred to in condition 5(a)(i) and (ii). The Environmental Incident Report must include:</p> <p>(i) the details of the mining lease;</p> <p>(ii) contact details for the lease holder;</p> <p>(iii) a map identifying the location of the incident and where material harm to the environment has or is likely to occur;</p> <p>(iv) a description of the nature of the incident or breach, likely causes and consequences;</p> <p>(v) a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in 5(a).</p> <p>(vi) a summary of all previous incidents or breaches which have occurred in the previous 12 months relating to significant surface disturbing activities, including mining operations, mining purposes and prospecting operations under this mining lease.</p> <p>Note. The lease holder should have regard to any relevant Director General's guidelines in the preparation of an Environmental Incident Report. Refer to <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a> for further details.</p> <p>(c) In addition to the requirements set out in conditions 5(a) and (b), the lease holder must immediately advise the Department of any notification made under section 148 of the Protection of the Environment Operations Act 1997 arising in connection with significant surface disturbing activities including mining operations, mining purposes and prospecting operations, under this mining lease.</p>		BCOPL advised no environmental incidents meeting the definition of this condition occurred over the reporting period.	Not triggered	
8	Security	A security in the sum of \$39,540,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under this lease .		BCOPL have secured the security agreement for the reporting period.	Compliant	



Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
9	Cooperation agreement	<p>The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:</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>		ML1755 is situated on land wholly owned by BCOPL.	Not triggered	
	Exploration Reporting	<p>Note: Exploration Reports (Geological and Geophysical)  The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 59 of the Mining Regulation 2016.  Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales (Department of Trade and Investment; Regional Infrastructure and Services 2010).</p>	2020 Annual Review 2021 Annual Review 2022 Annual Review	Annual reports outline exploration activities for the reporting period.	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
<b>CL 368 (Superseded)</b>						
<b>General conditions</b>						
1	Notice to landholders	<p>(a) Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.</p> <p>(b) If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.</p>		This occurred outside the audit period and is not triggered	Not triggered	
2	Environmental harm	<p>(a) The lease holder must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of any activities under this lease.</p> <p>(b) For the purposes of this condition:</p> <p>(i) environment means components of the earth, including:</p> <p>(A) land, air and water, and</p> <p>(B) any layer of the atmosphere, and</p> <p>(C) any organic or inorganic matter and any living organism, and</p> <p>(D) human-made or modified structures and areas, and includes interacting natural ecosystems that include components referred to in paragraphs (A)-(C).</p> <p>(ii) harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, contributes to the extinction or degradation of any threatened species, populations or ecological communities and their habitats and causes impacts to places, objects and features of significance to Aboriginal people.</p>		No instances constituting environmental harm occurred during the reporting period.	Compliant	
3	Mining Operations Plan	<p>(a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General.</p> <p>(b) The MOP must:</p> <p>(i) identify areas that will be disturbed by mining operations ;</p> <p>(ii) detail the staging of specific mining operations;</p> <p>(iii) identify how the mine will be managed to allow mine closure;</p> <p>(iv) identify how mining operations will be carried out in order to prevent and or minimise harm to the environment;</p> <p>(v) reflect the conditions of approval under:</p> <ul style="list-style-type: none"> <li>the Environmental Planning and Assessment Act 1979</li> <li>the Protection of the Environment Operations Act 1997</li> <li>and any other approvals relevant to the development including the conditions of this lease; and have regard to any relevant guidelines adopted by the Director-General.</li> </ul> <p>(c) The leaseholder may apply to the Director-General to amend an approved MOP at any time.</p> <p>(d) It is not a breach of this condition if:</p> <p>(i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997, Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Occupational Health and Safety Act 2000; and</p> <p>(ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.</p> <p>(e) A MOP ceases to have effect 7 years after date of approval or other such period as identified by the Director General.</p>	Mining Operations Plan (Rev A, Dated 20 March 2020).	The MOP prepared for the reporting period (Amendment A) satisfied the requirements of this condition.	Compliant	
4	Environmental management report	<p>(a) The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.</p> <p>(b) The EMR must:</p> <p>(i) report against compliance with the MOP;</p> <p>(ii) report on progress in respect of rehabilitation completion criteria;</p> <p>(iii) report on the extent of compliance with regulatory requirements; and</p> <p>(iv) have regard to any relevant guidelines adopted by the Director-General;</p>	2020 Annual Review 2021 Annual Review 2022 Annual Review	<p>2020 IEA Recommendation: Future Annual Reviews must report on progress in respect of rehabilitation completion criteria</p> <p>2020 IEA Recommendation: Review rehabilitation monitoring process in line with the Resources Regulator Annual Rehabilitation Report guidance (<a href="https://www.resourcesregulator.nsw.gov.au/__data/assets/pdf_file/0017/1262330/Form-and-way-Annual-rehabilitation-report-andforward-program-for-large-mines.pdf">https://www.resourcesregulator.nsw.gov.au/__data/assets/pdf_file/0017/1262330/Form-and-way-Annual-rehabilitation-report-andforward-program-for-large-mines.pdf</a>) to ensure that progress against completion criteria is completed as required.</p> <p>The annual reviews for the reporting period were prepared in accordance with the requirements of this condition. The Annual Review template was updated to address the requirements of the 2020 IEA recommendation. BCOPL are producing an annual rehabilitation report in line with the updated guidelines from the Resources Regulator.</p>	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
5	Environmental Incident Report	<p>a) The lease holder must report any environmental incidents. The report must:</p> <p>(i) be prepared according to any relevant Departmental guidelines;</p> <p>(ii) be submitted within 24 hours of the environmental incident occurring;</p> <p>(b) For the purposes of this condition, environmental incident includes:</p> <p>(i) any incident causing or threatening material harm to the environment</p> <p>(ii) any breach of Conditions 1 to 9 and 11 to 24;</p> <p>(iii) any breach of environment protection legislation; or,</p> <p>(iv) a serious complaint from landholders or the public.</p> <p>(c) For the purposes of this condition, harm to the environment is material if:</p> <p>(i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or</p> <p>(ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, where 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.</p>		No environmental incidents meeting the definition of this condition occurred over the reporting period.	Not triggered	
6	Additional Environmental Reports	Additional environmental reports may be required from time to time as directed in writing by the Director-General and must be lodged as instructed.			Note	
7	Rehabilitation	Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director General.	2020 Annual Review 2021 Annual Review 2022 Annual Review	BCOPL undertook rehabilitation works over the reporting period which is outlined in the annual review documents.	Compliant	
8	Subsidence management	<p>(a) The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.</p> <p>(b) Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the Applications for Subsidence Management Approvals guidelines (EDG17)</p> <p>(c) The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the Coal Mine Health &amp; Safety Act 2002, or the document New Subsidence Management Plan Approval Process- Transitional Provisions (EDP09).</p> <p>(d) Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for Subsidence Management Approvals.</p> <p>(e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 3 and will be subject to the Environmental Management Report process as set out under Condition 4. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document New Approval Process for Management of Coal Mining Subsidence - Policy.</p>		There is no underground mining occurring at the site.	Not triggered	
9	Working requirement	<p>The lease holder must:</p> <p>(a) ensure that at least 138 competent people are efficiently employed in relation to the mining process or mining operations on the lease area</p> <p>OR</p> <p>(b) expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$2,415,000 per annum whilst the lease is in force .</p> <p>The Minister may at any time or times, by instrument in writing served on the lease holder, increase or decrease the expenditure required or the number of people to be employed</p>	2020 Annual Review 2021 Annual Review 2022 Annual Review	Employment statistics are presented in the annual review. BCOPL are compliant with the requirements of this condition.	Compliant	
10	Blasting	<p>a) Ground Vibration</p> <p>The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment, Climate Change and Water.</p> <p>(b) Blast Overpressure</p> <p>The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may</p>	2020 Annual Review 2021 Annual Review 2022 Annual Review	Blasting over the reporting period was undertaken in accordance with the requirements of this condition. BCOPL received a penalty notice from the EPA on 30 April 2022 for an alleged breach of blast criteria reported on 30 April 2022. BCOPL undertook and internal investigation and response to the EPA with the findings of the investigation, which determined that the exceedance was due to wind gusts and not blasting operation. The EPA withdrew the penalty notice in December 2022.	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
11	Safety	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be notified in writing to the Department and filled in or otherwise rendered safe to a standard acceptable to the Director-General.	2020 Annual Review 2021 Annual Review 2022 Annual Review	Operation were undertaken in a safe manner over the reporting period. The site is fenced and entry is managed via a secure checkpoint.	Compliant	
12	Prevention of soil erosion and pollution	Prospecting operations must be carried out in a manner that does not cause or aggravate air pollution, water (including groundwater) pollution, soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan.	2020 Annual Review 2021 Annual Review 2022 Annual Review	Prospecting activities over the reporting period were completed in a competent manner.	Compliant	
13	Transmission lines, Communication lines and Pipelines	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions stipulated .	2020 Annual Review 2021 Annual Review 2022 Annual Review	There has been no damage to public infrastructure over the reporting period.	Compliant	
14	Roads and Tracks	a) The lease holder must pay to the relevant roads authority in control of the road or track the reasonable costs incurred by the roads authority in making good any damage to roads or tracks caused by operations carried out under this lease less any amount paid or payable from the Mine Subsidence Compensation Fund. b) During wet weather the use of any road or track must be restricted so as to prevent damage to the road or track. c) Existing access tracks should be used for all operations where reasonably practicable. New access tracks must be kept to a minimum and be positioned in order to minimise damage to the land, watercourses or vegetation. d) Temporary access tracks must be rehabilitated and revegetated to the satisfaction of the Director-General as soon as reasonably practicable after they are no longer required under this lease.	2020 Annual Review 2021 Annual Review 2022 Annual Review	There has been no damage to public infrastructure over the reporting period.	Compliant	
15	Trees and vegetation	(a) The lease holder must not fell trees, strip bark or cut timber on any land subject of this lease without the consent of the landholder who is entitled to the use of the timber. (b) The lease holder must contact Forests NSW and obtain any required permit, licence or approval before taking timber from any Crown land within the lease area. Note: Any clearing not authorised under the Act must comply with the requirements of the Native Vegetation Act 2003. Any clearing or taking of timber on Crown land is subject to the requirements of the Forestry Act 1916		BCOPL have an agreement with Forestry Corporation NSW that allows clearing of vegetation within Leard State Forest. BCOPL have approval to clear vegetation under MP09_0182.	Compliant	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
17	Resource Recovery	<p>(a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, notice in writing to the lease holder may be given requiring the holder to recover such minerals.</p> <p>(b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.</p> <p>(c) The lease holder must, when requested by the Director-General, provide such information as the Director General may specify about the recovery of the mineral resources of the lease area.</p>		BCOPL advised that no notice has been received during the reporting period.	Not triggered	
18	Indemnity	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.		BCOPL advised that no actions, suits or claims have been issued against BCOPL during the reporting period.	Not triggered	
19	Security	A security in the sum of \$10,100,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under this lease .		BCOPL have secured the security agreement for the reporting period.	Compliant	
23	Suspension of Mining Operations	The holder of a mining lease may not suspend mining operations in the mining area other than in accordance with the consent of the Minister.		Mine operations are ongoing.	Not triggered	

Condition	Short Title	Condition	Documents Reviewed	Assessment	Compliance Finding	Recommendation
24		<p>The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:</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>	Letter to Santos dated 18 October 2021	<p>BCOPL have overlapping tenure with Santos PEL1. This was identified as a non-compliance by the 2020 Annual Review as a cooperation agreement had not been reached. BCOPL. BCOPL have made multiple attempts over the audit period to engage Santos in regards to a cooperation agreement. Santos have indicated that they do not believe that a cooperation agreement is warranted.</p> <p>As BCOPL have made reasonable attempt to secure this cooperation agreement over the audit period, they are considered compliant against this condition.</p>	Compliant	

# **Appendix D**

**Independent audit submission form**


Independent Audit Declaration Form	
<b>Project name</b>	Boggabri Coal Operations
<b>Consent Number</b>	MP09_0182
<b>Description of project</b>	Independent Environmental Audit in accordance with Schedule 5, Condition 10 of MP09_0182
<b>Project address</b>	386 Leard Forest Rd, Boggabri, NSW, 2382
<b>Proponent</b>	Boggabri Coal Operations Pty Ltd
<b>Title of audit</b>	Independent Environmental Audit for MP09_0182
<b>Date</b>	15/12/2023

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 Independent Audit Compliance Requirements (Department 2019);
- ii. the findings of the audit will be reported truthfully, accurately and completely;
- iii. I will exercise due diligence and professional judgement in conducting the audit;
- iv. I will professionally, objectively and in an unbiased manner;
- v. 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;
- vi. 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;
- vii. neither I nor my employer have provided consultancy services for the audited project that will be subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. 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:

- b. 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
- c. 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

<b>Name of auditor</b>	Ben Luffman
<b>Signature</b>	
<b>Qualification</b>	Technical Director – Environment
<b>Email address</b>	ben.luffman@ghd.com
<b>Company and address</b>	GHD Pty Ltd (GHD) 230 Harbour Drive, Coffs Harbour, NSW, 2450
<b>Date</b>	15/12/2023





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