Bengalla Mine

Independent Environmental Audit

Final

March 2026

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Prepared by
Umwelt (Australia) Pty Limited

On behalf of
Bengalla Mining Company

Lead Auditor: Joshua Wheatley
Assistant Auditor: Olivia O'Shannessy
Report No.: 32748/R01
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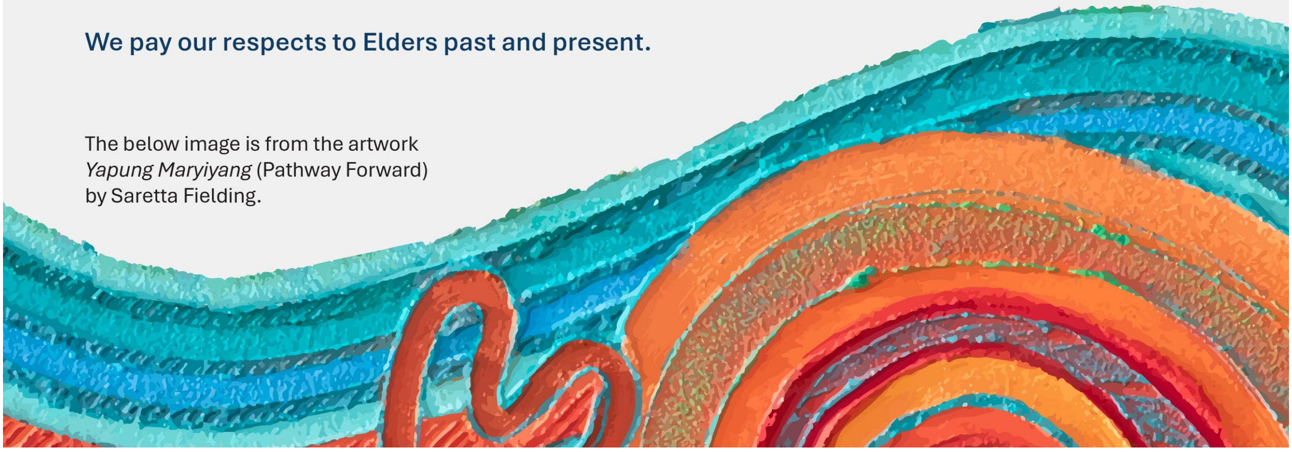
Acknowledgement of Country

Umwelt acknowledges the Traditional Owners of Country throughout Australia and their continuing values, culture and connection to the land, waters and sky.

We pay our respects to Elders past and present.

The below image is from the artwork *Yapung Maryiyang* (Pathway Forward) by Saretta Fielding.



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Document Status

Rev No.	Reviewer Name	Date	Approved for Issue Name	Date
V1	Joshua Wheatley	13/02/2026	Daniel Sullivan	13/02/2026
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Executive Summary

Umwelt was commissioned by Bengalla Mining Company (BMC) to conduct an Independent Environmental Audit (IEA) against Development Consent SSD 5170 - Mod 7 for the Bengalla Continuation Project (Bengalla Mine). The audit was undertaken for the Department of Planning, Housing and Infrastructure (DPHI) and covered the period from 01 January 2023 to 26 November 2025 (audit period). The IEA also assessed compliance with the conditions of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) Approval 2012/6378, as well as relevant management plans and other licence documents.

The audit team responsible for completing the IEA as endorsed by DPHI included:

- Joshua Wheatley (Lead Auditor) (Exemplar Global International Certified Lead Auditor 459118)
- Olivia O'Shannessy (Assistant Auditor) (Exemplar Global International Certified Lead Auditor 481343)
- Adam Williams (Rehabilitation and Land Management Specialist)
- Melissa Swan (Water Management Specialist)
- Tim Proctor (Noise Specialist) and
- Shane Lakmaker (Air Quality Specialist).

The audit consisted of a detailed desktop review and an onsite audit. The onsite audit included interviews with key BMC personnel and a site inspection. It was conducted on 25 and 26 November 2025.

The IEA was conducted generally consistent with 'AS/NZS ISO 19011:2019 Australian/New Zealand Standard: Guidelines for auditing management systems and the NSW Department of Planning, Industry & Environment's *Independent Audit – Post Approval Requirements* dated May 2020.

This audit has concluded that the on the ground environmental management practices being applied at Bengalla Mine are appropriate. Operational and rehabilitated areas were assessed during the field inspection and were observed to be well managed with the environment team demonstrating a good understanding of management actions required to minimise environmental impacts from activities including the specific measures to manage and minimise dust, noise and water/sediment and erosion control related impacts.

This IEA has concluded that the environmental management practices being applied at Bengalla Mine are appropriate and environmental requirements are generally being met. All areas of the site that were visited during the site inspection were observed to be well maintained and managed with site personnel demonstrating a good understanding of management actions and responsibilities to minimise impacts from operational activities.

Non-compliances identified during this audit are summarised in **Section 4.0**. A review of management plans found that all required plans were in place and generally being implemented, with some non-compliances against plan commitments identified. Opportunities for improvement were identified in relation to some aspects of the site's compliance management systems. BMC is aware of these matters and has indicated actions are being progressed to address and strengthen the compliance framework.

A number of recommendations and opportunities for improvement arising from the review of environmental management documentation, the audit site inspection and identified non-compliances are provided in **Section 6.0**.

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1.0 Introduction

On 2 March 2015, Bengalla Mining Company Pty Ltd (BMC), a joint venture between New Hope Group and Taipower, was granted State Significant Development (SSD) consent SSD-5170 for the Bengalla Coal Mine – Continuation Project (the Project) under Part 4 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act). The Project comprises an open cut coal mine and associated infrastructure located approximately 2 km north of the Mt Arthur Coal Mine and approximately 4 km west of Muswellbrook, NSW.

Development Consent SSD-5170 authorises the continuation of mining operations until 28 February 2039 and allows for the extraction of up to 15 million tonnes of coal per annum. The consent superseded the previous development consents DA 211/93 (as modified) and DA 273/2006, which were surrendered in March 2015 in accordance with Schedule 2, Condition 10 of SSD-5170. Since its original approval in 2015, SSD-5170 has been subject to six approved modifications (refer to **Section 1.1.1**).

BMC commissioned Umwelt to conduct an Independent Environmental Audit (IEA) as required by Schedule 5, Condition 9 of SSD-5170 (Mod 7). The IEA was conducted in accordance with SSD-5170 (Mod 7), NSW Government's *Independent Audit – Post Approval Requirements* (Independent Audit Requirements) (2020) and with *AS/NZS ISO 19011:2019 Australian/New Zealand Standard: Guidelines for auditing management systems*. As per the requirements stated under Condition 9 in SSD-5170 (Mod 7):

"Independent Environmental Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020) or as updated from time to time and published on the Department's website."

In accordance with the *Independent Audit Post Approval Requirements (2020)*, the IEA was completed within three years of the completion of the previous IEA.

This IEA was conducted by Joshua Wheatley (Exemplar Global International Certified Lead Auditor 459118) and Olivia O'Shannessy (Exemplar Global International Certified Lead Auditor 481343) from Umwelt. Joshua and Olivia were supported during the audit by experts in a number of fields including:

- Adam Williams (Rehabilitation and Land Management Specialist)
- Melissa Swan (Water Management Specialist)
- Tim Proctor (Noise Specialist)
- Shane Lakmaker (Air Quality Specialist).

This IEA report has been certified by the lead auditor (see **Appendix 1**) as required by the Independent Audit requirements (2020). As required by the Development Consent, the audit team was approved by DPHI to undertake the audit (refer to **Appendix 2**). The IEA consisted of a detailed desktop review and onsite component including a site inspection. The audit assessed the compliance status of Bengalla Coal Mine – Continuation Project against Development Consent SSD-5170 (Mod 7) and other relevant environmental approvals and licences for activities undertaken between 1 January 2023 and 26 November 2025 (the audit period). The site inspection of the IEA was undertaken between the 25 – 26 November 2025 (see **Appendix 3** for the audit plan and itinerary).

Some information requested by the audit team was not available on-site at the time of the audit and was subsequently collated and provided to the audit team for review following completion of the site inspection.

Weather conditions during the IEA site inspection were variable, ranging from fine and sunny to overcast with periods of rain. Electrical storms occurred on both days. Over the two days of the inspection, a maximum temperature of 39.7 °C was recorded on 25 November 2025, and 2.2 mm of rainfall was recorded on 26 November 2025 at the Scone Airport Bureau of Meteorology Automatic Weather Station (AWS: 061363).

In the week preceding the site inspection, four rainfall events were recorded at the Scone Airport AWS, with daily rainfall totals ranging between 0.2 mm and 7.2 mm.

An opening meeting and close out meeting for the IEA was held on site at the Site Administration Building. BMC environmental management team were in attendance at the opening meeting and closing meeting.

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

1.1 Audit Scope and Objectives

The IEA was undertaken in accordance with the Development Consent conditions and supporting approval documents as detailed in the sections below.

1.1.1 Development Approval

On 2 March 2015, the development was granted Development Consent (SSD-5170) under Part 4 of the EP&A Act. Since approval, SSD-5170 has been subject to six approved modifications. A summary of the development approval and modification history is provided in **Table 1.1**.

Table 1.1 Bengalla Mine Development Approval History

Approval	Description	Date Granted	Expiry
SSD-5710	Original Approval – Continuation of Bengalla Coal Mine.	3 March 2015	28 February 2039
Modification 1	Minor operational changes, including updates to several water management infrastructure components, identifying additional potential locations for the Explosives Storage Facility, and placing excavated material from Clean Water Dam 1 in an adjacent area.	16 December 2015	
Modification 2	New activities for improved visual amenity, establishment of new gravel access road.	1 August 2016	
Modification 3	Relocation of surface infrastructure.	23 December 2016	

Approval	Description	Date Granted	Expiry
Modification 4	Capacity and location of coal stockpiles, additional storage locations for coal processing reject material, temporary storage of excavated earth and clay material, amendments to water management system.	19 December 2018	
Modification 5	Disposal of heavy plant tyres, mobile rock crushing plant, enlargement of coal stockpile and widening of haul road.	24 February 2023	
Modification 6	*Preparing Mod Report* - *Installation and operation of two water transfer pipelines from the Muswellbrook Shire Council Wastewater Treatment Plant to Bengalla Mine.*		
Modification 7	Construction of a Temporary Overburden Emplacement Area (TOEA) within the existing Overburden Emplacement Area (OEA) footprint.	7 August 2025	

1.1.2 Supporting Approvals

The other approvals and statutory documents held by BMC which have been reviewed as part of this IEA include:

- EPBC Approval (2012/6378);
- Mining Authorisations:
  - ML 1469
  - ML 1397
  - ML 1729
  - ML 1450
  - ML 1711
  - ML 1728
  - ML 1796.
- Water Access Licences used by BMC and excluding those used by Bengalla Agricultural Company, specifically:
  - WAL 1106 (HS)
  - WAL 41547 (Aquifer).

1.1.3 Supporting Documents

In addition to assessing compliance against each of the conditions of the Development Consent for SSD-5710 (Mod 7) the following documents have also been reviewed as part of this IEA:

- All post approval and compliance documents prepared to satisfy the conditions of consent which include the:
  - Noise Management Plan – Schedule 3 Condition 7
  - Blast Management Plan – Schedule 3 Condition 15
  - Air Quality Management Plan – Schedule 3 Condition 20
  - Water Management Plan – Schedule 3 Condition 25
  - Biodiversity Offset Strategy – Schedule 3 Condition 26
  - Biodiversity Management Plan – Schedule 3 Condition 29
  - Aboriginal Heritage Management Plan – Schedule 3 Condition 31
  - Historic Heritage Management Plan – Schedule 3 Condition 32
  - Visual Impact Mitigation Plan – Schedule 3 Condition 37
  - Rehabilitation Management Plan – Schedule 3 Condition 46
  - Rehabilitation Strategy – Schedule 3 Condition 47
  - Environmental Management Strategy – Schedule 5 Condition 1.

A review of the environmental performance of the development (including a comparison with the predicted impacts contained in the EIS, review of complaints and incidents registers and consideration of any feedback provided during agency consultation).

1.2 Audit Criteria - Compliance Status Descriptors

The compliance status of each approval was assessed in accordance with the compliance assessment criteria detailed within the Independent Audit Requirements (2020) and as directed in the letter from DPHI approving the audit team. The criteria have been reproduced in **Table 1.2**.

Table 1.2 Independent Audit Requirements Compliance Assessment Criteria

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

2.0 Audit Methodology

The audit process involved the interview of personnel and relevant agencies, a review of documentation and samples of records provided by BMC. The site audit also included an inspection of the mining activities being undertaken across the Development Area to determine the level of environmental performance and compliance.

2.1 Audit Team

The audit team was led by Joshua Wheatley, a qualified and experienced lead environmental auditor. Joshua was approved by DPHI to act as the lead auditor for the development. Olivia O'Shannessy was approved by DPHI to act as the environmental auditor. DPHI approved the following experts to review their respective areas including:

- Adam Williams (Rehabilitation and Land Management Specialist)
- Melissa Swan (Water Management Specialist)
- Tim Proctor (Noise Specialist)
- Shane Lakmaker (Air Quality Specialist).

A copy of the independent audit certification form as required by the Independent Audit Requirements (2020) is included within **Appendix 1** with the DPHI correspondence approving the audit team included within **Appendix 2**.

2.2 Agency Consultation

In accordance with correspondence from DPHI during the planning phase of the IEA, the audit team comprised suitably qualified and experienced specialists in rehabilitation and land management, water management, noise, and air quality. All specialists engaged as part of the audit team were approved by DPHI, as described in **Section 1.0**.

Further to the above as required by the Independent Audit Requirements (2020) during the audit teams' preparation for this IEA, input was sought from regulatory agencies to confirm any areas of compliance or environmental management at Bengalla Mine that should be a particular focus. As requested by DPHI the following agencies were contacted and invited to provide input as part of the scoping phase of this Audit:

- NSW DPHI
- NSW Resources Regulator (RR)
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group (Water Group)
- NSW DCCEEW Conservation Programs, Heritage and Regulation (CPHR)
- NSW Environmental Protection Authority (EPA)
- Muswellbrook Shire Council (Council)

- Independent Chairperson of the Community Consultative Committee (CCC).

An overview of the agency consultation is included in **Table 2.1**. Representatives from DPHI, CPHR and Water Group responded and provided feedback regarding items to be addressed in addition to the requirements of the Development Consent with their responses summarised in **Table 2.1** below. No responses were received from RR, EPA, Council or the CCC. Notwithstanding this, BMC sought input from CCC members at the most recent CCC meeting, with this consultation recorded in the meeting minutes. CCC members requested that Aboriginal heritage, air quality and blasting be considered as specific focus areas for the IEA.

Table 2.1 Stakeholder Consultation

Stakeholder	Person Contacted	Agency Comments	Section where Addressed
DPHI	**Joel Fleming** Senior Compliance Officer	Adequacy of Air Quality Management Plan, as there have been several non-compliances relating to this environmental factor during the audit period.	**Section 5.5** and **Appendix 4**
		General compliance in accordance with the conditions of consent following the approval of modification 7.	**Appendix 4**
		Further from the above (MOD 7), implementation of environmental controls relating to the new temporary overburden emplacement area.	**Appendix 4**
		Progress update on the Stewardship Agreement.	**Appendix 4**
CPHR	**Joe Thompson** *Director Hunter Central Coast*	It is recommended that the IEA improve criteria so that it is clear and measurable for assessing rehabilitation, revegetation, and restoration efforts. These criteria should be presented in a way that is objectively measurable, avoiding reliance on subjective opinion or interpretation.	**Section 5.6** and **Appendix 4**
Water Group	**Alistair Drew** A/Senior Project Officer Water Assessments	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 e.g., Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface and Groundwater Management Plan. Extraction Plans and related sub-plans e.g., Water Management Plan, Subsidence Management Plan.	**Section 5.7** and **Appendix 4**

Stakeholder	Person Contacted	Agency Comments	Section where Addressed
		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.	**Section 5.7** and **Appendix 4**
		Water supply availability is clearly defined for the project.	**Section 5.7** and **Appendix 4**
		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 2025.	**Appendix 4**
		Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant.	**Appendix 4**
		Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from.	**Section 5.7** and **Appendix 4**
		Annual reporting clearly documents; 1) water take, use and water source impacts, 2) compares results with previous years, and 3) identifies exceedances and how these are managed/mitigated.	**Section 5.7** and **Appendix 4**

2.3 Site Interviews and Inspections

2.3.1 Opening Meeting

The opening meeting was held at the Bengalla Mine Site Office and online to personnel who could not attend onsite commencing at 9:15 am on 25 November 2025. The list of participants is provided in **Table 2.2**.

Table 2.2 Opening Meeting Attendees

Person	Organisation	Title / Role
Hayley Frazer	BMC	Environment and Approvals Superintendent
Samantha O'Sullivan	BMC	Environmental Advisor
Lindsay McGrath	BMC	Environment Graduate
Joshua Wheatley	Umwelt	Lead Auditor
Olivia O'Shannessy	Umwelt	Auditor

The audit team was introduced, and the scope of their responsibilities was conveyed to the auditees. The purpose, depth and scope of the audit were outlined as per the Audit Plan (refer **Appendix 3**). The methods to be used by the team to conduct the audit were explained. It was stated that the audit team would be interviewing personnel, reviewing site management plans, examining records and conducting a site inspection in order to address specific compliance requirements. BMC personnel were asked to provide an overview of the operations that have occurred during the audit period as well as relevant site environmental management measures that have been implemented including air quality management, noise management, biodiversity management, rehabilitation, heritage management, water management and erosion and sediment control.

2.3.2 Audit Interviews

During the site audit, interviews were conducted with relevant BMC staff are identified in **Table 2.3**.

Table 2.3 Personnel Interviewed During the Audit

Person	Organisation	Title / Role
Hayley Frazer	BMC	Environment and Approvals Superintendent
Glenn Meyn	BMC	Mine Manager
Samantha O’Sullivan	BMC	Environmental Advisor
Lindsay McGrath	BMC	Environment Graduate

2.3.3 Data Collection and Verification

Documents and data collated during the audit process were reviewed whilst on-site where possible. A number of documents were also provided to the auditors prior to the on-site component of the audit and documents that were requested during the on-site component of the audit were provided following the on-site component of the audit.

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 viewing documentation and/or site inspections where possible. Where suitable verification could not be provided, this has been identified in the audit findings.

2.3.4 Site Inspection

A detailed site inspection of Bengalla Mine was undertaken during the audit. The following areas were inspected:

- Active mining area
- Overburden areas
- Temporary Overburden Emplacement Area
- Rehabilitation areas including Southern End Wantana, Eastern Rehabilitation Area, 2019 Rehabilitation Areas, Zone 5 Infill Planting and Northern Rehabilitation Area
- Air quality monitoring network including Roxburgh Road TEOM and HVAS PM3
- Noise and blast monitoring network including Roxburgh Road blast monitor and noise monitor

- Water management infrastructure including CW1, CW 1 pump, Washery Dam, Hunter River Raw Water Dam, Homestead Dam and Farm Dam
- Groundwater monitoring sites including WAN3
- Clay stockpiles
- Bengalla Homestead
- Logues Lane meteorological station
- Wybong Rd tree screen
- EPA 26 discharge point
- Western Diversion Levy
- Workshop and
- Control room.

2.3.5 Closing Meeting

The closing meeting was held at the Bengalla Mine Site Office commencing at 3:00 pm on 26 November 2025. The objective of this meeting was to discuss outstanding matters, present preliminary findings and outline the process for finalising the compliance assessments and audit report. The list of participants who attended the closing meeting is provided in **Table 2.4**.

Table 2.4 Closing Meeting Attendees

Person	Organisation	Title / Role
Hayley Frazer	BMC	Environment and Approvals Superintendent
Lindsay McGrath	BMC	Environment Graduate
Joshua Wheatley	Umwelt	Lead Auditor
Olivia O’Shannessy	Umwelt	Auditor

2.4 Independent Environmental Audit Reporting

Following completion of the site audit, which included review of Development Consent conditions and site activities, remaining document reviews and compliance assessments were completed, and site audit notes were reviewed in order to compile a list of outstanding matters to be noted in the audit report.

This report was prepared to provide an overview of the status of compliance by reference to the relevant compliance documentation and any other observations of the audit team during the site inspections and interviews. This report has been prepared on an exception basis, highlighting the compliance issues identified along with any areas where action or improvement is required. This IEA has been prepared in accordance with the Independent Audit Requirements (2020).

2.5 Limitations

The findings of the IEA are based upon visual observations of the site and its vicinity, interviews with site personnel and our interpretation of documentation provided by BMC.

Opinions presented herein apply to the site as it existed at the time of the audit and from information provided by site personnel and agencies. Any changes to this information of which Umwelt is not aware and has not had the opportunity to evaluate therefore cannot be considered in this report.

The audit team have taken due care to consider all reasonably available information provided whilst undertaking this audit and have taken this information to represent a fair and reasonable characterisation of the environmental status of the site but recognise that any site assessment program is necessarily limited in scope and true site conditions may differ from those inferred from the available data.

3.0 Previous Independent Audit Recommendations and Status

The recommendations made in the previous IEA (RPS, 2024) and the status of the recommendations as of 30 January 2026 are detailed in **Table 3.1**.

Table 3.1 Previous Audit Findings Update

Condition	Previous Recommendation	Status Update
SSD-5170 (Mod 5)		
S3C12	Ensure that future requests for property investigations occur within the required 2 month timeframe.	Recommendation is closed. Recommendation is noted and BMC will ensure to respond within SSD-5170 (Mod 7) time requirements or seek an extension of time from DPHI.
S3C19	Review the ROM hopper dust suppression system and ensure it is operating effectively to mitigate dust emissions.	Recommendation is closed. During the audit period, the ROM hopper dust suppression system was reviewed and confirmed to be operational. Water sprays on the ROM bin are functioning and are activated as required, based on prevailing weather conditions and coal moisture levels, to minimise dust emissions.
S3C23	The recommendations from the surface water specialist are as follows: • Ensure evidence of EPA notification and official Caution letter to close out the noncompliance are included in the Independent Environmental Audit Report. • Ensure desilting of DW1 is undertaken. • BMC has taken steps to monitor the river registers for the entirety of Block periods. EPA has closed out investigation. BMC provided the EPA notification and official caution letter to auditors.	Recommendation is closed. The EPA Notification and official Caution letter was provided and is detailed in this audit report. The EPA has subsequently closed out its investigation. Desilting works at the DW1 inlet were completed between July and August 2023. During the audit period, surface water discharges were minimal due to climatic conditions. A controlled trial discharge was undertaken in May 2025 to re-establish operational procedures following staff changes, which included a staged ramp-up and water quality monitoring.
S3C26	A review table should be added to the BOMP to ensure reviews are documented as they occur.	Recommendation is closed. The BOMP includes a revision table on the second page of the plan however only documents revisions.

Condition	Previous Recommendation	Status Update
		During the audit period BMC have prepared a Management Plan Review Register to document reviews of all plans (including the BOMP) required under SSD-5170 (Mod 7). The register documents all reviews even in instances where no revisions are required.
S3C28	It is noted that the arrangement of a solution for long term security of offsets is complex and Bengalla is making efforts to determine an appropriate long-term mechanism for security. At the time of inspection BMC was still exploring options and corresponding with BCT about the issue.	Recommendation is outstanding. BMC is continuing to consult with the DPHI and to finalise the establishment of the long term security.
S3 C29	A recommendation for the BioMP to be updated to consider recent modifications to SSD5170 has been made as part of the recommendation against the non-compliance for S5 C5. A recommendation to include a review table has also been provided against the non-compliance for S2C15. If no updates are required considering recent modifications to SSD5170, the date of review should be added to the documentation.	Recommendation is closed. During the audit period BMC have prepared a Management Plan Review Register to document reviews of all plans required under SSD-5170 (Mod 7). The register documents all reviews even in instances where no revisions are required.
S3 C31	A recommendation for the ACHMP to be updated has been included under the recommendations to remediate the non-compliance against d S5 C5. A recommendation to include a review table has also been provided against the non-compliance for S2C15. If no updates are required considering recent modifications to SSD5170, the date of review should be added to the documentation.	
S3 C32	A recommendation for the HHMP to be updated to consider recent modifications to SSD5170 has been made as part of the recommendations against non-compliance for S5 C5. A recommendation to include a review table has also been provided against the non-compliance for S2C15. If no updates are required	

Condition	Previous Recommendation	Status Update
	considering recent modifications to SSD5170, the date of review should be added to the documentation.	
S3C43	Ensure regular inspections consider maintenance of waste segregation, and that staff training is undertaken to ensure awareness of waste management, specifically waste segregation and storage on site	Recommendation is closed. During the audit period, U-Day presentations were delivered to specifically address waste management and improve workforce awareness. In 2024, BMC re-tendered the waste management contract, which now includes key performance indicators requiring the contractor to undertake regular inspections to identify and address cross-contamination. Waste Performance Reports are prepared by Remondis, and periodic waste management inspections are also undertaken at the site.
S3C45	Ensure plans are progressed for rehabilitation of the northern face and appropriate rehabilitation commences as soon as reasonably possible.	Recommendation is closed. Rehabilitation has commenced at the northern face and was confirmed during the audit inspection. It should be noted BMC are preparing an application to modify SSD-5170 that will likely include installation of geomorphic features on the northern face adjacent to Wybong Road.
S5 C5	Update the following management plans to reflect recent modifications to SSD5170: • ACHMP • BOMP • HHMP • VIMP • BMP • BioMP Include a review date in management plans alongside the revision / update dates.	Recommendation is closed. During the audit period, the Blast Management Plan, Air Quality Management Plan, Water Management Plan and Noise Management Plan were updated to reflect Mod 5. However, the remaining management plans identified in this recommendation had not been revised following Mod 5. Following Mod 7, each management plan subsequently underwent a comprehensive review to ensure plans reflect current operations and approval requirements.

4.0 Compliance Assessment

This section provides a discussion of non-compliances identified during the audit and the compliance status of approval documentation assessed. **Appendix 4** provides a condition-by-condition checklist of the Development Consent and EPBC Approval, including the compliance status of each condition. **Appendix 4** also includes an assessment of compliance with the conditions of all relevant mining leases.

The scope of approvals assessed as part of this audit is detailed in **Section 1.2**. Recommendations and opportunities for improvement arising from the compliance review and any identified non-compliances are included in **Section 6.0**.

4.1 Development Consent for SSD-5170 (Mod 7)

A summary of the identified non-compliances against SSD-5170 (Mod 7) are provided in **Table 4.1** with further details provided in the compliance tables in **Appendix 4**.

Table 4.1 Non-Compliance with SSD-5170 (Mod 7)

Condition	Non-Compliance
Schedule 2	
2	**NC-01:** Non-Compliances against conditions of consent have been identified during the audit period
12	**NC-02**: No verifiable evidence was provided to demonstrate the removal of the CHPP demountable buildings complied with AS 2601–2001 (The Demolition of Structures).
Schedule 3	
15A	**NC-03**: Removing a blast monitor prior to updating and obtaining approval for a revised Blast Management Plan.
23	**NC-04:** On 24 July 2024, sediment-laden water left the site water management system and entered an old rail corridor.
24	**NC-05:** No verifiable evidence was provided to demonstrate inspections of erosion and sediment controls were undertaken. Additionally, an uncontrolled release of sediment-laden water indicates the mine water storage and management system did not fully achieve the performance measure.
25A	**NC-06:** No verifiable evidence was provided to demonstrate a regular inspection and maintenance program for water management infrastructure is undertaken. An uncontrolled release of sediment-laden water. Refer to NC-05.
26	**NC-07:** Uncontrolled grazing by stock at the southern end of the Kenalea Offset Area. No verifiable records were provided to demonstrate that general maintenance inspections had been undertaken. The BOMP has not been updated and submitted to the Department to reflect the additional monitoring plots.

Condition	Non-Compliance
28	**NC-08:** Long-term security for offset areas have not been secured as required during the audit period.
47	**NC-09:** The Final Rehabilitation Strategy was not submitted within 12 months of the approval of Mod 5.
Schedule 4	
3	**NC-10:** Written notification and distribution of monitoring results and the Mine Dust and You fact sheet were not undertaken following air quality exceedances**.**
Schedule 5	
5	**NC-11:** No verifiable evidence was provided to demonstrate that all relevant management plans were reviewed within three months of the submission of Annual Review reports or previous audit reports during the audit period.
7AA	**NC-12:** Two non-compliances in regard to air quality were not sent within 7 days of becoming aware of the non-compliance. Some notifications did not include all detailed required by this condition. There was no verifiable evidence to demonstrate water exceedances against groundwater criteria outlined in the WMP were reported to the Department.

4.1.1 Compliance Performance Summary

In summary, it is considered that BMC has demonstrated a reasonable level of compliance with SSD-5170 (Mod 7) during the audit period, with 85.71 % of the applicable compliance requirements being met (conditions identified in **Appendix 4** as not triggered are not included in this assessment).

The systems and processes that have been put in place are generally considered appropriate for managing compliance and have been implemented effectively. The audit has, however, identified a number of recommended actions which, if implemented, would further strengthen compliance and improve environmental management and performance.

It is considered that if the actions proposed in **Section 6.0** are adopted then there is no reason the development cannot demonstrate full compliance.

4.2 EPBC Approval

The EPBC Approval as issued under the *Environment Protection and Biodiversity Conservation Act 1999* outline BMC's responsibilities and the environmental performance standards it is required to meet.

The development reports its performance against the above responsibilities and environmental performance status via the submission of its Annual Compliance Report. Generally, the development has demonstrated compliance with the majority of conditions of its EPBC, however, some non-compliances have been identified. The non-compliances identified with EPBC 2012/6378 are detailed in **Table 4.2** below with further detail provided in **Appendix 4**.

Table 4.2 Non-Compliance with EPBC 2012/6378

Condition	Non-Compliance
3	**NC-13**: Uncontrolled grazing by stock at the southern end of the Kenalea Offset Area
4	**NC-14**: Long-term security for offset areas have not been secured during the audit period.
6	**NC-15:** On 24 July 2024, sediment-laden water left the site water management system and entered an old rail corridor.
8	**NC-16:** The Water Management Plan does not set out a protocol for the supply of groundwater monitoring data upon request.
15	**NC-17:** The BOMP has not been updated and submitted to the Department to reflect the additional monitoring plots.

4.3 Mining Leases

Generally, the development has demonstrated compliance with the mitigation measures of its amendment report, however, non-compliance were identified. The non-compliance identified with amendment report is detailed in below with further detail provided in **Table 4.3**.

Table 4.3 Non-Compliance with Mining Leases

Condition	Non-Compliance
Part 2 Standard Conditions	
Division 3	
10	**NC-18:** Rehabilitation Management Plan does not adequately describe rehabilitation requirements associated with exploration activities. Implementation of certain rehabilitation measures could not be demonstrated and supporting records were incomplete.
16	**NC-19:** RMP and Forward Program were not published on the website within 14 days of being prepared/amended or provided to the Secretary.
Division 4	
17	**NC-20:** Implementation of certain rehabilitation measures could not be demonstrated and supporting records were incomplete.

4.4 Environmental Management Plans

BMC have developed a number of Environmental Management Plans and post approvals compliance documentation for Bengalla Mine in accordance with relevant requirements of the Development Consent. These documents address specific impacts associated with the development, such as heritage, biodiversity and sediment and erosion control.

An overview of the compliance status of the Environmental Management Plans and post approvals documentation, including an overview of the compliance with the requirements of the Development Consent and implementation status of the plans, is included in **Table 4.4** with further details provided in **Appendix 4**. Recommendations and opportunities for improvement, as relevant, are included in **Section 6.0**.

Table 4.4 Environmental Management Plans

Schedule	Condition	Management Plan	Status of Plan
3	7	**Noise Management Plan** (NMP)	During the audit period the NMP (rev 7) had been updated to reflect Mod 5 and lodged with the Department on the 22 June 2023. The NMP was approved by DPHI (then DPE) on 10 August 2023. Rev 7 of the NMP was prepared in consultation with the EPA, with evidence of consultation included in Appendix B of the plan. Following approval of Mod 7 BMC undertook a review on the 21 October 2025 which concluded that the NMP would need to be revised to reflect Mod 7. The NMP was undergoing revision at the time of the audit. While the NMP includes all requirements of Condition 7, this audit has identified a number of recommendations (refer to **Section 6**) to ensure the Plan is updated to reflect current best practice.
	15	**Blast Management Plan** (BLMP)	During the audit period the BLMP (rev 6) was updated to reflect Mod 5 and lodged with the Department on the 21 June 2023. The BLMP was approved by DPHI (then DPE) on 22 August 2023. Revision 6 of the BLMP was prepared in consultation with the EPA and Council, with evidence of consultation included in Appendix B of the plan. Following approval of Mod 7 BMC undertook a review on the 21 October 2025 which concluded that no updates were required. This was because Mod 7 introduced no additional blasting mitigation measures for the Temporary Overburden Emplacement Area.
	20	**Air Quality Management Plan** (AQMP)	During the audit period, the Planning Secretary issued one written request on 3 July 2025 requiring BMC to update the AQMP to reflect the requirements of the EPA’s Draft NSW Guide for Large Emitters. This request was made following the submission of the AQMP to the Department after the approval of Mod 5. The update was required to be completed by 31 October 2025. BMC subsequently sought an extension to align the AQMP update with the broader management revisions required under Mod 7. An extension to 30 January 2026 was approved by DPHI on 27 October 2025. The AQMP revision was not required to be completed within the audit period and will be assessed in the next audit period.

Schedule	Condition	Management Plan	Status of Plan
	25	**Water Management Plan** (WMP)	During the audit period, the WMP (rev 6) had been updated to reflect Mod 5 and lodged with the Department on the 19 December 2023, exceeding the required submission deadline (28 July 2023). The WMP was approved by DPHI (then DPE) on 21 December 2023. Revision 6 of the WMP was prepared in consultation with DPE Water and the EPA, with the EPA declining to provide comment on the plan. Following approval of Mod 7 BMC undertook a review on the 21 October 2025 which concluded that no revisions regarding Mod 7 was required.
	26	**Biodiversity Offset Management Plan** (BOMP)	The BOMP (rev 6) for the Kenalea, Black Mountain and Merriwa River Offset Areas was approved on 8 March 2017 and remains in effect. Management activities to maintain and enhance existing native vegetation were undertaken during the audit period, including annual weed and feral animal management and threatened species monitoring. The BOMP was required to be updated following the Contravention Notice issued by AG DCCEEW. The update involved incorporating the four additional monitoring plots in the annual monitoring program. The BOMP was not revised during the audit period.
	29	**Biodiversity Management Plan** (BMP)	During the audit period the BMP was reviewed on the 19 December 2023 and was determined that no revisions were required following the approval of Mod 5. Following approval of Mod 7 BMC undertook a subsequent review on the 21 October 2025 which concluded that no revisions in response to the approval of Mod 7 was required.
	31	**Aboriginal Cultural Heritage Management Plan** (ACHMP)	During the audit period the ACHMP (rev 7) was reviewed on the 23 January 2024 and was determined that no revisions were required following the approval of Mod 5. Following approval of Mod 7 BMC undertook a subsequent review on the 21 October 2025 which concluded that no revisions in response to the approval of Mod 7 was required.
	32	**Historic Heritage Management Plan** (HHMP)	During the audit period the HHMP (rev 7) was reviewed on the 11 November 2024 and was determined that no revisions were required following the approval of Mod 5. Following approval of Mod 7 BMC undertook a subsequent review on the 21 October 2025 which concluded that no revisions in response to the approval of Mod 7 was required.
	37	**Visual Impact Mitigation Plan** (VIMP)	During the audit period the VIMP was not reviewed following the approval of Mod 5. Following approval of Mod 7 BMC undertook a subsequent review on the 21 October 2025 which concluded that no revisions in response to the approval of Mod 7 was required.

Schedule	Condition	Management Plan	Status of Plan
	46	**Rehabilitation Management Plan** (RMP)	During the audit period, the RMP was revised twice, with the current version being Revision 3. While the RMP is no longer required under SSD-5170, it will require further revision to reflect the changes introduced by Mod 7. In particular, Mod 7 includes an approved increase in the final landform height within the Temporary Overburden Emplacement Area footprint.
	47	**Rehabilitation Strategy** (RS)	During the audit period, the RS (rev 2) was approved by DPHI on 6 August 2024. Appendix A of the document includes a summary of consultation undertaken. The RS was required to be prepared and submitted to the Department by 24 February 2024 (12 months from the approval of Mod 5) however due to the delays associated with obtaining stakeholder feedback the RS was not submitted within the required timeframe. The RS will be required to be reviewed and resubmitted to the Secretary by 7 August 2026 (within 12 months of the approval of Mod 7).
5	**1**	**Environmental Management Strategy** (EMS)	During the audit period the EMS (rev 4) was updated to reflect Mod 5 and lodged with the Department on the 22 June 2023. The EMS was approved by DPHI (then DPE) on 24 August 2023 Following approval of Mod 7 BMC undertook a review dated 21 October 2025 which concluded that the EMS would need to be updated. The EMS was undergoing revision at the time of the audit.

5.0 Environmental Performance

5.1 Management Commitment and Resourcing

Throughout the audit, BMC staff were cooperative and forthcoming with information, which enabled the audit team to gain an understanding of the organisation's culture and approach to environmental management. Interactions observed during the audit indicated a collaborative working environment, with clear communication between team members and a willingness to assist one another and adapt to changing circumstances as required.

During the site inspection, a bushfire on / or near BMC land and a CCC meeting were occurring concurrently. Despite these competing demands, the environmental team coordinated effectively, shared responsibilities and adjusted workloads to ensure audit activities proceeded as planned while managing the sites environmental and community obligations. This demonstrated an ability to manage multiple priorities while maintaining continuity of environmental oversight.

Environmental management at Bengalla Mine is supported by a defined organisational structure with clear lines of responsibility. Overall accountability sits with the General Manager, supported by the Technical Services Manager, with day-to-day environmental oversight led by the Environment Superintendent. The Environment Superintendent is supported by an Environment Advisor, a Senior Specialist, and an Environmental Graduate, who assist with the implementation of environmental management plans, monitoring programs, regulatory reporting and incident response.

5.2 Compliance Management

During the audit period, BMC managed environmental compliance through a combination of established internal systems and transitional arrangements associated with the staged commissioning of a new compliance management platform.

BMC has been in the process of commissioning a dedicated environmental compliance management system, Enviro Sys, since November 2023. Enviro Sys is intended to provide a centralised framework for tracking statutory obligations, responsible parties, compliance actions and supporting evidence across the operation. At the time of the audit, the system had not yet been fully tested or formally implemented.

In the interim, compliance obligations and actions continue to be managed through the Pulse Work Order system. Review of Pulse Work Order exports provided to the audit team indicates that the system is actively used to allocate, track and close out weekly environmental tasks. Tasks reviewed included routine compliance-related activities undertaken by the Environment Team, such as the finalisation of dilapidation reports.

While the Pulse Work Order system provides an effective mechanism for task management, it does not function as a condition-based compliance register linking individual statutory obligations to evidence of compliance, regulatory notifications and approval-specific requirements. As a result, compliance assurance during the audit period relies on a combination of Pulse records, supporting documentation and site-based knowledge.

The staged commissioning of Enviro Sys presents an opportunity to consolidate compliance tracking into a single system capable of improving traceability, consistency and auditability. Completion of system testing and full implementation would strengthen compliance management by reducing reliance on parallel systems and enabling clearer linkage between statutory conditions and supporting evidence.

5.3 Reportable Environmental Incidents and Complaints

The reportable environmental incidents, Penalty Infringement Notices, and community complaints that occurred during the audit period are discussed in the following sections.

5.3.1 Reportable Incidents

The reportable environmental incidents that occurred during the audit period, as defined by the Development Consent and as advised by BMC, are detailed below, with further information provided in **Appendix 4**.

Incidents are distinct from other reportable matters or exceedances, which may be required to be notified to regulators but do not meet the definition of an incident under the Development Consent.

During the audit period, the following incidents were recorded:

- **June 2023 Kenalea Offset Uncontrolled Grazing:** A tenant was identified to be grazing cattle and horses within the Kenalea Offset Aea. This activity is in breach of the Residential Tenancy Agreement, which does not permit livestock without BMC consent. Notification was sent to AG DCCEEW on the 6 June 2023 and DPHI (then DPE) was notified on the 9 June 2023. The AG DCCEEW issued a Contravention Notice on the 20 December 2023. Furthermore, DPHI advised in separate correspondence on the 3 April 2024 that, as the matter was being investigated by AG DCCEEW, it would not pursue enforcement action. As part of the regulatory response, the AG DCCEEW requested that four additional monitoring plots be incorporated into the annual monitoring program and formally included in the BOMP. At the time of the audit, no verifiable evidence was provided to demonstrate that the BOMP had been updated and submitted to the Department for approval to incorporate the additional monitoring requirements.
- **July 2024 Sediment-Laden Water Discharge – Western Diversion Levee**: Details refer to **Section 5.3.2**.

This incident list excludes those events qualifying as incidents under EPL 6538 in the audit period.

5.3.2 Penalty Infringement Notices

During the audit period, BMC received one Penalty Infringement Notice, which is detailed below:

- **July 2024 Sediment-Laden Water Discharge – Western Diversion Levee**: On 24 July 2024, BMC experienced a discharge of sediment-laden water from the Western Levee during the decommissioning of a small sediment dam associated with the construction of an on-site clean water diversion drain. The discharge resulted in sediment-laden water leaving the development. Notifications were provided to the EPA and DPHI in accordance with SSD approval requirements. Following the incident, the EPA issued a Penalty Infringement Notice on the 21 March 2025 and an Official Caution from AG DCCEEW on the 3 June 2025.

5.3.3 Community Complaints

During the review period, Bengalla recorded a total of 104 community complaints, comprising 46 complaints in 2023, 37 complaints in 2024, and 21 complaints from 1 January 2025 to 26 November 2025. Overall, complaint numbers show a declining trend across the audit period.

Across all years, blast vibration was the predominant complaint type and generally related to scheduled blast events and perceived vibration impacts at nearby receivers. In most cases, complainants requested a callback and were provided with blast monitoring results from the nearest compliance monitors, which were within relevant statutory criteria.

A smaller number of complaints related to dust emissions, typically during dry or windy conditions, with several complaints referred by the NSW EPA. These complaints were investigated with reference to meteorological conditions, operational status and dust control measures. A limited number of isolated complaints relating to noise, odour, blast fumes and traffic matters were also recorded, with no recurring patterns identified.

5.4 Noise Management

As required and endorsed by DPHI, the auditing of the development's noise management requirements and obligations was undertaken by Tim Procter, Noise Specialist.

The key focus of noise management for BMC is to ensure that operational noise emissions are managed in accordance with the approved NMP, EPL and development consent conditions, and that monitoring, assessment and response processes enable the timely identification and management of elevated noise risk.

During the audit period, noise management at BMC continued to be implemented through a mature and well-defined framework comprising the NMP, statutory approval requirements and an established network of attended and real-time noise monitoring supported by routine meteorological data. Operations occurred within a regional environment already characterised by significant mining activity, requiring ongoing attention to source control, operating discipline and responsive management.

The site maintains a network of attended and real-time noise monitors (refer to **Plate 1** in **Appendix 5**), enabling operational personnel to track noise emissions against applicable criteria and respond when adverse conditions develop. Review of attended monitoring indicates that measured noise levels at representative receivers were typically dominated by regional and ambient sources, with BMC contributions generally low and frequently assessed as inaudible.

Operational noise controls observed during the audit period included mobile equipment attenuation, haul road maintenance, progressive rehabilitation, real-time alerts and operational manoeuvring or stand-down when conditions increased the risk of elevated emissions. Site personnel demonstrated a sound understanding of these controls and could clearly describe trigger thresholds, escalation pathways and responsibilities associated with noise response. Site personnel also complete nightly noise surveys to assess BMC's contribution to the acoustic environment.

Overall, noise performance during the audit period was consistent with expectations for an open-cut coal mining operation of this scale. Where operational noise from BMC was audible, it generally remained within expected ranges and was managed in accordance with site procedures. Community feedback relating to noise was limited, with no patterns identified that would indicate systemic deficiencies in operational noise management.

Compliance was assessed against the applicable noise requirements of the development consent, the EPL and relevant internal commitments. BMC demonstrated a structured and well-documented approach to noise compliance, supported by attended monitoring, real-time monitoring and defined response protocols. Monitoring results reviewed as part of the audit indicate compliance with the majority of statutory noise criteria.

Attended monitoring indicates that measured noise levels at representative private receivers were typically within development limits. Occasional instances of elevated noise levels were assessed in the context of prevailing meteorological conditions, ambient contributors and extraneous noise. These events were managed in accordance with site procedures, including verification of noise sources, review of conditions and operational adjustments where required.

The real-time noise monitoring system continues to provide early warning of changing noise risk. Trigger Action Response Protocols are embedded within operational decision-making and supported by procedural guidance, shift-level communication and supervisory oversight. Records reviewed indicate that where triggers were reached, appropriate operational responses were implemented, including equipment throttling, relocation of equipment to lower-risk areas and temporary stand-downs.

Review of noise-related incidents and complaints indicates that BMC applied consistent processes for investigation, verification, communication and documentation. No evidence was identified of unaddressed non-compliances or systemic deficiencies in the application of the noise management framework.

Review of the Noise Management Plan indicates that compliance assessment is framed with reference to both the *Industrial Noise Policy* (2000) (INP) and the *Noise Policy for Industry* (2017) (NPfI), while compliance is ultimately determined against the EPL and development consent conditions. The EPL and consent conditions do not explicitly adopt the INP's former 2 dB tolerance approach. Consistent with contemporary EPA compliance interpretation, exceedances onsite are assessed on a direct-limit basis, subject to applicable meteorological, measurement and modifying-factor considerations. It is therefore recommended that the NMP be updated to clearly reflect this approach to compliance determination, to avoid ambiguity in interpretation and ensure alignment with current regulatory expectations.

The audit also noted that the NMP references the *NSW Draft Guideline: Mining – Noise Monitoring Application Note (undated)*. This document is non-statutory and does not form part of the legally adopted noise assessment framework in NSW. While it may provide supplementary technical guidance, it does not override the EPL, development consent, INP or NPfI, which remain the authoritative benchmarks for compliance determination. Continued reliance on the Draft Application Note within the NMP introduces uncertainty regarding which requirements are mandatory versus voluntary. It is therefore recommended that references to the Draft Application Note be removed from the NMP or clearly identified as non-statutory guidance only, with compliance assessment anchored to the EPL consent conditions and adopted NSW noise policies.

In addition, while the NMP states that attended compliance monitoring is undertaken monthly by a suitably qualified acoustic consultant, it does not explicitly require monitoring to be undertaken in accordance with the EPA Approved Methods for the Measurement and Analysis of Environmental Noise (2022). Specifically, the NMP does not clearly require the collection of contemporaneous field notes of sufficient detail to enable independent third-party verification, justification of monitoring timing and location on a risk basis, or explicit documentation of meteorological conditions and the application of annoying characteristics corrections in accordance with statutory requirements.

Review of Noise Compliance Survey reports indicates that attended monitoring is typically undertaken within a similar time window each month. While this provides consistency, it may not always capture periods of elevated noise risk or noise-enhancing meteorological conditions that are most relevant for compliance assessment. Consistent with the EPA Approved Methods and the INP/NPfI principle of representative assessment, it is recommended that the NMP be updated to require attended monitoring to be targeted, on a risk basis, to periods and conditions most relevant to determining BMC's actual noise contribution, with full documentation of prevailing conditions and assessment assumptions.

5.5 Air Quality

As required and endorsed by DPHI the auditing of the Project's Air Quality requirements and obligations was undertaken by Shane Lakmaker, Principal Atmospheric Scientist at Airen Consulting. The audit of air quality for the development included a site inspection of active mining and overburden emplacement areas, air quality monitors and meteorological monitors as well as discussions with environmental and operational staff.

The active mining and overburden areas were inspected. It was noted that on the day of the site inspection, climate conditions were hot, dry and windy (refer to **Plate 2** in **Appendix 5**). These conditions were challenging for managing dust at an open-cut coal mine. The site inspection noted effective dust management. Based on observation of the main pit, there was evidence water trucks being used, speeds being minimised and activities being modified to reduce dust (refer to **Plate 3** in **Appendix 5**). Some higher levels of dust were seen on occasions from the dragline. The environmental team was observing conditions and progressively shutting down activities over the course of the inspection, due to conditions on the day (refer to **Plate 4** in **Appendix 5**). Dust was being managed effectively at all areas including around the new temporary emplacement area. Evidence from the Annual Reviews and field inspection indicated that surface disturbance has generally been minimised.

During the audit period, the site received air quality-related complaints (12 in 2023, 8 in 2024 and 5 in 2025) concerning dust, odour and fumes. Complaints represent observations from receivers and do not in themselves demonstrate a breach of the visual air pollution requirements. A review of the site's response to complaints indicated that all complaints were recorded, investigated and actioned, and that reasonable and feasible management measures were implemented where required.

BMC operates a monitoring network to assist with evaluating compliance against the relevant air quality criteria. During the audit period, the network was transitioning to the monitoring framework approved under the AQMP.

At the commencement of the audit period, the monitoring network comprised:

- Six (6) real-time monitors (E-BAM and DustTrak types) for management
- Nine (9) high volume air samplers (HVAS) for compliance. Five (5) of these measure TSP and four (4) measure PM_{10}; (refer to **Plate 5** in **Appendix 5**)
- 27 dust deposition gauges with 14 used for compliance (refer to **Plate 6** in **Appendix 5**), and

- Meteorological stations (refer to **Plate 7** in **Appendix 5**).

Following approval of the AQMP in December 2023, a number of legacy monitoring locations were decommissioned in accordance with the approved monitoring network and transitional arrangements.

The AQMP monitoring network includes meteorological monitoring (including the inversion tower), TEOM monitors for continuous PM_{10} and $PM_{2.5}$ monitoring, HVAS monitoring of TSP, and depositional dust gauges at representative sensitive receptor locations. During the audit period, four (4) TEOM units were installed and operational, with the remaining four (4) units awaiting grid connection and commissioning (refer to **Plate 8** in **Appendix 5**).

Data from the network (except from monitors undergoing testing and commissioning) are reported in Annual Reviews.

During the audit period levels of TSP, PM_{10}, $PM_{2.5}$ and deposited dust did not exceed the impact assessment criteria at monitors representative of residences on privately-owned land. Instances of elevated dust measurements were investigated by an independent air quality expert to determine compliance and outcomes were reported to the DPHI.

The air quality management systems in place at Bengalla Mine are consistent with best practice at open cut coal mines in NSW. These systems include a combination of visual triggers, real-time air quality monitoring, alerts, and a trigger action response plan. BMC tracks equipment operation and downtime, as informed by air quality conditions. BMC also uses a predictive air quality and meteorological system to inform operational planning. This information is being communicated to staff each day. In addition, BMC discusses any relevant air quality management issues with other sites.

Management measures from the AQMP are actively implemented, as observed during the site inspection. Dispatch is key to the implementation of the AQMP and it is recommended that dispatch staff are included in the AQMP review process.

Operational triggers in the AQMP are informed by E-BAM and DustTrak monitors. These are not compliance-based monitors but are approved for operational management at Bengalla Mine. The new network (based on TEOMs) will provide for more effective compliance and operational management. The meteorological trigger levels are consistent with other operations. The PM_{10} triggers are generally higher than other operations and it was recommended that the PM_{10} trigger levels in the AQMP are reviewed to make sure any disparity between monitoring types is addressed.

5.6 Rehabilitation

As required and endorsed by DPHI, the auditing of the development's rehabilitation and mine closure requirements and obligations was undertaken was undertaken by Adam Williams (Rehabilitation and Land Management Specialist) through a site inspection and a desktop review of rehabilitation documentation and monitoring records.

The key focus of rehabilitation at BMC is to progressively rehabilitate disturbed land to achieve the approved final landform and post-mining land uses, including native vegetation and agricultural land capability, in accordance with the development consent and mining lease obligations.

BMC maintains a RS and a RMP. The RS satisfies the requirements of the development consent, while the RMP addresses mining lease obligations under the *Mining Act 1992 (NSW)* and *Mining Regulation*

2016 (NSW). The RS (Rev 2) was approved by DPHI on 6 August 2024 and generally aligns with the approved final land use and closure planning framework.

Because exploration activities have been undertaken on Mining Leases rather than Exploration Licences, rehabilitation is also subject to the standard rehabilitation conditions prescribed under Schedule 8A of the *Mining Regulation 2016 (NSW)*. These conditions require the lease holder to implement a RMP that describes how all rehabilitation activities within the mining area, including exploration works, will be managed.

During the audit period, BMC continued progressive rehabilitation across the site and undertook additional rehabilitation works in 2025 to address delays in forward rehabilitation targets reported to the NSW Resources Regulator. Site inspection confirmed areas of established rehabilitation (refer to **Plate 9** and **Plate 10** in **Appendix 5**) and implementation of landform design measures. However, localised rill and gully erosion was observed within recently hydromulched rehabilitation in the north-east emplacement area, indicating that ongoing monitoring and maintenance will be required to support landform stability (refer to **Plate 11** to **Plate 13** in **Appendix 5**).

Rehabilitation monitoring is currently undertaken annually and reported in the Annual Review. In addition, the site is surveyed using LiDAR data, which is currently being analysed to identify areas of active erosion. While these measures provide useful information on landform performance over time, no evidence was provided of routine field inspections following significant rainfall events or other regular inspections by environmental personnel. Given that erosion processes can develop progressively between monitoring periods, more frequent inspections would assist in the early identification of issues and reduce the risk of rehabilitation performance decline.

The RMP states that prospecting activities will be rehabilitated in accordance with NSW Resources Regulator standards and the Ground Disturbance Permit (GDP). GDP documentation reviewed included rehabilitation requirements for the exploration drilling program and post-drilling inspections were undertaken, as evidenced by inspection records. However, the level of detail within GDPs varied and the RMP does not clearly describe the rehabilitation requirements for exploration activities, such as borehole sealing, management of drilling wastes and completion criteria. The Exploration Code of Practice: Rehabilitation requires rehabilitation objectives, completion criteria and record keeping for exploration disturbance to be clearly defined. Accordingly, the RMP does not adequately document how exploration rehabilitation will be consistently implemented across the site.

Review of rehabilitation records also identified inconsistencies between documented requirements and recorded implementation. The RMP specifies application of fertiliser and water crystals for tubestock planting and maintenance of verification inspection records; however, these records were not available. Soil testing undertaken by SLR for rehabilitation areas identified nutrient limitations and recommended ameliorants, but records did not demonstrate consistent application of these treatments. Similarly, the RMP specifies placement of growth medium across the final landform, while available records did not clearly demonstrate topsoil application across all rehabilitated areas.

The RMP describes the Agricultural Grazing Final Land Use Domains, including Class III pasture and Class IV and V pasture. The Class III rehabilitation was undertaken prior to the NSW Rehabilitation Reform requirements; however, the RMP does not provide detail on any variation in growth medium development methodologies between pasture rehabilitation and native ecosystem rehabilitation.

Records reviewed indicate that different treatments have been applied, which is considered appropriate. However, this process is not documented in the RMP. These findings do not necessarily indicate that rehabilitation treatments have not been implemented, rather they demonstrate that implementation of the RMP cannot be readily verified based on the available documentation.

The rehabilitation risk assessment provided for audit review does not include exploration activities, despite exploration disturbance being subject to mining lease rehabilitation obligations. Inclusion of exploration within the rehabilitation risk assessment would better align the RMP with the requirements of the *Mining Regulation 2016* (NSW).

Mod 7 amended the approved final landform. Under the *Mining Regulation 2016* (NSW), rehabilitation outcome documents must remain consistent with the final land use specified in the development consent. Accordingly, the Final Landform and Rehabilitation Plan will require updating to reflect the modified landform.

Overall, BMC demonstrated that progressive rehabilitation is being undertaken and integrated into ongoing mine operations. Rehabilitation planning documentation is in place and generally aligns with the development consent framework. However, the audit identified gaps in documentation, verification and exploration rehabilitation planning that limit the ability to demonstrate compliance with mining lease rehabilitation requirements.

The recommendations provided are intended to improve record keeping, clarify exploration rehabilitation requirements and strengthen monitoring processes, supporting successful long-term rehabilitation outcomes rather than indicating systemic failure of the rehabilitation program.

5.7 Erosion and Sediment Control and Water Management

As required and endorsed by DPHI the auditing of the Project's Erosion and Sediment Control and Water Management requirements and obligations was undertaken by Melissa Swan, Principal Environmental Engineer (CPEng, NER) and Certified Professional in Erosion and Sediment Control (CPESC #8954). The audit of erosion and sediment control and water management for the Project included a site inspection and a desktop review of erosion and sediment control and water documentation and monitoring records.

The site maintains a water management system (WMS) that separates and manages clean water, mine water, sediment laden water and contaminated water. The WMP documents the WMS and incorporates a surface water management plan, site water balance and groundwater management plan as per Condition 25.

Water management system components which were observed during the audit inspection included mine water dams, sediment dams (refer to **Plate 14** in **Appendix 5**), raw water dams (refer to **Plate 15** in **Appendix 5**), clean water dams (refer to **Plate 16** in **Appendix 5**), pumps, pipelines, clean water and dirty water diversion drains and ground cover provided through rehabilitation of disturbed areas. Mine water dams and sediment dams were observed to be well maintained, with installed water level markers, and well stabilised spillways and inlets. No visible scouring was observed on the dams inspected during the audit. Erosion and sediment controls were observed to be installed in areas of active construction/disturbance and included sediment basins, catch drains, geofabric lined clean water diversions and sediment fence (refer to **Plate 17** in **Appendix 5**). Equipment stand-down procedures were also observed during the site inspection when conditions increased the risk of elevated dust emissions across the pit.

The audit found that Bengalla Mine demonstrated strong overall performance in water management, supported by knowledgeable and engaged staff who showed a clear understanding of site systems, operational requirements, and regulatory obligations. Across the audit period, the site was generally compliant with the majority of water management commitments, with mine water storage, clean water diversions, and erosion and sediment controls observed to be functioning effectively during inspection.

Implementation of the WMP was generally evident based on the audit evidence; however, a non-compliance was identified involving the uncontrolled discharge of sediment-laden water from a basin into an old rail corridor on 24 July 2024, outside the bounds of the BMC water management system. This incident likely exceeded total suspended solids (TSS) criteria and was not reported as a non-compliance in the 2024 Annual Review. While this event resulted in a penalty and was recorded as a non-compliance, Bengalla Mine responded proactively, including the development of a surface water operational guide to improve clarity on water flows and system interactions under the Mod 2 WMS. In addition to this it is recommended that the WMP be updated with a schematic or process flow chart to summarise the BMC water management system for staff training purposes. This will provide staff with a greater understanding of where water contained within the WMS may drain to in the event of an incident. Aside from this isolated incident, the site has maintained good control of mine water storages, with systems generally operated to minimise the likelihood of unlicensed discharge.

Review of the site's Water Balance confirmed that Bengalla Mine has maintained a secure and compliant water supply throughout the audit period, supported by appropriate water licences and ongoing access to Hunter River allocations. Annual Review data shows the site effectively balances its water use, with a surplus recorded in 2023 and a modest deficit in 2024—both consistent with EIS predictions when assessed against Year 8 modelling assumptions. The site water balance for 2025 was not yet available for review. WAL records, and the site water balances (as documented in the annual reviews) indicate there is no evidence of inadequate licensing or insufficient supply, and the site adjusts its water sourcing appropriately in response to operational needs.

Groundwater and surface water monitoring programs were found to be well managed, with exceedances investigated quickly and independent specialists engaged where needed. Several groundwater bores and surface water monitoring locations exceeded electrical conductivity trigger levels; however, investigations to date do not attribute these exceedances to BMC operations. The Annual Reviews present water quality monitoring results, including comparisons with previous years. Trigger Action Response Plans (TARPs) are included within the Water Management Plan; however, the Annual Reviews do not specifically identify whether any TARPs were triggered during the reporting periods.

The Water Management Plan (rev 6) was last updated and approved in 2023 during the audit period and generally meets consent requirements. It is noted that it has not been updated to incorporate Mod 7. Opportunities for refinement of the WMP that were identified during the audit include:

- Clearer reference to the GDP-based erosion and sediment control plan process;
- Improved inspection frequency guidance for erosion and sediment controls;
- Addition of formal documentation of all inspections to ensure appropriate records are kept of inspections being undertaken and that any actions identified (i.e. for maintenance requirements etc) are rectified in a timely manner; and

- Inclusion of more detail around water management system infrastructure decommissioning triggers with respect to rehabilitated areas (e.g. sediment basins may be removed when XX% equivalent to a cover factor (c-factor) of XX is achieved across the catchment or references made to the RMP).

These improvements would further enhance clarity and consistency in implementation of the WMP.

The audit found that BMC maintains a well-functioning and well-understood water management system. The audit highlighted high levels of staff competency, strong operational control, and generally effective environmental management practices. The recommendations provided are intended to refine documentation and support continuous improvement, building on an already well-established framework.

5.8 Site Audit Inspection

A site inspection of operational areas, rehabilitation areas and supporting infrastructure was undertaken as part of this audit to verify implementation of environmental management measures and to observe site practices. During the inspection, Orange and Red Air Quality TARP conditions were observed under warm and windy weather conditions. In response, operational controls were implemented, including deployment of water carts to haul roads and the temporary cessation of selected plant operations, including the dragline, to minimise dust generation (refer to **Plate 4** in **Appendix 5**). The Environment Team actively monitored conditions and directed operational adjustments where dust levels increased.

Active dust suppression measures were observed across the site, including water cart usage, speed management and modification of activities during adverse meteorological conditions (refer to **Plate 3** in **Appendix 5**). BMC also tracks equipment operation and downtime in response to air quality conditions. These observations confirmed that dust avoidance and mitigation measures are informed by meteorological and real-time monitoring data and are used to minimise particulate emissions. BMC's meteorological monitoring station at Logues Lane (refer to **Plate 7** in **Appendix 5**) and the Upper Hunter meteorological station at Wybong Road were inspected and appeared to be in good condition and operational.

Permanent erosion and sediment controls were observed within Western Diversion Levy and rehabilitation areas and appeared to be maintained in good condition at the time of inspection. Translocated Tiger Orchids were also sighted (refer to **Plate 10** in **Appendix 5**) within the designated relocation area and appeared to be in healthy condition, with evidence of establishment and survival.

Weed management activities were also observed during the inspection. An earthen visual bund along Wybong Road was sighted (refer to **Plate 18** in **Appendix 5**); however, vegetation establishment on the bund was unsuccessful, with most hydromulch growth failing to establish. The audit inspection also included a visit to Bengalla Homestead (refer to **Plate 19** in **Appendix 5**), which was observed to be well maintained, with no issues identified at the time of inspection.

Fire-fighting infrastructure was observed across the site, including hydrants, water carts and fire suppression systems at workshops and larger buildings. During the second day of the audit inspection, a bushfire occurred at an offset property. BMC personnel coordinated with the Rural Fire Service and emergency services, and trained personnel assisted where required, demonstrating the site's capacity to respond to fires and support emergency services in the surrounding area.

Workshop areas were generally orderly, with waste observed to be segregated (refer to **Plate 20** in **Appendix 5**).; however, several deficiencies were identified where improvements could be made. Containers, including unlabelled containers and IBCs, were observed stored undercover but without bunding or secondary containment in some instances (refer to **Plate 21** and **Plate 22** in **Appendix 5**), and spill kits were not consistently maintained (refer to **Plate 23** in **Appendix 5**).

Overall, the site inspection confirmed that environmental management measures were generally being implemented across the site, particularly for dust management and emergency response, although improvements are required in relation to chemical storage and spill preparedness.

6.0 Recommendations and Opportunities for Improvement

A summary of recommendations and opportunities for improvement identified as an outcome of the audit process is provided in **Table 6.1**.

Table 6.1 Recommendations

Condition	Recommendation
SSD-5170 (Mod 7)	
Schedule 2	
12	It is recommended BMC ensure demolition works including the removal of demountable buildings are undertaken in accordance with AS 2601–2001 and that relevant supporting documentation is retained for audit purposes.
15	BMC should implement a documented trigger-based review process requiring relevant strategies, plans and programs to be reviewed following all environmental incidents, modifications to the development, or significant operational changes.
18	It is recommended records of environmental topics discussed at pre-start meetings are maintained to improve the ability to demonstrate that task-specific environmental risks are communicated to personnel.
	It is recommended BMC develop a role- or risk-specific environmental learning modules to supplement the initial induction and support ongoing awareness of environmental obligations relevant to different activities.
Schedule 3	
7	It is recommended the Noise Management Plan be revised to: • Remove reference to the Draft Application Note and align monitoring and assessment requirements with the development consent, Environmental Protection Licence, the Industrial Noise Policy (2000) and the Noise Policy for Industry (2017). • Specifically require the collation of contemporaneous notes with sufficient detail during attended monitoring that would enable a third-party to analyses the monitoring data and come to the same conclusion. • Require compliance measurements be completed at the times and locations most relevant to determining the BMC's actual noise contribution, particularly during noise-enhancing meteorological conditions, using a risk-based approach consistent with the EPA Approved Methods and the Industrial Noise Policy (2000) / Noise Policy for Industry (2017) principles of representative, credible assessment. • To specifically require that the assessment of annoying characteristics corrections are in accordance with the requirements of the Industrial Noise Policy (2000) and the Noise Policy for Industry (2017).
15A	It is recommended that a documented change management procedure be incorporated into the Blast Management Plan requiring the submission of a revised plan where monitoring infrastructure is added, relocated or removed.

Condition	Recommendation
20	It is recommended that, as dispatch plays a key role in operational implementation of the Air Quality Management Plan, dispatch personnel are included in future reviews and updates of the Air Quality Management Plan and kept up to date with the requirements under it.
20A	It is recommended that the PM10 trigger levels in the Air Quality Management Plan are reviewed to make sure any disparity between monitoring types is addressed.
22	It is recommended that the metering register be updated and maintained to clearly identify each metered work and confirm whether the installed meter is compliant with the NSW Non-Urban Metering Framework.
24	Establish a formal inspection and record-keeping program for erosion and sediment controls and water management infrastructure (e.g. basins, diversion drains and storages) to demonstrate ongoing maintenance and timely identification of issues.
25	It is recommended that the Water Management Plan be revised to: • Reference the Ground Disturbance Permit process and clarify that Erosion and Sediment Control Plans are required for disturbance activities. • Include guidance for reinstatement of drainage lines within rehabilitated areas. • Define clear criteria or triggers for removal of water management infrastructure following rehabilitation to avoid downstream erosion or sediment impacts. • Include schematic or process flow chart to summarise the water management system of BMC for use during all-staff training.
26	Establish and maintain a documented inspection and maintenance program for the offset areas (including fencing, access tracks and general condition), with records retained as evidence of ongoing management.
28	BMC should continue to liaise with the Biodiversity Conservation Trust and Department of Planning, Housing and Infrastructure and take all reasonable steps to finalise the Biodiversity Stewardship Agreement to secure long-term protection of the offset areas as soon as practicable and keep a good, documented record of the process followed.
29A	It is recommended that a verification step be implemented following clearing activities to reconcile Ground Disturbance Permits, relocation records and disturbance reporting (e.g. threatened flora relocations) prior to finalising compliance reporting.
	It is recommended that BMC establish a register to record salvaged habitat features and materials (e.g. hollow-bearing trees, logs and other habitat resources) for tracking and use in rehabilitation.
36	It is recommended night-time supplementary monitoring records (e.g. Pronto forms used for noise monitoring) include prompts to record any observed lighting impacts from operations.
40	It is recommended the failed vegetation on the Wybong Road bund be re-established using a more suitable species mix and establishment method (e.g. planting and/or irrigation support) or seek approval from the Secretary that planting is not required.
43A	Update the PRO-0217 Waste Dump Design and Construction procedure to reference the Rehabilitation Management Plan in place of the Mining Operations Plan.
44	It is recommended the Rehabilitation Management Plan is updated to outline the way in which Class III agricultural land will be achieved.

Condition	Recommendation
	It is recommended that BMC implement a documented rehabilitation inspection and monitoring program, including regular inspections, condition assessments and record keeping (e.g. mapped inspections and resource registers), to demonstrate landform stability and vegetation performance between annual reporting periods.
Schedule 4	
3	BMC should revise the Air Quality Management Plan to include an exceedance notification procedure. The procedure should require that, upon identification of a monitoring exceedance, affected landowners and tenants are notified and provided monitoring results and the Mine Dust and You fact sheet, with follow-up advice issued once attribution investigations are completed.
Schedule 5	
5	It is recommended BMC implement a documented trigger-based review process requiring relevant strategies, plans and programs to be reviewed following environmental incidents, modifications to the development, or significant operational changes in accordance with Schedule 5 Condition 5 of the Consent.
EPBC Approval 2012/6378	
1	It is recommended that BMC prepare and maintain a consolidated, hectare-based clearing summary, supported by spatial analysis, demonstrating cumulative clearing of White Box–Yellow Box–Blakely’s Red Gum Grassy Woodland and Derived Native Grassland against the approved 535 hectare limit.
8	It is recommended that the Water Management Plan be updated to include a clear protocol for the provision of groundwater monitoring data upon request from the AG DCCEEW, NSW Government agencies, operators of the Mt Arthur and/or Mount Pleasant mines or other adjacent mine operators.
15	BMC should revise the Biodiversity Offset Management Plan to include the additional monitoring plots requested by the AG DCCEEW and submit the revised Plan to the AG DCCEEW for approval.
Mining Leases Part 2 Standard Conditions	
Division 2	
7	It is recommended that BMC undertake a review and update of the Rehabilitation Risk Assessment to reflect current operations and recent modifications, and to ensure all rehabilitation risks are identified and evaluated, including risks associated with exploration and disturbance activities.
Division 3	
10	It is recommended the RMP be revised to: • Include exploration rehabilitation requirements (including borehole sealing, drilling waste and sump management (if applicable)) • Clearly document rehabilitation methodologies, including growth media preparation, ameliorant application and differences between pasture and native vegetation rehabilitation. • Review and update the Rehabilitation Management Plan to reflect the amendments to the Development Consent (TOEA) approved in Mod 7.
	It is recommended that routine inspection and monitoring of rehabilitation areas be undertaken at increased frequency (e.g. post-rainfall inspections) and documented to

Condition	Recommendation
	allow early identification and management of erosion and vegetation establishment issues
	It is recommended BMC implement a formalised record-keeping process to capture and retain all rehabilitation implementation records (e.g. topsoil placement, ameliorant application and vegetation establishment).
12	Review and update the Final Landform and Rehabilitation Plan to ensure consistency with Mod 7.
16	It is recommended BMC prepare a procedure to ensure required rehabilitation documents are uploaded to the website within the prescribed 14-day timeframe. This should include maintaining verifiable records of publication dates (e.g. upload logs, screenshots, or a document register.
Division 4	
18	BMC should review and update its incident and compliance reporting procedures to ensure all non-compliances with mining lease conditions, the *Mining Act 1992* and *Mining Regulation 2016* are formally reported to the Minister.
19	It is recommended that the nominated contact person be updated to a suitable representative within the BMC Environment Team.

Appendix 1

Independent Audit Declaration Form

Appendix 1 – Independent Audit Report Declaration Form

Independent Audit Report Declaration Form

Project Name: Bengalla Continuation Project

Consent Number: SSD-5170

Description of Project: The Bengalla Continuation Project is an extension of the approved Bengalla open-cut coal mine located approximately 4 km west of Muswellbrook in the Upper Hunter Valley, NSW. The project allows ongoing mining within and adjacent to the existing mine footprint.

Project Address: Bengalla Rd, Bengalla, NSW 2333

Proponent: Bengalla Mining Company Pty Limited

Title of Audit: Bengalla Mine IEA

Date: 12 March 2026

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:

- the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- the findings of the audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the audit;
- I have acted professionally, objectively and in an unbiased manner;
- 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;
- 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;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, $1 million and for an individual, $250,000; and

b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor: Joshua Wheatley

Signature:

Qualification: Masters Env & Sc, Exemplar Global Internationally Certified Lead Auditor (No. 459118)

Company Address:75 York Street Teralba NSW 2284

Company: Umwelt (Australia) Pty Limited

Appendix 2

DPHI Correspondence Approving the Auditor

Department of Planning, Housing and Infrastructure

NSW Planning ref: SSD-5170-PA-136

Hayley Frazer
Environment Superintendent
Bengalla Mining Company Pty Limited
16/09/2025

Sent via the Major Projects Portal only

Subject: Bengalla Coal Mine - 2025 IEA auditor endorsement request

Dear Miss Frazer

I refer to your request for the Planning Secretary's approval of suitably qualified, experienced, and independent person/s to conduct an Independent Audit of Bengalla Coal Mine, submitted as required by Schedule 5, Condition 9 of SSD-5170 as modified (the consent) to NSW Department of Planning, Housing and Infrastructure (NSW Planning) on 13 August 2025. I also refer to your response to the NSW Planning request for information (RFI) 91453959.

NSW Planning has reviewed the independent auditor nominations and based on the information you have provided is satisfied that the proposed person/s are suitably qualified, experienced, and independent.

In accordance with Schedule 5, Condition 9 of the consent and the NSW Planning, *Independent Audit Post Approval Requirements* (2020), as nominee of the Planning Secretary, I endorse the following independent audit team:

- Joshua Wheatley (Lead Auditor)
- Samuel McDonald (Assistant Auditor)
- Olivia O'Shannessy (Assistant Auditor)
- Tim Proctor (Noise specialist)
- Shane Lakmaker (Air Quality specialist)
- Adam Williams (Rehabilitation and Land Management specialist)
- Melissa Swan (Water Management specialist)

In accordance with Schedule 5, Condition 9 of the consent, prior to undertaking the site inspection, the following agencies/bodies must be consulted, with all matters raised to be clearly tabulated and addressed in the audit report:

- NSW Department of Planning, Housing and Infrastructure
- NSW Department of Primary Industries and Regional Development – NSW Resources Branch
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)

- NSW Environmental Protection Authority
- Bengalla Coal Mine Community Consultative Committee
- Muswellbrook Shire Council

Please note:

- This correspondence must be appended to the Independent Audit Report.
- The Independent Audit must 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.
- The above audit team is approved for the current audit only. Additional approval must be sought from the Planning Secretary for future audits of the development.
- Any change to the auditor or auditor roles must be approved by the Planning Secretary prior to the audit commencing.
- The Lead Auditor must attend the site inspection component of the audit.
- Endorsed experts/specialists must attend the site inspection component of the audit unless otherwise agreed by the Planning Secretary.
- The audit period is the day after the site inspection date of the previous audit, to the final site inspection date of the current audit.

Should you wish to discuss the matter further, please contact Joel Curran, Senior Compliance Officer on 02 4904 2702 or email compliance@planning.nsw.gov.au

Yours sincerely

HWatters

Heidi Watters
Team Leader
Compliance

As nominee of the Planning Secretary

Appendix 3

Audit Plan and Itinerary

Bengalla Mining Company Pty Limited

Bengalla Mine
Independent Environmental Audit

Audit Plan

To	Hayley Frazer (Bengalla Mining Company Pty Limited)
From	Umwelt (Australia) Pty Limited
Author	Joshua Wheatley (Umwelt)
Date	24 November 2025
Subject	Bengalla Mine - Independent Environmental Audit

Audit Period:	01 January 2023 - 26 November 2025
Site Audit Date:	25 -26 November 2025

Audit Team:

Name	Role
Joshua Wheatley	Lead Auditor
Olivia O'Shannessy	Assistant Auditor
Adam Williams	Rehabilitation and Land Management Specialist
Melissa Swan	Water Management Specialist
Tim Proctor	Noise Specialist
Shane Lakmaker	Air Quality Specialist

1.0 Audit Scope and Objectives

In accordance with Condition 9, Schedule 5 of SSD-5170 (MOD 7) an Independent Environmental Audit is required to be undertaken every three years. This audit is proposed to be undertaken in general accordance with the *Independent Audit: Post-Approval Requirements* (NSW DPIE, May 2020).

The Terms of Approval for the respective project approval identifies that the project shall be carried out generally in accordance with the:

- Environmental Impact Statement (EIS) that has been prepared
- Supplementary information and documents submitted (as listed in the approval)
- Subsequent modification documents that have been submitted (as listed in the approval) and
- Conditions of the consent.

Based on the condition outlined above, the objectives of the audit are to assess the compliance of the Project with:

- SSD - 5170 (MOD 7) (dated 07/08/2025);
- All relevant Water Licences under the *Water Act 1912* and *Water Management Act 2000 NSW*;
- All relevant Authorisations under the *Mining Act 1992 NSW* (Mining Act);
- The approval issued by the Commonwealth Minister for the Environment under the *Environment Protection and Biodiversity Conservation Act 1999* Cth (EPBC Approval 2012/6378);
- The respective EIS, including the EISs supporting documents and statement of commitments; and
- Any strategy, plan or program which has been prepared and approved for the project.

Umwelt propose that a statement of compliance (using a compliance spreadsheet) be made for the Development Consent and the EPBC Approval. Whilst the other approvals, licenses and management plans that have been prepared and the environmental assessments that support the approvals will be reviewed during the audit. It is not proposed (or allowed for) to develop a compliance spreadsheet for each management plan, other lease or licence or environmental assessment commitment, with reporting to be done by exception.

2.0 Audit Criteria

Reporting of compliance will be based on the compliance status descriptors as defined in the Independent Audit Requirements as shown in **Table 1**. No other terms may be used to describe the compliance status.

Table 1: Compliance Status Descriptors

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

3.0 Audit Process

Document Review: The documents listed in **Table 2** below will be reviewed prior to and during the audit to enable compilation of audit checklists and allow the auditor to gain an understanding of the site.

Site Inspection/Audit: Two days have been allowed for the on-site component of the audit. The Umwelt Lead Auditor and Assistant Auditor would attend both days. The relevant specialists for Rehabilitation, Water, Noise and Air Quality would only attend the second day.

During the site inspection access is requested to all areas subject to environmental approvals that form part of the Project.

To maximise the time on site, documentation as discussed below will be reviewed prior to the site inspection.

An indicative itinerary for the site inspection is provided in **Table 3**. This will be revised and reissued as final prior to the site audit date.

During the audit, the following people are proposed to be interviewed (if available):

- Environment Superintendent;
- Senior Environmental Specialist;
- Relevant members of Environment & Community Team;
- Relevant managers, supervisors / personnel from key areas visited during the site inspections including those with responsibility for environmental management; and
- Other persons identified during the course of the audit (as relevant).

For the Opening and Closing Meetings, it is suggested that as a minimum these should be attended by the Environment Superintendent, Senior Environmental Specialist, relevant members of the senior management team, area supervisors and any other personnel nominated by Bengalla Mining Company Pty Limited (BMC).

Table 2: Pre-Audit Documentation Requirements

Issue	Document	Status
Documentation Required Prior to Audit		
Approvals/Licenses (preferably in word or excel format)	Development Consent	Downloaded from Website
	EIS and modification supporting documents	Downloaded from Website
	EPBC Approval 2012/6378	Downloaded from Website
	Mining Authorities	Downloaded from Website
	Water Licences	Required
Environmental Documentation	PIRMP	Downloaded from Website
	Approved Management Plans	Downloaded from Website
	Copy of all environmental incidents, fines notices and or investigations which occurred during the reporting period.	Required
	Copy of complaint database.	Required
	Copies of all environmental monitoring reports during the Audit Period (not available on Bengalla's website).	Required
	Current update on actions and recommendations from previous IEA 2022.	Required

Table 3: Indicative Itinerary for Site Inspection/Audit

Day/Time	Description	Personnel
Audit Day 1 (Tuesday 25 November 2025)		
9:00 am – 9:30 am	**Opening Meeting** • Introductions • Purpose of Audit • Confidentiality Arrangements • Audit Process and Timing	Manager/supervisor, environmental personnel and site personnel as invited by BMC
9:30 am – 10:00 am	**Presentation on Bengalla Mine and operational and rehabilitation activities undertaken during Audit Period** BMC personnel to present an overview of the operational works across the site and the progress of rehabilitation across the site, including outline of environmental management system and controls.	Environment Superintendent and environmental personnel
10:00 am – 12:00 pm	**Documentation Compliance Review** • Review progress against approvals and management plans	Environmental personnel and appropriate site personnel as required
12:00 pm – 12:30 pm	**Lunch**	
12:30 pm – 3:30 pm	**Documentation Compliance Review (cont.)** • Review progress against approvals and management plans	Environmental personnel and appropriate site personnel as required
3:30 pm – 4:45 pm	**Field Inspection** • Workshop • Waste Storage Area • Vehicle Washdown Bays • Bengalla Homestead	Environmental personnel and appropriate site personnel as required
Audit Day 2 (Wednesday 26 November 2025)		
9:00 am – 9:30 am	**Meeting with Specialists** • Introductions • Overview of specialist components	Specialists (audit team) Environment Superintendent, environmental personnel and site personnel as invited by BMC
9:30 am – 12:00 pm	**Field Inspection** • Active mining area • Roxburgh and Wybong Road tree screening • Noise management areas including but not limited to: ○ Roxburgh noise monitor ○ Racecourse blast and noise monitors • Train load out • CHPP • Reject cells • Water management areas including but not limited to:	Environmental personnel and appropriate site personnel as required

Day/Time	Description	Personnel
	○ End wall dam ○ Clean water dam CW1 ○ CW1 pumps ○ ROM north sediment dam ○ Dry Creek East dam and facilities ○ West facilities dams ○ Drainage lines ○ Discharge water dam DW1 ○ EPL discharge point 26 • Rehabilitation areas • Offset Areas • Northern face of overburden emplacement area • ROM hopper • Temporary overburden emplacement area	
12:00 pm – 12:30 pm	**Lunch**	
12:30 pm – 3:30 pm	**Documentation Compliance Review** • Review progress against approvals and management plans	Environmental personnel and appropriate site personnel as required
3:30 pm – 4:30 pm	**Auditor Revision and Preparation for Closeout Meeting**	Umwelt Auditors Only
4:30pm – 5:00pm	**Close Out Meeting** • Overview of findings • Confirmation of outstanding items or documents required • Confirm audit review and completion process	Manager/supervisor, Environmental personnel and site personnel as invited by BMC

Appendix 4

Compliance Tables

Bengalla Coal Mine – Continuation Project (Development Approval SSD 5170 – Mod 7)

Mod 1 - Mod 2 - Mod 3 - Mod 4 - Mod 5 - Mod 7

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
SCHEDULE 2					
ADMINISTRATIVE CONDITIONS					
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT					
1	In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development and any rehabilitation required under this consent.	Environmental Management Strategy (rev 4) dated 24/08/2023 Pulse Environmental Team Work Orders M911599 and M911600 dated 19/11/2025	Compliant	The Environmental Management Strategy (EMS) (sighted) provides the overarching environmental framework for the development and is supported by a suite of management plans and procedures. Findings and observations from the audit and site inspection confirmed that Bengalla Mining Company (BMC) continues to generally implement and maintain environmental management measures required under the relevant management plans during construction, operation and rehabilitation activities. These measures include environmental monitoring programs, operational controls, rehabilitation activities and incident management procedures intended to prevent or minimise environmental impacts. Consistent with previous audit periods, BMC continues to use internal systems to manage environmental obligations and track compliance tasks, currently through the Pulse Work Order system with a dedicated compliance management system (EnviroSys) under development (H. Frazer pers. comm). Spatial and GIS records are also maintained to track rehabilitation progress in accordance with the Rehabilitation Strategy and Rehabilitation Management Plan (RMP). Environmental performance is further demonstrated through the management of incidents during the audit period. Reportable incidents occurred as detailed in the compliance tables below; however, a review of incident records and follow-up actions indicates that response measures were implemented to manage the events. Based on the evidence reviewed for the audit, no material harm to the environment, as defined by the Development Consent was identified to have resulted from these incidents.	
TERMS OF CONSENT					
2	The Applicant must: (a) carry out the development generally in accordance with the EIS, SEE (Mod 1), SEE (Mod 2), SEE (Mod 3) SEE (Mod 4) and Modification Report (Mod 5), and Modification Report (Mod 7); and (b) comply with the conditions of this consent and the Development Layout. Note: The Development Layout is shown in Appendix 2.		**Non-compliant**	The Bengalla Coal Mine – Continuation Project is being carried out generally in accordance with the EIS, subsequent Modifications and Development Consent. **Non-Compliances against conditions have been identified during the audit period and are recorded in this table and in the main Audit Report.**	**NC-01**
3	Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to: (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and (b) the implementation of any actions or measures contained in any such document referred to in paragraph 3(a) above.	DPHI Letter - Submission of an Updated Air Quality Management Plan dated 3/07/2025 DPHI Email Correspondence – AQMP Extension Approval Request dated 27/10/2025	Compliant	During the audit period, the Planning Secretary issued one written request on 3 July 2025 requiring BMC to update the Air Quality Management Plan (AQMP) to reflect the requirements of the EPA's Draft *NSW Guide for Large Emitters*. This request was made following the submission of the AQMP to the Department after the approval of Mod 5. The update was required to be completed by 31 October 2025. BMC subsequently sought an extension to align the AQMP update with the broader management revisions required under Mod 7. An extension to 30 January 2026 was approved by DPHI on 27 October 2025. No other requests were received during the audit period.	

Bengalla Coal Mine – Continuation Project (Development Approval SSD 5170 – Mod 7)

Mod 1 - Mod 2 - Mod 3 - Mod 4 - Mod 5 - Mod 7

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
4	The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition 2(a) above. In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 2(a) the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.		Noted		
LIMITS ON CONSENT					
MINING OPERATIONS					
5	The Applicant may carry out mining operations on the site until 28 February 2039. *Note:* *Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of either the Secretary or the Resources Regulator. Consequently this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.*		Compliant	Mining operations are authorised to continue until 28 February 2039 and were ongoing during the audit period (H. Frazer pers. comm).	
COAL EXTRACTION					
6	The Applicant must not extract and/or process more than 15 million tonnes of ROM coal on site in any calendar year.	Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024 COO Report received 25/02/2026	Compliant	During the audit period, BMC did not extract or process more than 15 million tonnes (Mt) of ROM coal in any calendar year. Reported ROM coal extraction volumes for the audit period are as follows: • 2023: 12.01 Mt. • 2024: 13.74 Mt. • 2025 (1 January to 30 November): 10.3 Mt.	
COAL TRANSPORT					
7	The Applicant must: (a) only transport coal from the site by rail; and (b) restrict train movements from the Bengalla load point to a maximum of 16 laden trains a day.	Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024 Bengalla Coal Transport Report 2025 received 23/02/2026	Compliant	(a) All coal was transported via rail to the Port of Newcastle during the audit period (H. Frazer pers. comm). (b) Records reviewed confirm that train movements from the Bengalla load point did not exceed the limit of 16 laden trains per day during the audit period. Reported train movements are summarised below: • 2023: 1,237 total movements, with a maximum of 7 per day. • 2024: 1,308 total movements, with a maximum of 6 per day. • 2025 (1 January to 30 November): 1,053 total movements, with a maximum of 6 per day. All recorded daily maximums remain below the approved limit.	
BENGALLA LINK ROAD CONSTRUCTION HOURS					
8	The Applicant must only construct the Bengalla Link Road between the hours of 7 am to 6 pm, Monday to Friday and 8 am to 1 pm on Saturdays.		Not Triggered	Construction of the Bengalla Link Road had not commenced during the audit period. The Bengalla Link Road remains subject to detailed design. Any amendments to the Project would be progressed through a Modification application (H. Frazer pers. comm).	

Bengalla Coal Mine – Continuation Project (Development Approval SSD 5170 – Mod 7)

Mod 1 - Mod 2 - Mod 3 - Mod 4 - Mod 5 - Mod 7

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
NOTICE OF COMMENCEMENT					
9	Prior to carrying out any development under this consent, the Applicant must: (a) certify that it has obtained all the necessary approvals required to commence development; and (b) notify the Secretary in writing of the date of commencement of development under this consent.		Compliant	Compliance with this condition was confirmed in previous audits. The requirement was triggered at the original commencement of development and falls outside this audit period.	
SURRENDER OF EXISTING DEVELOPMENT CONSENT					
10	By the end of June 2016, unless the Secretary agrees otherwise, the Applicant must surrender the existing development consent for mining operations on site in accordance with Section 104A of the EP&A Act. Prior to the surrender of this consent, the conditions of this consent (once operational) prevail to the extent of any inconsistency with the conditions of this consent.		Compliant	Compliance with this condition was confirmed in previous audits. The requirement relates to the surrender of the previous development consent and falls outside the current audit period.	
STRUCTURAL ADEQUACY					
11	All new buildings and structures, and any alterations or additions to existing buildings and structure, are constructed in accordance with: (a) the relevant requirements of the BCA; and (b) any additional requirements of SA NSW where the building or structure is located on land within a declared Mine Subsidence District. *Notes:* - *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.* - *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.* - *The development is located in the Muswellbrook Mine Subsidence District. Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of SA NSW's approval before carrying out certain development in a Mine Subsidence District*	Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024 CHPP Building Construction Certificate dated 28/03/2024 CHPP Building Occupation Certificate 240042 dated 13/11/2024 Core Shed Construction Certificate dated 28/01/2025 Core shed Occupation Certificate 24-8922/01 dated 14/10/2025 Infrastructure Office Construction Certificate dated 23/04/2024	Compliant	During the audit period, a number of buildings and structures were constructed at Bengalla Mine. Some of these works did not meet the definition of a building under the EP&A Act and therefore did not require certification under Part 6 of the Act. Works not requiring certification included the tyre bay, in-pit crushing plant facility, Bengalla Link Road refurbishment, in-pit water cart fill point, undercover employee car park, Western Diversion Levee Stage 2 and the Old Bengalla Road refurbishment. Buildings and structures constructed during the audit period that did require certification (sighted) under Part 6 of the EP&A Act, in accordance with BCA requirements, included the CHPP office, infrastructure office and exploration core shed.	
DEMOLITION					
12	The Applicant must ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	Asbestos Clearance Certificate – Wybong Rd Property Bengalla dated 9/10/205 Demolition Risk Assessment Report dated 19/8/2025	**Non-compliant**	During the audit period, demolition and structural removal works were undertaken at Bengalla Mine, including demolition of a residential dwelling at 80 Wybong Road, removal of demountable office buildings within the CHPP area, and disassembly of the former Orica reload facility. A Demolition Risk Assessment Report and Ground Disturbance Permit were prepared for the residential dwelling. However, **no verifiable evidence was provided to demonstrate that the removal of the CHPP demountable buildings**	**NC-02**

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
		GDP2416 – Wybong Road House Demolition dated 18/8/2025 Projects – Supervisor Area Inspection CHPP Admin Building dated 30/01/2025		**or the Orica reload facility was undertaken in accordance with AS 2601–2001 The Demolition of Structures.** AS 2601 applies to the demolition or dismantling of any structure, including relocatable buildings and industrial facilities. The standard requires documented demolition methodology, service isolation, hazardous materials assessment (e.g. asbestos), controlled dismantling and appropriate waste management. **Recommendation: It is recommended BMC ensure demolition works including the removal of demountable buildings are undertaken in accordance with AS 2601–2001 and that relevant supporting documentation is retained for audit purposes.**	
PROTECTION OF PUBLIC INFRASTRUCTURE					
13	Unless the Applicant and the applicable authority agree otherwise, the Applicant must: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development. *Note:* *This condition does not apply to any damage to roads caused as a result of general road usage.*	Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024	Not Triggered	No damage to public infrastructure occurred during the audit period (H. Frazer pers. comm).	
OPERATION OF PLANT AND EQUIPMENT					
14	The Applicant must ensure that all plant and equipment used on site, and any equipment used offsite to monitor the performance of the development, is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Thearle Engineering Sound Power Report – Ex16 Truck dated 28/03/2025 Thearle Engineering Sound Power Report – 830-E Haul Truck dated 11/09/2025 Minvu Environmental Delay Breakdown 30/12/2022 to 10/12/2025 Screenshot received 15/12/2025 HME Post Maintenance Checklist Template received 25/02/2026	Compliant	BMC operates a fleet of plant and equipment including excavators, a dragline, front end loaders and haul trucks. Plant and equipment are procured in accordance with BMC procedures and are required to meet Introduction to Site (DG15) requirements prior to operating onsite (H. Frazer pers. comm). (a) Plant and equipment are subject to scheduled maintenance in accordance with Original Equipment Manufacturer standards. Maintenance activities are managed through the Pulse system, which is used to schedule and track routine servicing and corrective maintenance (H. Frazer pers. comm). Sound power testing (sighted) is undertaken on heavy plant and informs maintenance requirements where applicable. (b) Plant and vehicle operation is managed through site procedures, including Vehicle 103 for pre-start inspections and defect reporting (H. Frazer pers. comm). Operator behaviour is monitored through plant and vehicle tracking systems, which enable plant to be adjusted, delayed or stopped in response to site and environmental conditions (e.g. adverse dust-generating conditions), supporting proper and efficient operation. Operator training and competency records are maintained in the DAMSTRA system (sighted).	
14A	The Applicant may operate a mobile rock crushing facility on site as described in Modification Report (Mod 5). The Applicant must: (a) only operate the mobile rock crushing facility between the hours of 7 am to 6 pm, Monday to Saturday; and (b) ensure no crushed rock is transported off site.	Minvu Environmental Delay Breakdown 30/12/2022 to 10/12/2025 Screenshot received 15/12/2025	Compliant	(a) Review of the Minvu Equipment Management System indicates that the mobile rock crushing facility operated only between the approved hours of 7:00 am and 6:00 pm, Monday to Saturday, throughout the audit period. It is noted that shift timing arrangements are also used to manage production within approved limits H. Frazer pers. comm). (b) No crushed rock has not been exported offsite during the audit period (H. Frazer pers. comm).	

Bengalla Coal Mine – Continuation Project (Development Approval SSD 5170 – Mod 7)

Mod 1 - Mod 2 - Mod 3 - Mod 4 - Mod 5 - Mod 7

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
UPDATING AND STAGING SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS					
15	The Applicant must regularly review the strategies, plans and programs required under this consent and ensure that these documents are updated to incorporate measures to improve the environmental performance of the development and reflect current best practice in the mining industry. To facilitate these updates, the Applicant may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis. With the agreement of the Secretary, the Applicant may prepare a revision or stage of any strategy, plan or program required under this consent without undertaking consultation with all parties nominated under the applicable condition in this consent. *Notes:* • *While any strategy, plan or program may be submitted on a staged basis, the Applicant must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.* • *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.*	Schedule 5 Condition 5 Post-Modification 7 Management Plan Review received 31/12/2025 BMC Management Plan Review Spreadsheet received 31/12/2025 BMC Request for Mod 5 Extension Letter dated 11/05/2023 DPHI Mod 5 Extension Approval Letter dated 28/06/2023	Compliant	During the audit period, BMC maintained a central register documenting periodic reviews of management plans, including instances where updates were not required. Reviews are generally undertaken on an annual basis; however, the audit identified that **plans are not always consistently reviewed following incidents or operational changes**. Following approval of Mod 5 on 24 February 2023, BMC requested an extension for the submission of management plans. DPHI approved this request on 28 June 2023 and required the plans to be reviewed by 28 July 2023. Details of the submission of the plans are provided in Schedule 5 Condition 5. Following approval of Mod 7, BMC prepared an internal document titled "Schedule 5 Condition 5 Post-Modification Management Plan Review". This document included review forms for all management plans and assessed whether each plan reflected current best practice in the mining industry and the requirements of Mod 7. A number of management plans were identified requiring updates to address Mod 7 and improve environmental performance, as confirmed during site interviews. The review document provides a structured assessment of each management plan and identifies future improvements; however, **the review process is not consistently triggered by incidents or operational changes**. **Opportunity for Improvement: BMC should implement a documented trigger-based review process requiring relevant strategies, plans and programs to be reviewed following all environmental incidents, modifications to the development, or significant operational changes.**	
VOLUNTARY PLANNING AGREEMENT					
16	By the end of December 2015, or as otherwise agreed by the Secretary, the Applicant must enter into a VPA for the development with Council in accordance with: (a) Division 6 of Part 4 of the EP&A Act; and (b) the terms of the Applicant's offer in Appendix 3.		Not triggered	Compliance with this condition was confirmed in previous audits. The VPA was executed outside the audit period.	
EVIDENCE OF CONSULTATION					
17	Where conditions of this consent require consultation with an identified party, the Applicant must: (a) consult with the relevant party prior to submitting the subject document; and (b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	Blast Management Plan (rev 6) dated 21/6/2023 Noise Management Plan (rev 7) dated 22/06/2023 Water Management Plan (rev 6) dated 19/12/23 Environmental Management Strategy (rev 4) dated 22/06/23	Compliant	(a) During the audit period, a number of management plans were required to be revised following the approval of Mod 5. Details of consultation undertaken for each revised plan are outlined under the relevant conditions below. (b) Review of the management plans required by this consent indicate that consultation undertaken is documented within the body of each plan, with supporting correspondence and consultation records appended.	

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
COMPLIANCE					
18	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	BMC Email Correspondence – Summary of Environmental Induction in the Production Onboarding package dated 18/07/2023 Bengalla Mine Site Visitor Induction sighted 26/11/2025 “U Day” Presentation dated February 2025	Compliant	All employees and contractors are required to complete an initial induction prior to commencing work (sighted). This induction includes information on environmental requirements and site procedures relevant to the development (H. Frazer pers. comm). Daily pre-start meetings include discussion of environmental risks relevant to planned activities and production onboarding materials emphasise key risks such as dust management. BMC also conducts environmental information briefs following incidents and “U Day” training is undertaken twice per year to communicate environmental matters to the workforce (H. Frazer pers. comm). While environmental risks are communicated through the initial induction, pre-start discussions and informal conversations, **records verifying the specific environmental risks discussed or task-specific environmental awareness are limited**. **Opportunity for Improvement: It is recommended records of environmental topics discussed at pre-start meetings are maintained to improve the ability to demonstrate that task-specific environmental risks are communicated to personnel.** **Opportunity for Improvement: It is recommended BMC develop a role- or risk-specific environmental learning modules to supplement the initial induction and support ongoing awareness of environmental obligations relevant to different activities.**	
APPLICABILITY OF GUIDELINES					
19	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	DPHI Letter – Submission of an Updated Air Quality Management Plan dated 3/07/2025 DPHI Email Correspondence – AQMP Extension Approval Request dated 27/10/2025	Compliant	During the audit period, the Planning Secretary issued one request on 3 July 2025 requiring BMC to update the AQMP to reflect the requirements of the EPA’s *Draft NSW Guide for Large Emitters*. The update was required to be completed by 31 October 2025. BMC subsequently sought an extension to align the AQMP update with the broader management revisions required under Mod 7. An extension to 30 January 2026 was approved by DPHI on 27 October 2025. No other requests or directions were issued by the Planning Secretary during the audit period in relation to ongoing monitoring or environmental management obligations.	

<table>
<tr><th>Condition No.</th><th>Requirement</th><th>Evidence Collected</th><th>Compliance Status</th><th>Independent Audit Findings and Recommendations</th><th>Unique ID on NC</th></tr>
<tr><td colspan="6">SCHEDULE 3</td></tr>
<tr><td colspan="6">ENVIRONMENTAL PERFORMANCE CONDITIONS</td></tr>
<tr><td colspan="6">ACQUISITION UPON REQUEST</td></tr>
<tr><td>1</td><td>Upon receiving a written request for acquisition from the owner of the land listed in Table 1, the Applicant must acquire the land in accordance with the procedures in conditions 5 and 6 of schedule 4.
Table 1: Land subject to acquisition upon request
<table>
<tr><th>Acquisition Basis</th><th>Receiver No</th></tr>
<tr><td>Noise</td><td>152, 153, 156E, 156S</td></tr>
<tr><td>Noise and Air Quality</td><td>154</td></tr>
</table>
<i>Note: To interpret the land referred to in Table 1, see the applicable figure in Appendix 4</i></td><td></td><td>Not triggered</td><td>No written requests for acquisition from landholders in Table 1 have occurred during the audit period (H. Frazer pers. comm).</td><td></td></tr>
<tr><td>2</td><td>If the Applicant receives a written request for acquisition from the owner of the land listed in Table 2 and if that land is no longer subject to acquisition upon request under the relevant development consent or project approval shown in Table 2, then the Applicant must acquire the land in accordance with the procedures in conditions 5 and 6 of schedule 4.
Table 2: Land subject to acquisition upon request
<table>
<tr><th>Acquisition Basis</th><th>Receiver No</th><th>Mine</th></tr>
<tr><td>Noise</td><td>120</td><td rowspan="2">Mt Arthur</td></tr>
<tr><td>Noise and Air Quality</td><td>112, 113, 114, 117, 118, 119, 155</td></tr>
<tr><td>Noise</td><td>166</td><td rowspan="2">Mt Pleasant</td></tr>
<tr><td>Noise and Air Quality</td><td>168, 171</td></tr>
</table>
<i>Notes:</i>
<i>To interpret the land referred to in Table 2, see the applicable figure in Appendix 4.</i></td><td></td><td>Not triggered</td><td>No written requests for acquisition from landholders in Table 2 have occurred during the audit period (H. Frazer pers. comm).</td><td></td></tr>
<tr><td colspan="6">ADDITIONAL MITIGATION UPON REQUEST</td></tr>
<tr><td>3</td><td>Upon receiving a written request from the owner of any residence on the land listed in Table 1 (unless the landowner of that land has requested acquisition), Table 2 (if acquisition or additional mitigation by the mine listed in Table 2 is no longer available for the landowner of that land) and on the land listed in Table 3, the Applicant must implement additional:
(a) noise mitigation measures (such as double-glazing, insulation and/or air conditioning); and/or
(b) air quality mitigation measures (such as air filters, a first flush roof water drainage system and/or air conditioning), at any residence in consultation with the owner.
These measures must be reasonable and feasible, and directed towards reducing the noise and/or air quality impacts of the development on any residence.
The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of mining operations.</td><td>Bengalla Mine Annual Review 2024 dated 31/03/2025
Bengalla Mine Annual Review 2023 dated 28/03/2024</td><td>Not Triggered</td><td>During the audit period, BMC did not receive any written requests from owners of residences listed in Table 1, Table 2 or Table 3 for the implementation of additional noise or air quality mitigation measures (H. Frazer pers. comm).
It is noted that during the audit period, a community member located outside the acquisition zone requested the replacement of a pool pump, which was subsequently completed by BMC (H. Frazer pers. comm).</td><td></td></tr>
</table>

<table>
<tr><th>Condition No.</th><th>Requirement</th><th>Evidence Collected</th><th>Compliance Status</th><th>Independent Audit Findings and Recommendations</th><th>Unique ID on NC</th></tr>
<tr><td></td><td>If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.
Table 3: Land subject to additional noise and/or air quality mitigation upon request
<table>
<tr><th>Mitigation Basis</th><th>Receiver</th></tr>
<tr><td>Noise and Air Quality</td><td>1093</td></tr>
<tr><td>Noise</td><td>105, 1063, 108, 1103, 126N, 167, 1692, 180, 184</td></tr>
<tr><td>Air Quality</td><td>663, 1203, 152, 156E, 156S</td></tr>
</table>
<i>Notes:</i>
1. <i>To interpret the land referred to in Table 3, see the applicable figure in Appendix 4.</i>
2. <i>The Applicant is only required to provide additional mitigation for this property if these rights are no longer available under the development consent for the Mt Pleasant mine.</i>
3. <i>The Applicant is only required to provide additional mitigation for this property if these rights are no longer available under the project approval for the Mt Arthur mine.</i></td><td></td><td></td><td></td><td></td></tr>
<tr><td colspan="6">NOISE</td></tr>
<tr><td colspan="6">NOISE CRITERIA</td></tr>
<tr><td>4</td><td>Except for the noise-affected land in Tables 1 and 2, the Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 4 at any residence on privately-owned land.
Table 4: Noise Criteria dB(A)
<table>
<tr><th rowspan="2">Location</th><th rowspan="2">Day
LAeq (15 min)</th><th rowspan="2">Evening
LAeq (15 min)</th><th colspan="2">Night</th></tr>
<tr><th>LAeq (15 min)</th><th>LA1 (1 min)</th></tr>
<tr><td>108, 109, 110</td><td>40</td><td>40</td><td>40</td><td>45</td></tr>
<tr><td>106</td><td>39</td><td>39</td><td>39</td><td>45</td></tr>
<tr><td>169</td><td>39</td><td>39</td><td>36</td><td>45</td></tr>
<tr><td>105, 126N</td><td>38</td><td>38</td><td>38</td><td>45</td></tr>
<tr><td>167, 180, 184</td><td>38</td><td>38</td><td>35</td><td>45</td></tr>
<tr><td>102, 126C, 146</td><td>37</td><td>37</td><td>37</td><td>45</td></tr>
<tr><td>186N</td><td>37</td><td>37</td><td>35</td><td>45</td></tr>
<tr><td>43, 44, 130, 145, 126S</td><td>36</td><td>36</td><td>36</td><td>45</td></tr>
<tr><td>186S, 189</td><td>36</td><td>36</td><td>35</td><td>45</td></tr>
<tr><td>All other privately-owned residences</td><td>35</td><td>35</td><td>35</td><td>45</td></tr>
</table>
<i>Note: To interpret the land referred to in Table 4, see the applicable figure in Appendix 4.</i>
However, these criteria do not apply if the Applicant has a written agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.
Noise generated by the development is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy. Appendix 5 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.</td><td>Bengalla Mine Annual Review 2024 dated 31/03/2025
Bengalla Mine Annual Review 2023 dated 28/03/2024
Bengalla Mine Monthly Monitoring Data Summary Reports dated January 2023 to November 2025</td><td>Compliant</td><td>Noise monitoring results reviewed under applicable meteorological conditions show that during the audit period noise levels generated by the development did not exceed applicable criteria at any privately owned residence listed in Table 4.</td><td></td></tr>
</table>

Bengalla Coal Mine – Continuation Project (Development Approval SSD 5170 – Mod 7)

Mod 1 - Mod 2 - Mod 3 - Mod 4 - Mod 5 - Mod 7

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
CONSTRUCTION NOISE					
5	The Applicant must manage the noise associated with the construction of the Bengalla Road realignment and the Homestead Access Road in accordance with the noise management levels in Table 2 of the Interim Construction Noise Guideline.	Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024	Compliant	No construction works for Bengalla Road realignment or Homestead Access Road occurred during the audit period (H. Frazer pers. comm).	
OPERATING CONDITIONS					
6	The Applicant must: (a) implement best noise management practice, which includes implementing all reasonable and feasible noise mitigation measures to minimise the construction, operational, road and rail noise of the development; (b) operate a comprehensive noise management system on site that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day-to-day planning of mining operations and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent; (c) minimise the noise impacts of the development during meteorological conditions when the noise criteria in this consent do not apply (see Appendix 5); (d) co-ordinate noise management at the Bengalla mine with the noise management at the Mt Arthur and Mount Pleasant mines to minimise cumulative noise impacts; and (e) carry out regular attended monitoring in accordance with Appendix 5 (unless otherwise agreed with the Secretary), to determine whether the development is complying with the relevant conditions of this consent, to the satisfaction of the Secretary.	Noise Management Plan (rev 7) dated 22/06/2023 Quarterly Cumulative Impact Meeting Minutes between BMC, Mt Pleasant and Mt Arthur dated 2023 – 2025 Bridges Acoustics November 2025 Attended Monitoring Report dated 11/12/2025 Bengalla Mine Monthly Monitoring Data Summary Reports dated January 2023 to November 2025 Bengalla AWS 3M Maintenance Form dated 27/5/2024 Bengalla Inversion Tower Operation Check Report dated 29/09/2023	Compliant	(a) The Noise Management Plan (NMP) (rev 7) utilises a predict–monitor–respond approach to noise management. BMC implements this framework in practice, including noise forecasting, real-time monitoring with trigger levels, attended monitoring (sighted) and the application of responsive operational controls where required. During the audit period, no noise incidents were reported. Documentation and monitoring records reviewed indicate that noise management measures are generally implemented to minimise construction and operational noise. (b) BMC operates a site-wide noise management system that integrates predictive meteorological forecasting with real-time and attended noise monitoring. Forecasting information and monitoring results are used to inform the day-to-day planning of mining activities and the implementation of mitigation measures where conditions indicate an increased risk of elevated noise emissions (H. Frazer pers. comm). The system includes automated alerts (sighted), defined trigger levels and escalation procedures, supported by a range of operational controls such as equipment attenuation, operational adjustments (sighted), haul road maintenance and progressive rehabilitation. (c) Meteorological forecasting and real-time monitoring are used to identify noise-enhancing meteorological conditions. When such conditions are predicted or occur, BMC implements additional operational controls to minimise potential noise impacts. These measures include operational adjustments, equipment relocation and the application of responsive mitigation actions where required. (d) Coordination of noise management with the Mt Arthur and Mount Pleasant mines is facilitated through quarterly cumulative impact meetings (sighted) as well as direct communication between environment personnel to notify neighbouring operations of elevated noise conditions (H. Frazer pers. comm). (e) Regular attended noise monitoring was undertaken during the audit period in accordance with the NMP and Appendix 5 to assess compliance with the consent conditions. Monitoring was completed at sensitive receiver locations, including the Racecourse Road receivers. Fixed monitoring units were supplemented by handheld monitoring where required.	

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
NOISE MANAGEMENT PLAN					
7	The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with the EPA, and submitted to the Secretary for approval within 6 months of the date of this consent; (b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent; (c) describe the proposed noise management system in detail; and (d) include a noise monitoring program that: • evaluates and reports on: ○ the effectiveness of the noise management system; ○ compliance against the noise criteria in this consent; and ○ compliance against the noise operating conditions; • includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time (so the real-time noise monitoring program can be used as a trigger for further attended monitoring where there is a risk of non-compliance with the noise criteria in this consent); and • defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.	Noise Management Plan (rev 7) dated 22/06/2023 DPHI Noise Management Plan Approval Letter dated 10/08/2023 Schedule 5 Condition 5 Post-Modification 7 Management Plan Review received 31/12/2025	Compliant	During the audit period the NMP (rev 7) had been updated to reflect Mod 5 and lodged with the Department on the 22 June 2023. The NMP was approved by DPHI (then DPE) on 10 August 2023. Rev 7 of the NMP was prepared in consultation with the EPA, with evidence of consultation included in Appendix B of the plan. Following approval of Mod 7 BMC undertook a review on the 21 October 2025 which concluded that the NMP would need to be revised to reflect Mod 7. The NMP was undergoing revision at the time of the audit. The NMP addresses the requirements of Condition 7 items (a)–(d). Review of the **NMP** identified that the Plan **references the *NSW Draft Guideline: Mining – Noise Monitoring Application Note*. This document is not a ratified or statutory policy and does not form part of the applicable regulatory framework for the Project**. The relevant policy framework for noise compliance assessment is the development consent, EPL, the *Industrial Noise Policy (2000)* and the *Noise Policy for Industry (2017)*. The review also identified that the **NMP does not explicitly require compliance monitoring to be undertaken in accordance with the *EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (2022)*. The Plan does not specify requirements for contemporaneous field notes, representative monitoring conditions, justification of monitoring timing and meteorology, or documentation of modifying factors (annoying characteristics)**. Monthly monitoring appears to be undertaken at a consistent time rather than targeted to representative operating or meteorological conditions. **Opportunity for Improvement: It is recommended the Noise Management Plan be revised to remove reference to the Draft Application Note and align monitoring and assessment requirements with the development consent, Environmental Protection Licence, the Industrial Noise Policy (2000) and the Noise Policy for Industry (2017).** **Opportunity for Improvement: It is recommended the Noise Management Plan is updated to specifically require the collation of contemporaneous notes with sufficient detail during attended monitoring that would enable a third-party to analyses the monitoring data and come to the same conclusion.** **Opportunity for Improvement: It is recommended the Noise Management Plan be revised to require compliance measurements be completed at the times and locations most relevant to determining the BMC's actual noise contribution, particularly during noise-enhancing meteorological conditions, using a risk-based approach consistent with the EPA Approved Methods and the Industrial Noise Policy (2000) / Noise Policy for Industry (2017) principles of representative, credible assessment.** **Opportunity for Improvement: It is recommended the Noise Management Plan be updated to specifically require that the assessment of annoying**	

<table>
<tr><th>Condition No.</th><th>Requirement</th><th>Evidence Collected</th><th>Compliance Status</th><th>Independent Audit Findings and Recommendations</th><th>Unique ID on NC</th></tr>
<tr><td></td><td></td><td></td><td></td><td>characteristics corrections are in accordance with the requirements of the Industrial Noise Policy (2000) and the Noise Policy for Industry (2017).</td><td></td></tr>
<tr><td>7A</td><td>The Noise Management Plan, as approved by the Secretary, must be implemented for the development.</td><td>Noise Management Plan (rev 7) dated 22/06/2023
Bengalla AWS 3M Maintenance Form dated 27/5/2024
Bengalla Inversion Tower Operation Check Report dated 29/09/2023
Noise Testing Forecast received 18/12/2025
Thearle Engineeering Sound Power Report – 830-E Haul Truck dated 11/09/2025
Barn Owl Calibration Report – Rox Road dated 6/02/2025
Bengalla Mine Monthly Monitoring Data Summary Reports dated January 2023 to November 2025</td><td>Compliant</td><td>The NMP was generally implemented during the audit period. The BMC Environment Team reviewed forward operational schedules to identify potential night-time noise risks (H. Frazer pers. comm).
Real-time SCADA alerts (operational since March 2024) and monthly attended monitoring were used to track noise performance and respond to potential noise incidents in accordance with Section 8.4 of the NMP.</td><td></td></tr>
<tr><td colspan="6">BLASTING</td></tr>
<tr><td colspan="6">BLASTING CRITERIA</td></tr>
<tr><td>8</td><td>The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in Table 5.
Table 5: Blasting criteria
<table>
<tr><th>Location</th><th>Airblast overpressure (dB(Lin Peak))</th><th>Ground vibration (mm/s)</th><th>Allowable exceedance</th></tr>
<tr><td rowspan="2">Residence on privately owned land</td><td>120</td><td>10</td><td>0%</td></tr>
<tr><td>115</td><td>5</td><td>5% of the total number of blasts over a period of 12 months</td></tr>
</table>
However, these criteria do not apply if the Applicant has a written agreement with the relevant owner for higher levels, and has advised the Department in writing of the terms of this agreement.</td><td>DPHI Exceedance Notification – Airblast Overpressure Exceedance Moore Monitoring Site dated 13/01/2025
Monitoring Data Summary Reports dated January 2023 to November 2025
DPHI Advisement Letter – Moore Blasting Agreement dated 4/11/2025
Blasting Agreement – BMC and Moore dated 25/09/2025</td><td>Compliant</td><td>No ground vibration exceedances were recorded during the audit period. A single blast overpressure exceedance was recorded at a residence on privately owned land.
At 15:55 on 7 January 2025, a blast overpressure of 120.3 dB(Lin Peak) was recorded at the Moore residence, marginally exceeding the criterion by 0.3 dB. BMC provided evidence to DPHI on the 13 January 2025 notifying them of the exceedance and confirming that a written blasting agreement with the affected landholder was in place. Accordingly, this event does not constitute a non-compliance with the blasting criteria under this condition.</td><td></td></tr>
</table>

Bengalla Coal Mine – Continuation Project (Development Approval SSD 5170 – Mod 7)

Mod 1 - Mod 2 - Mod 3 - Mod 4 - Mod 5 - Mod 7

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
BLASTING HOURS					
9	The Applicant must only carry out blasting on site between 7 am and 5 pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Secretary.	Monthly Monitoring Summary reports dated from January 2023 to October 2025 Blast Event Recording Form – S46-030IB-MA1 dated 11/11/0225	Compliant	No blasting was undertaken outside the approved hours during the audit period.	
BLASTING FREQUENCY					
10	The Applicant must only carry out a maximum of: (a) 2 blasts a day; and (b) 6 blasts a week, averaged over a calendar year, on the site. This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, blast misfires or blasts required to ensure the safety of the mine, its workers or the general public. *Notes:* • *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.* • *For the avoidance of doubt, should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast.* • *In circumstances of recurring unfavourable weather conditions (following planned but not completed blast events), to avoid excess explosive sleep times and minimise any potential environmental impacts, the Applicant may seek agreement from the Secretary for additional blasts to be fired on a given day.*	Monthly Monitoring Summary Reports dating from January 2023 to November 2025 Blast Event Recording Form – S46-030IB-MA1 dated 11/11/0225 Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024	Compliant	During the audit period blasting did not exceed two blasts per day or an average of six blasts per week over the calendar year.	
PROPERTY INSPECTIONS					
11	If the Applicant receives a written request from the owner of any privately-owned land within 3 kilometres of the approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the Applicant must: (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 other structures on the land, or update the previous property inspection report; and • identify measures that should be implemented to minimise the potential blasting impacts of the development 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 Applicant or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Secretary for solution.	Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024	Not triggered	During the audit period, BMC did not receive any written requests from private landowners within 3 km of the approved open cut mining pit requesting a property inspection (H. Frazer pers. comm).	

Bengalla Coal Mine – Continuation Project (Development Approval SSD 5170 – Mod 7)

Mod 1 - Mod 2 - Mod 3 - Mod 4 - Mod 5 - Mod 7

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
PROPERTY INVESTIGATIONS					
12	If the Applicant receives a written request from the owner of any privately-owned land within 3 kilometres of the approved open cut mining area, or any other landowner where the Secretary is satisfied an investigation is warranted, for a property investigation on the basis that buildings and/or structures on his/her land have been damaged as a result of blasting on the site, then within 2 months of receiving this claim the Applicant must: (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 Applicant must repair the damage to the satisfaction of the Secretary. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution.	Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024	Not triggered	No written requests for a property investigation were received from any property owners during the audit period (H. Frazer pers. comm).	
OPERATING CONDITIONS					
13	During mining operations on site, the Applicant must: (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; (b) ensure that blasting on site does not damage historic heritage sites (see the figure in Appendix 6); (c) minimise the frequency and duration of any road closures, and avoid road closures for blasting during peak traffic periods; (d) operate a suitable system to enable the public and Council to get up-to-date information on the proposed blasting schedule on site and associated road closures; (e) co-ordinate the timing of blasting on site with the timing of blasting at the Mt Arthur and Mount Pleasant mines to minimise any cumulative blasting impacts; and (f) monitor and report on compliance with the relevant blasting conditions in this consent, to the satisfaction of the Secretary.	Blast Event Recording Form – S46-030IB-MA1 dated 11/11/0225 Blast Event Recording Form – S44-24-IB-WN dated 14/11/0225 Blast Management Plan (rev 6) dated 22/06/2023 Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024 Monthly Monitoring Summary Reports dating from January 2023 to November 2025	Compliant	(a) Blast planning and assessment processes are implemented on site, including pre-blast risk assessments, blast design and post-blast monitoring. Production personnel and licensed shotfirers prepare blast packages using daily weather forecast information. Blast modelling considers shot location, wind speed and wind direction, including plume modelling. Environmental staff verify weather conditions prior to blasting and confirm whether a blast may proceed (H. Frazer pers. comm). Blast event records reviewed included risk assessments, planning documentation and authorisation sign-off. Environmental conditions, including wind speed and direction, are considered during blast planning to identify suitable conditions and minimise dust and fume emissions. Site interviews indicated personnel are trained in pre-blast and post-blast procedures. During the audit period, a blast on the 4 November 2023 resulted in a fume event. The cause of this was associated with unexpected rainfall in the shot locality, which affected the dry product. BMC notified the NSW EPA as a precautionary measure, following which the EPA issued a Section 191 Notice to Provide Information and Records. BMC provided the requested information (H. Frazer pers. comm.). The result of the Section 191 confirmed there was no evidence of fumes leaving the premises, and no warning, Penalty Infringement Notice or further regulatory action was issued. (b) No blasting occurred within the vicinity of identified heritage items during the audit period. Dilapidation surveys are undertaken in accordance with the Blast Management Plan to confirm blasting does not adversely affect heritage structures. (c) The Blast Management Plan includes measures to schedule blasting outside school bus operating hours. In 2023, approximately 26% of blasts required temporary closure of Wybong Road. Blasting is planned to minimise the frequency and duration of road closures (H. Frazer pers. comm)	

Bengalla Coal Mine – Continuation Project (Development Approval SSD 5170 – Mod 7)

Mod 1 - Mod 2 - Mod 3 - Mod 4 - Mod 5 - Mod 7

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
				(d) BMC operates a blasting hotline and SMS notification service to inform stakeholders of upcoming blasting and associated road closures. Signage is installed prior to blasting where closures are required (H. Frazer pers. comm). (e) Blast timing is coordinated with nearby mining operations, including Mt Pleasant mine, through consultation between drill and blast personnel to minimise cumulative blasting impacts. (H. Frazer pers. comm). (f) Blast monitoring results are publicly reported on the BMC environmental reporting webpage.	
14	The Applicant must not undertake blasting on site within 500 metres of: (a) any public road; (b) the Ulan – Muswellbrook railway line; or (c) any land outside the site that is not owned by the Applicant, unless: • the Applicant has a written agreement with the applicable infrastructure authority or landowner to allow blasting to be carried out closer to the infrastructure or land, and the Applicant has advised the Department in writing of the terms of this agreement; or • the Applicant has: ○ demonstrated to the satisfaction of the Secretary that the blasting can be carried out closer to the infrastructure or land without compromising the safety of people or livestock, or damaging buildings and/or structures; and ○ updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the road or land.	Blast Management Plan (rev 6) dated 22/06/2023 Mach Energy – Blasting Protocol Reference: BEN71800525 dated 26/11/2021 ARTC Blasting Deed dated 6/04/2009	Compliant	Written agreements are in place to permit blasting within 500 metres of relevant infrastructure and land. Agreements with Mach Energy (Blasting Protocol Reference: BEN71800525) and ARTC (Blasting Deed) were sighted for blasting within 500 m of land not owned by BMC. The Blast Management Plan includes a Road Closure Management Plan, which has been reviewed by Council and sets out the controls to be implemented when blasting occurs within 500 metres of a public road. No blasts were undertaken during the audit period within the specified areas without prior written agreement (H. Frazer pers. comm).	
BLAST MANAGEMENT PLAN					
15	The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with the EPA and Council, and submitted to the Secretary for approval within 6 months of the date of this consent; (b) describe the measures that would be implemented to ensure compliance with the blasting criteria and operating conditions of this consent; (c) propose and justify any alternative ground vibration limits for any public infrastructure in the vicinity of the site (if relevant); and (d) include a monitoring program for evaluating and reporting on compliance with the blasting criteria and operating conditions.	Blast Management Plan (rev 6) dated 22/06/2023 Schedule 5 Condition 5 Post-Modification 7 Management Plan Review received 31/12/2025 DPE Blast Management Plan Approval Letter dated 22/08/2023	Compliant	During the audit period the Blast MP (rev 6) was updated to reflect Mod 5 and lodged with the Department on the 21 June 2023. The Blast MP was approved by DPHI (then DPE) on 22 August 2023. Revision 6 of the Blast MP was prepared in consultation with the EPA and Council, with evidence of consultation included in Appendix B of the plan. Following approval of Mod 7 BMC undertook a review on the 21 October 2025 which concluded that no updates were required. This was because Mod 7 introduced no additional blasting mitigation measures for the Temporary Overburden Emplacement Area. The Blast MP addresses the requirements of Condition 15 items (a)–(d).	
15A	The Blast Management Plan, as approved by the Secretary, must be implemented for the development.	Blast Management Plan (rev 6) dated 22/06/2023 Blast Event Recording Form – S46-030IB-MA1 dated 11/11/0225 Bengalla Mine Annual Review 2024 dated 31/03/2025	**Non-compliant**	Blast monitoring records, Annual Reviews and publicly available overpressure and vibration monitoring results demonstrate that blasts are monitored and assessed against the relevant criteria during the audit period. Blast event recording forms document blast planning, including consideration of meteorological conditions and use of the “Blasting Permission System” described in the Blast Management Plan. Blast modelling for dust and fume generation is undertaken prior to blasting and recorded within the blast documentation (H.	**NC-03**

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
		Bengalla Mine Annual Review 2023 dated 28/03/2024 BMC Webpage sighted 15/12/2025 Cumulative Framework Meeting minutes dated 15/2/2023, 25/6/2024, 20/11/2024, 2/5/2025, and 25/7/2025 Bengalla U Days Environment Update PowerPoint Presentation dated February 2025 BMC to DPHI Request for Extension Letter dated 11/05/2023 DPHI Extension of Time to Lodge Management Plans Approval Letter dated 28/06/2023		Frazer pers. comm). Post-blast reviews are also completed, including photographic records and assessment of blast performance. Blasting requirements and outcomes, including an overpressure exceedance on 7 January 2025, were communicated to site personnel through environmental awareness (“U-Day”) presentations. Blast documentation records blast design parameters (e.g. stemming, hole depth, elevation and coordinates). BMC also participates in cumulative framework meetings with neighbouring mines to coordinate blasting and associated road closures. A revised Blast Management Plan was sent to the Department on the 21 June 2023. This version of the Blast Management Plan (revision 6) was then approved by the Department on the 22 August 2023. **A review of Extension of Time to Lodge Management Plans correspondence identified that the Department (DPHI) dating from the 28 June 2023 advised BMC that its Compliance Branch is investigating the recent removal of a blast monitor (Blast Monitor SCH / EPA19) from St James School. At this time the Department identified that the removal of this monitor was not reflected in the approved BMP (revision 5) and urge BMC to submit a revised Blast MP to reflect operations.** **Accordingly, in the period between removing Blast Monitor SCH / EPA19 and revision 6 of the Blast Management Plan being approved by the Department, BMC were non-compliant for implementing the approved Blast MP.** It should be noted BMC removed the Blast Monitor SCH / EPA19 in response to a request from St James School for the monitor to be removed. **Recommendation: It is recommended that a documented change management procedure be incorporated into the Blast Management Plan requiring the submission of a revised plan where monitoring infrastructure is added, relocated or removed.**	
AIR QUALITY					
AIR QUALITY CRITERIA					
16	Except for the air-affected land in **Tables 1** and **2**, the Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that the particulate emissions generated by the development do not exceed the criteria listed in **Tables 6, 7** and **8** at any residence on privately-owned land.	Air Quality Exceedance (6/3/2023) Memorandum dated 5/5/2023	Compliant	BMC implements dust management and monitoring to assess compliance with the particulate matter criteria at privately-owned residences (excluding air-affected land). The site operates an air quality monitoring network comprising	

<table>
<tr><th>Condition No.</th><th>Requirement</th><th>Evidence Collected</th><th>Compliance Status</th><th>Independent Audit Findings and Recommendations</th><th>Unique ID on NC</th></tr>
<tr><td></td><td>
Table 6: Long term criteria for particulate matter
<table>
<tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr>
<tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>^{a,d}90 µg/m^3</td></tr>
<tr><td>Particulate matter < 10 µm (PM_{10})</td><td>Annual</td><td>^{a,d}25 µg/m^3</td></tr>
<tr><td>Particulate matter < 2.5 µm ($PM_{2.5}$)</td><td>Annual</td><td>^{a,d}8 µg/m^3</td></tr>
</table>
Table 7: Short term criterion for particulate matter
<table>
<tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr>
<tr><td>Particulate matter < 10 µm (PM_{10})</td><td>24 hour</td><td>^{b}50 µg/m^3</td></tr>
<tr><td>Particulate matter < 2.5 µm ($PM_{2.5}$)</td><td>24 hour</td><td>^{b}25 µg/m^3</td></tr>
</table>
Table 8: Short term criterion for particulate matter
<table>
<tr><th>Pollutant</th><th>Averaging period</th><th>Maximum increase in deposited dust level</th><th>Maximum total deposited dust level</th></tr>
<tr><td>^{c}Deposited dust</td><td>Annual</td><td>^{b}2 g/m^2/month</td><td>^{b}2 g/m^2/month</td></tr>
</table>
<i>Notes for Tables 6 to 8:</i>
<i>a. Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to other sources);</i>
<i>b. Incremental impact (i.e. incremental increase in concentrations due to the development on its own);</i>
<i>c. Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and</i>
<i>d. Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed to by the Secretary.</i>
</td><td>Air Quality Exceedance (2/10/2023) Memorandum dated 14/11/2023
Air Quality Exceedance (5/2/2024) Detailed Report dated 22/03/2025
Air Quality Exceedance (13/12/2024) Memorandum dated 3/02/2025
Air Quality Exceedance (6/1/2025) Detailed Report dated 26/02/2025
Air Quality Exceedance (28/8/2025) Detailed Report dated 29/09/2025
Air Quality Exceedance (1/3/2025) Memorandum dated 7/05/2025
Air Quality Exceedance (9/9/2025 & 27/09/2025) Memorandum dated 10/11/2025</td><td></td><td>meteorological monitoring, real-time monitors for operational management, high volume air samplers for compliance monitoring and deposited dust gauges.
Air quality monitoring results during the audit period indicate that TSP, PM_{10} and $PM_{2.5}$ concentrations and deposited dust levels, did not exceed the relevant impact assessment criteria at monitors representative of privately-owned residences.
Where elevated dust levels were recorded, investigations were undertaken in accordance with the processes required by the AQMP, including review by an independent air quality specialist and outcomes were reported to DPHI. Dust management measures and operational responses were implemented based on monitoring and site conditions.
Based on the information reviewed, reasonable and feasible mitigation measures were implemented and particulate emission criteria were achieved at privately-owned residences during the audit period.</td><td></td></tr>
<tr><td>17</td><td><i>Deleted.</i></td><td></td><td></td><td></td><td></td></tr>
<tr><td colspan="6">MINE-OWNED LAND</td></tr>
<tr><td>18</td><td>The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Tables 6, 7 and 8 at any occupied residence on mine-owned land (including land owned by another mining company) unless:
(a) the tenant or landowner (if the residence is owned by another mining company) has been notified of any health risks associated with such exceedances in accordance with the notification requirements in schedule 4 of this consent;
(b) the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice;
(c) air quality monitoring is regularly undertaken to inform the tenant or landowner (if the residence is owned by another mining company) of the actual particulate emissions at the residence; and</td><td>BMC Senior Land and Property Officer Email thread with BMC Environment Team explaining material provided to tenants/landowners dated October 2025
Bengalla Mine Monthly Monitoring Data Summary Reports dated</td><td>Compliant</td><td>During the audit period, review of air quality monitoring data identified no exceedances of the particulate matter criteria in Tables 6, 7 and 8 at monitoring locations representative of occupied residences on mine-owned land that were attributable to the development. Elevated particulate measurements were recorded at times; however, these were investigated, including review by an independent air quality specialist, and were not attributed to BMC.
BMC implements dust avoidance and mitigation measures informed by air quality and meteorological conditions, including operational adjustments and tracking of equipment operation and downtime. These measures were observed during the site inspection and are used to minimise particulate emissions.</td><td></td></tr>
</table>

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
	(d) data from this monitoring is presented to the tenant or landowner (if the residence is owned by another mining company) in an appropriate format for a medical practitioner to assist the tenant or landowner in making informed decisions on the health risks associated with occupying the residence, to the satisfaction of the Secretary.	January 2023 to November 2025		"Mine Dust and You" factsheets are provided to tenants when entering into residential tenancy agreements on mine-owned land (H. Frazer pers. comm). As no mine-attributed exceedances occurred during the audit period, the tenant notification requirements under Schedule 4 were not triggered.	
OPERATING CONDITIONS					
19	The Applicant must: (a) implement all reasonable and feasible measures to minimise the: • odour, fume and dust emissions of the development; and • release of greenhouse gas emissions from the site; (b) minimise any visible air pollution generated by the development; (c) minimise the surface disturbance of the site; (d) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting, predictive air dispersion modelling and real-time air quality monitoring data to guide the day-to-day planning of mining operations and implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent; (e) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d to **Tables 6-8** above); (f) implement all reasonable and feasible measures to co-ordinate the air quality management at the Bengalla mine with the air quality management at the Mt Arthur and Mount Pleasant mines to minimise any cumulative air quality impacts; and (g) monitor and report on compliance with the relevant air quality conditions in this consent, to the satisfaction of the Secretary.	Screenshots of text messages between BMC and Mt Arthur and Mt Pleasant regarding dust received 28/11/2025 Quarterly Cumulative Impact Meeting Minutes between BMC, Mt Pleasant and Mt Arthur dated 25/06/2024 Quarterly Cumulative Impact Meeting Minutes between BMC, Mt Pleasant and Mt Arthur dated 15/02/2023 Bengalla Mine Monthly Monitoring Data Summary Reports dated January 2023 to November 2025 Air Quality Green Alert dated 6/11/2025 Air Quality Amber Alert dated 6/10/2025 Dust Monitor Alarm Notification – Wybong Rd West dated 27/10/2025	Compliant	(a) BMC implements air quality management measures including visual triggers, real-time monitoring, alerts and a trigger action response plan. Energy and fuel use are tracked and haul distances are managed to reduce fuel consumption and associated emissions (sighted). These measures are generally consistent with best practice for open cut coal mining operations in NSW and assist in minimising dust, fume and greenhouse gas emissions. (b) Site inspection observations confirmed active dust suppression and operational controls, including water cart use, speed management and modification of activities under adverse conditions. The Environment Team monitored conditions and temporarily ceased activities when dust levels increased. Dust, odour and fume complaints were recorded during the audit period; however, each complaint was investigated and management actions were implemented. (c) Review of Annual Reviews and site inspection observations indicate surface disturbance is managed through progressive rehabilitation. While the 2024 rehabilitation target was not achieved due to operational constraints, targets were exceeded in 2025 (H. Frazer pers. comm). (d) BMC operates an air quality management system incorporating real-time air quality and meteorological monitoring, predictive forecasting and communication of conditions to operational staff. Monitoring and forecasts are used to guide day-to-day operational planning and the implementation of proactive and reactive mitigation measures. (e) Operational adjustments and dust suppression measures are implemented during adverse meteorological conditions, including modification or cessation of activities where required. These actions are used to minimise air quality impacts during such conditions. (f) BMC co-ordinates air quality management through meetings with other sites as well as text messaging (sighted) regarding air quality conditions. (g) BMC operates an air quality monitoring network and reports compliance with air quality conditions through Annual Reviews submitted to the Department.	
20	The Applicant must prepare a detailed Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with the EPA and Council, and submitted to the Secretary for approval within 6 months of the date of this consent; (b) describe the measures that would be implemented to ensure compliance with air quality criteria and operating conditions of this consent; (c) describe the proposed air quality management system; and	Air Quality Management Plan (rev 14) dated 12/11/2022 DPHI Letter – Submission of an Updated Air Quality Management Plan dated 3/07/2025 DPHI Email Correspondence – AQMP	Compliant	During the audit period, the Planning Secretary issued one written request on 3 July 2025 requiring BMC to update the Air Quality Management Plan (AQMP) to reflect the requirements of the EPA's Draft NSW Guide for Large Emitters. This request was made following the submission of the AQMP to the Department after the approval of Mod 5. The update was required to be completed by 31 October 2025. BMC subsequently sought an extension to align the AQMP update with the broader management revisions required under Mod 7. An extension to 30 January 2026 was approved by DPHI on 27 October 2025.	

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC

	(d) include an air quality monitoring program that:
	- uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the development against the air quality criteria in this consent;
	- adequately supports the proactive and reactive air quality management system;
	- evaluates and reports on:
	  ○ the effectiveness of the air quality management system; and
	  ○ compliance with the air quality operating conditions; and
	- defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents.
		Extension Approval Request dated 27/10/2025		The AQMP revision was not required to be completed within the audit period and will be assessed in the next audit period.
				As confirmed in previous audits, the AQMP addresses the requirements of items (a)–(d).
				Opportunity for Improvement: It is recommended that, as dispatch plays a key role in operational implementation of the Air Quality Management Plan, dispatch personnel are included in future reviews and updates of the Air Quality Management Plan.	

20A	The Air Quality Management Plan, as approved by the Secretary, must be implemented for the development.	Bengalla U Days Environment Update PowerPoint Presentation dated February 2025 Bust the Dust Inspection dated 24/08/2025, 10/07/2025 and 30/04/2025 Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024 Screenshots of text messages between BMC and Mt Arthur and Mt Pleasant regarding dust received 28/11/2025 Quarterly Cumulative Impact Meeting Minutes between BMC, Mt Pleasant and Mt Arthur dated 2023 – 2025 Bengalla Mine Monthly Monitoring Data Summary Reports dated January 2023 to November 2025 Minvu Environmental Delay Breakdown 30/12/2022 to 10/12/2025 Screenshot received 15/12/2025	Compliant	During the site inspection, active dust management measures were observed. Air quality monitoring infrastructure, monitoring results and Annual Review documentation were reviewed. BMC operates a predictive air quality management system, with forecasts distributed to operational staff and dispatch. Real-time monitoring data are visible to dispatch and used to identify potential dust risks and adjust operations accordingly. Evidence was provided demonstrating operational changes made in response to real-time monitoring and predicted dust conditions. Air quality monitoring is undertaken using real-time monitors to manage operational dust emissions. The Air Quality Management Plan is communicated to staff and operators through twice-yearly environmental awareness (“U-Day”) presentations. Dust inspections are also undertaken for Ground Disturbance Permit (GDP) areas, with BMC transitioning to a Survey123-based inspection template during the audit period. BMC uses dispatch systems and plant and equipment records (MinVu, linked to PowerBI) to respond to changing weather conditions. BMC advised the AQMP will be updated to incorporate proactive measures currently implemented on site, including routine visual inspections undertaken by environmental staff. Dust complaints were received by both BMC and the EPA during the audit period. Complaints were investigated in accordance with site procedures. Operational triggers are informed by E-BAM and DustTrak monitors. These are not compliance-based monitors but are approved for operational management at Bengalla Mine. The new network (based on TEOMs) will provide for more effective compliance and operational management. The meteorological trigger levels are consistent with other operations. The PM10 triggers are generally higher than other operations. **Opportunity for Improvement: It is recommended that the PM10 trigger levels in the Air Quality Management Plan are reviewed to make sure any disparity between monitoring types is addressed.**	

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
		Raw Air Quality Monitoring Data Spreadsheets from 8/11, 14/11, 21/10, 27/9, 9/9/2025			
METEOROLOGICAL MONITORING					
21	During the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that: (a) complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline; and (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.	Benchmark Monitoring AWS and INV Operation Check Reports (Monthly) dated from 2023 to 2025	Compliant	BMC operates a meteorological station and inversion tower. Benchmark Monitoring conducts monthly inspections and maintenance to validate meteorological data. The station is operated in accordance with the Approved Methods for Sampling of Air Pollutants in New South Wales and is capable of continuous real-time measurement of temperature lapse rate consistent with the requirements of the NSW Industrial Noise Policy. BMC's meteorological monitoring station on Logues Lane, as well as the Upper Hunter meteorological station on Wybong Road, were sighted during the site inspection and appeared to be in good condition and working order.	
WATER					
WATER SUPPLY					
22	The Applicant must ensure that it has sufficient water during each stage of the development, and if necessary, adjust the scale of mining operations to match its available water supply. *Note:* *Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain necessary water licences for the development.*	Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024 WAL Register received 18/12/2025 WAL1106 – Water Account Statement (FY23-24, FY24-25, FY25-26 (YTD) Water Account Statement WAL 1106 accounting for period between 01/07/2023 –30/06/2024 received 18/12/2025 Water Account Statement WAL 1106 accounting for period between 01/07/2025-16/12/2025 received 18/12/2025 Bengalla Mine (Muswellbrook) Flow Meters 2025 Register 28/11/2025	Compliant	Water balance results documented in the Annual Reviews were reviewed for the audit period. For 2023, a surplus of approximately 210 ML was recorded. No discharges occurred under the Hunter River Salinity Trading Scheme (HRSTS), and 1,718 ML was pumped from the Hunter River to supplement site supply. The Annual Review notes the measured water balance differed from EIS predictions due to rainfall conditions and existing water storages. For 2024, a deficit of approximately 91 ML was recorded. No HRSTS discharges occurred and 1,585 ML was pumped from the Hunter River to augment supply. The recorded deficit was consistent with predicted EIS water balance conditions. Water supply is supplemented through high security and general security water licences, including extraction from the Hunter River. Water balance data are reported annually (Annual Reviews, Section 7.1). No evidence was identified indicating the site operated without sufficient licensed water supply during the audit period. No operational restrictions or scaling of mining activities due to insufficient water supply were identified. Water licences for both BMC and Bengalla Agricultural Company are administered under BMC; however, this audit assessed only the mining operation. Based on the information reviewed, BMC had sufficient water supply to support mining operations during the audit period. During the audit, some water meters were inspected and **one was identified as non-compliant, including the flow meter on the pit dewatering line discharging to the Dry Creek East Dam**. The NSW metering framework requires metering for surface water pumps with a diameter ≥ 500 mm and for northern and southern inland water users where total works are nominated under an entitlement ≥ 100 ML. Groundwater bores	

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
				less than 200 mm and surface water pumps less than 100 mm are exempt from the metering requirements. Based on the register provided, pumps with DN500 and greater appear to be fitted with meters; however, **it is unclear whether all installed meters meet the required compliance standard**. **Opportunity for Improvement: It is recommended that the metering register be updated and maintained to clearly identify each metered work and confirm whether the installed meter is compliant with the NSW Non-Urban Metering Framework.**	
WATER POLLUTION					
23	Unless an EPL or the EPA authorises otherwise, the Applicant must comply with section 120 of the POEO Act and the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002.	Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024 Mod 2 Water Management System Schematic EPA Show Cause Letter No. 3511286 dated 31/01/2025 EPA Penalty Notice and Official Caution dated 21/3/2025 BMC Incident Report dated 12/08/2024	**Non-compliant**	During the audit period, **one uncontrolled discharge event occurred**. On 24 July 2024, sediment-laden water left the site water management system and entered an old rail corridor during decommissioning of a small sediment dam associated with construction of a clean water diversion drain forming part of the Western Diversion Levee. Approximately 1 ML of water containing an estimated 50 kg of sediment was discharged. The NSW EPA issued a Penalty Infringement Notice and an Official Caution to BMC on 21 March 2025 in relation to the incident. **This event constituted a pollution of waters and therefore did not comply with section 120 of the Protection of the Environment Operations Act 1997 during the audit period.** BMC advised it is preparing a surface water operational guide summarising the Mod 2 Water Management System schematic to clarify drainage pathways and discharge points.	**NC-04**

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
WATER MANAGEMENT PERFORMANCE MEASURES					
24	The Applicant must ensure mining operations comply with the performance measures in **Table 12** to the satisfaction of the Secretary.	Water Management Plan (rev 6) dated 19/12/2023 Clean Water Diversion Design Specifications WDL Transfer Dam Design Summary of Flowmeter Status dated August 2025 Water Balance Report (2024) Water Committee Meeting 74 Presentation dated 7/11/2025 Bengalla Mine Monthly Monitoring Data Summary Reports dated January 2023 to November 2025 AGE Bengalla Mine August 2025 Water Exceedance Investigation dated 28/10/2025 AGE Bengalla Mine September 2025 Water Exceedance Investigation dated 03/11/2025 AGE Bengalla Mine Q1 2024 Water Exceedance Investigation dated 19/06/2024 AGE Bengalla Mine Q2 2024 Water Exceedance Investigation dated 19/08/2024	**Non-compliant**	Site inspections and documentation reviewed indicate the site generally implements water management measures consistent with the performance measures in Table 12. Site personnel demonstrated an understanding of the water management system and operational controls. Erosion and sediment controls are installed within disturbance areas through the Ground Disturbance Permit (GDP) process. Permanent erosion and sediment controls were observed within rehabilitation areas and were in good condition at the time of inspection. However, a site-wide Erosion and Sediment Control Plan is not maintained and **inspections of erosion and sediment controls are not formally recorded, limiting verification that controls were consistently maintained throughout the audit period**. No creek crossings were constructed during the audit period. Infrastructure located within 40 m of a watercourse (Hunter River pump) has the relevant approval. Mine water is retained and recycled on site through mine water storage infrastructure and sediment dams. Storages were observed to be maintained at operational levels intended to prevent discharge. However, **an uncontrolled release of sediment-laden water occurred on 24 July 2024, where water left the water management system and entered an unused rail corridor**. **This indicates the mine water storage and management system did not fully achieve the performance measure to prevent uncontrolled discharge of mine water off-site (refer Condition 25A).** Chemical and hydrocarbon storage is generally managed through separation and removal by licensed contractors. Some containers and IBCs were observed stored undercover but without bunding; these matters are addressed under Condition 43 (Waste). Water quality monitoring and investigations are undertaken. Water exceedance investigation reports were reviewed and did not attribute exceedances to mining operations. Groundwater electrical conductivity trigger exceedances at several regional bores were identified and BMC engaged consultants to investigate in accordance with the Water Management Plan. Based on the evidence reviewed, water management performance measures were generally implemented; however, the uncontrolled discharge event demonstrates the requirement to prevent uncontrolled discharge of mine water off-site was not achieved during the audit period. **Recommendation: Establish a formal inspection and record-keeping program for erosion and sediment controls and water management infrastructure (e.g. basins, diversion drains and storages) to demonstrate ongoing maintenance and timely identification of issues.**	**NC-05**

<table>
<tr><th>Condition No.</th><th>Requirement</th><th>Evidence Collected</th><th>Compliance Status</th><th>Independent Audit Findings and Recommendations</th><th>Unique ID on NC</th></tr>
<tr><td></td><td>
Table 12: Water management performance measures
<table>
<tr><th>Feature</th><th>Performance Measure</th></tr>
<tr><td>Water management – General</td><td>Minimise the use of clean water on site</td></tr>
<tr><td></td><td>Minimise the need for make-up water from external supplies</td></tr>
<tr><td></td><td>Minimise cumulative water impacts with the other mines in the region</td></tr>
<tr><td>Construction and operation of infrastructure</td><td>Design, install and maintain erosion and sediment controls generally in accordance with the series Managing Urban Stormwater: Soils and Construction including Volume 1, Volume 2A – Installation of Services and Volume 2C – Unsealed Roads</td></tr>
<tr><td></td><td>Design, install and maintain the infrastructure within 40 m of watercourses generally in accordance with the Guidelines for Controlled Activities on Waterfront Land (DPI 2007), or its latest version</td></tr>
<tr><td></td><td>Design, install and maintain any creek crossings generally in accordance with the Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013) and Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries 2003), or their latest versions</td></tr>
<tr><td>Clean water diversion & storage infrastructure</td><td>Design, install and maintain the clean water system to capture and convey the 100 year ARI flood</td></tr>
<tr><td></td><td>Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site</td></tr>
<tr><td></td><td>Design, install and maintain any temporary clean water diversion infrastructure to minimise erosion potential at discharge locations</td></tr>
<tr><td>Sediment dams</td><td>Design, install and maintain the dams generally in accordance with the series Managing Urban Stormwater: Soils and Construction – Volume 1 and Volume 2E Mines and Quarries</td></tr>
<tr><td>Mine water storages</td><td>Design, install and maintain mine water storage infrastructure to ensure no unlicensed or uncontrolled discharge of mine water off-site</td></tr>
<tr><td></td><td>On-site storages (including mine infrastructure dams and treatment dams) are suitably designed, installed and maintained to minimise permeability</td></tr>
<tr><td></td><td>Adequate freeboard within the pit void at all times to minimise the risk of discharge to surface waters</td></tr>
<tr><td>Overburden emplacements</td><td>Design, install and maintain emplacements to encapsulate and prevent migration of tailings, acid forming and potentially acid forming materials, and saline and sodic material</td></tr>
<tr><td></td><td>Design, install and maintain emplacements to prevent and/or manage long term saline groundwater seepage</td></tr>
<tr><td>Chemical and hydrocarbon storage</td><td>Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards</td></tr>
<tr><td>Aquatic and riparian ecosystem</td><td>Maintain or improve baseline channel stability</td></tr>
<tr><td></td><td>Develop site-specific in-stream water quality objectives in accordance with ANZECC 2000 and Using the ANZECC Guidelines and Water Quality Objectives in NSW procedures (DECC 2006), or its latest version</td></tr>
</table>
</td><td>AGE Bengalla Mine Q3 2024 Water Exceedance Investigation dated 10/1/2025
AGE Bengalla Mine Q1/Q2 2025 Water Exceedance Investigation dated 24/10/2025
Proposal for EC Investigation by AGE dated 4/02/2025
Surface Water Management System Schematic – Existing (2024)
WSP Water Accounting Framework Report dated 17/03/2025</td><td></td><td></td><td></td></tr>
</table>

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
WATER MANAGEMENT PLAN					
25	The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with the EPA and Water Group, and submitted to the Secretary for approval within 6 months of the date of this consent; and (b) in addition to the standard requirements for management plans (see condition 3 of schedule 5), include a: (i) Site Water Balance that: • includes details of: ○ sources and security of water supply, including contingency planning for future reporting periods; ○ water use and management on site; ○ any off-site water transfers and discharges; ○ reporting procedures, including the preparation of a site water balance for each calendar year; and • investigates and implements all reasonable and feasible measures to minimise water use on site; Surface Water Management Plan, that includes: • detailed baseline data on surface water flows and quality in the watercourses that could potentially be affected by the development; • a detailed description of the water management system on site, including the: ○ clean water diversion systems; ○ erosion and sediment controls (mine water system); and ○ mine water management systems; • detailed plans, including design objectives and performance criteria, for: ○ design and management of final voids; ○ design and management for the emplacement of coal reject materials; ○ design and management of the temporary Dry Creek diversion infrastructure and discharge points; ○ reinstatement of drainage lines on the rehabilitated areas of the site; and ○ 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 development: ○ mine water management system; ○ surface water quality of the Hunter River; • a program to monitor and report on: ○ the effectiveness of the mine water management system; and	Water Management Plan (rev 6) dated 19/12/2023 DPE Water Management Plan Approval Letter dated 21/12/2023 AGE Groundwater Validation Review dated 2022	Compliant	During the audit period, the Water Management Plan (WMP) (rev 6) had been updated to reflect Mod 5 and lodged with the Department on the 19 December 2023. The WMP was approved by DPHI (then DPE) on 21 December 2023. Revision 6 of the WMP was prepared in consultation with Water Group (then DPE Water). The plan was provided to the EPA however the EPA declined to comment. Following approval of Mod 7 BMC undertook a review on the 21 October 2025 which concluded that no revisions regarding Mod 7 was required. The WMP generally addresses the requirements of items (a)–(b) and includes a Site Water Balance, Surface Water Management Plan and Groundwater Management Plan. Trigger levels for surface water and groundwater are established, with specialist reviews undertaken and monitoring results assessed against WMP TARPs. The WMP requires installation of erosion and sediment controls in accordance with Managing Urban Stormwater (Volumes 1 and 2E); however, it **does not include a provision for the preparation of progressive Erosion and Sediment Control Plans (ESCPs)**. While ESCPs are prepared through the Ground Disturbance Permit (GDP) process, this process is not referenced within the WMP. In Section 3.8.3, the frequency of erosion and sediment control monitoring is described as “as required”, and the **plan does not specify monitoring frequency or inspection triggers**. The **WMP also does not clearly address reinstatement of drainage lines in rehabilitated areas or define triggers for removal of Water Management System (WMS) infrastructure** (e.g. diversion structures and sediment controls) following rehabilitation. **Opportunity for Improvement: It is recommended that the Water Management Plan be updated to reference the Ground Disturbance Permit process and clarify that Erosion and Sediment Control Plans are required for disturbance activities.** **Opportunity for Improvement: Establish a formal inspection and record-keeping program for erosion and sediment controls and water management infrastructure (e.g. basins, diversion drains and storages) to demonstrate ongoing maintenance and timely identification of issues.** **Opportunity for Improvement: It is recommended that the Water Management Plan include guidance for reinstatement of drainage lines within rehabilitated areas.** **Opportunity for Improvement: It is recommended that the Water Management Plan define clear criteria or triggers for removal of water management infrastructure following rehabilitation to avoid downstream erosion or sediment impacts.**	

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
	○ surface water flows and quality, stream and riparian vegetation health in the Hunter River potentially affected by the development; • a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the development; and Groundwater Management Plan, which includes: • detailed baseline data on groundwater levels, yield and quality in the region, and privately-owned groundwater bores, that could be affected by the development; • groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; • a program to monitor and report on: ○ the seepage/leachate from water storages, emplacements, backfilled voids, and final voids; ○ the impacts of the development on: - groundwater inflows to the open cut pits; - regional aquifers; - groundwater supply of potentially affected landowners; - the Hunter River alluvial aquifer; and - any groundwater dependent ecosystems and riparian vegetation; and - base flows to the Hunter River; • a program to validate the groundwater model for the development, including an independent review of the model with every independent environmental audit, and compare the monitoring results with modelled predictions; and • a plan to respond to any exceedances of the groundwater assessment criteria.				
25A	The Water Management Plan, as approved by the Secretary, must be implemented for the development.	Sediment laden water Incident Report, dated 12/08/2024 DPHI Notification - Sediment Dater Discharge, dated 24/07/2024 Bengalla Mine Monthly Monitoring Data Summary Reports dated January 2023 to November 2025	**Non-compliant**	Implementation of the WMP was generally evident during the audit period based on the documentation reviewed and site observations. Surface water quality monitoring was undertaken in accordance with the WMP, SLR have been engaged to undertake stream and health monitoring and Manewell Groundwater to undertake a review of the groundwater model. **A sediment-laden water incident occurred in which water was discharged from the Western Diversion Levee basin into an old rail corridor outside the BMC water management system**. This uncontrolled release indicates the WMP objective to prevent off-site discharge was not achieved and represents a non-compliance with the WMP. BMC advised that dam maintenance is undertaken; however, **inspections are informal and not documented.** **Recommendation: It is recommended that BMC implement a documented inspection and maintenance program for water management infrastructure (including dams and basins)**	**NC-06**

<table>
<tr><th>Condition No.</th><th>Requirement</th><th>Evidence Collected</th><th>Compliance Status</th><th>Independent Audit Findings and Recommendations</th><th>Unique ID on NC</th></tr>
<tr><td></td><td></td><td></td><td></td><td>Opportunity for Improvement: Update the Water Management Plan with schematic or process flow chart to summarise the water management system of BMC for use during all-staff training.</td><td></td></tr>
<tr><td colspan="6">BIODIVERSITY</td></tr>
<tr><td colspan="6">BIODIVERSITY OFFSET STRATEGY</td></tr>
<tr><td>26</td><td>The Applicant must implement the biodiversity offset strategy as outlined in Table 13 and as generally described in the EIS (and shown in Appendix 7), to the satisfaction of the Secretary.

Table 13: Biodiversity Offset Strategy
<table>
<tr><th>Area</th><th>Offset Type</th><th>Minimum Size (hectares)</th></tr>
<tr><td>Kenalea Properties Offset Area</td><td>Existing vegetation to be managed and enhanced</td><td>4,096</td></tr>
<tr><td>Black Mountain Offset Area</td><td>Existing vegetation to be managed and enhanced</td><td>1,222</td></tr>
<tr><td>Merriwa River Offset Area</td><td>Existing vegetation to be managed and enhanced</td><td>897</td></tr>
<tr><td>Total</td><td></td><td>6,215</td></tr>
</table>
<i>Note:</i>

<i>To identify the areas referred to in Table 13 refer to the applicable figures in Appendix 7.</i></td><td>Biodiversity Offset Management Plan (rev 6) dated 27/02/2017
DPHI Long term Security for Biodiversity Offsets Letter dated 11/04/2024
Bengalla BSA Offsets Email threads – between BMC, DPHI and BCT, dated throughout 2023 and 2024
Bengalla Mine proposed BSAs - Pre-submission Meeting Minutes dated 18/01/2024
Email Correspondence AG DCCEEW – Kenalea Offset Property Notification dated 6/06/2023
Email Correspondence DPHI – Kenalea Offset Property Notification dated 9/06/2023
AG DCCEEW Contravention Notice Letter dated 20/12/2023
Email Correspondence DPHI – Non-compliance Notification Biodiversity Offset dated 3/4/2024</td><td>Non-compliant</td><td>The Biodiversity Offset Management Plan (BOMP) (rev 6) for the Kenalea, Black Mountain and Merriwa River Offset Areas was approved on 8 March 2017 and remains in effect. Management activities to maintain and enhance existing native vegetation were undertaken during the audit period, including annual weed and feral animal management and threatened species monitoring.

Routine inspections and maintenance activities (e.g. tracks and fencing) are undertaken; however, these inspections are informal (H. Frazer pers. comm). No verifiable records were available to demonstrate that inspections had been undertaken.

During the audit period, BMC reported a non-compliance to the Australian Government DCCEEW on 6 June 2023 relating to uncontrolled grazing by stock at the southern end of the Kenalea Offset Area (approximately 97 hectares). DPHI (then DPE) was subsequently notified on 9 June 2023.

Under the terms of the RTA, the tenant was not permitted to keep stock on the property (other than up to 12 dogs); however, stock had been kept on the property. BMC requested that the tenant remove the stock. The stock was removed on 2 July 2023 and the tenant vacated the property in August 2023.

BMC then commissioned Cumberland Ecology to undertake an ecological assessment to determine the damage to vegetation. The assessment concluded that the area is likely to recover once grazing pressure was removed. A Contravention Notice issued by AG DCCEEW dated 20 December 2023 confirmed that no further regulatory action was required subject to implementation of corrective actions.

Recommendation: Establish and maintain a documented inspection and maintenance program for the offset areas (including fencing, access tracks and general condition), with records retained as evidence of ongoing management.</td><td>NC-07</td></tr>
</table>

Bengalla Coal Mine – Continuation Project (Development Approval SSD 5170 – Mod 7)

Mod 1 - Mod 2 - Mod 3 - Mod 4 - Mod 5 - Mod 7

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
27	The Applicant must ensure that the offset strategy and/or rehabilitation strategy is focused on the establishment of: (a) significant and/or threatened plant communities, including: - Box Gum Woodland; - Central Hunter Ironbark – Spotted Gum – Grey Box Woodland; - Hunter Floodplain Red Gum Woodland; (b) significant and/or threatened plant species, including the: - Tiger Orchid (*Cymbidium canaliculatum*); - Pine Donkey Orchid (*Diuris tricolor*); - Weeping Myall (*Acacia pendula*); - River Red Gum (*Eucalyptus camaldulensis*); - Austral Toadflax (*Thesium australe*); and (c) habitat for significant and/or threatened fauna species, including the: - Brown Treecreeper; - Speckled Warbler; - Black-chinned Honeyeater; - Grey-crowned Babbler; - Squirrel Glider; and - Yellow-bellied Sheathtail-bat.	Biodiversity Offset Management Plan (rev 6) dated 27/02/2017 2023 Annual EPBC Compliance Report dated March 2024 2024 Annual EPBC Compliance Report dated March 2025 Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024	Compliant	The BOMP establishes three vegetation management zones: - conservation and management of existing forest and woodland, - assisted regeneration of canopy species within derived native grasslands, and - riparian regeneration and management. These management zones are directed toward the establishment and maintenance of native vegetation communities within the offset areas. Management activities during the audit period included weed control, feral animal management (including dog baiting and trapping and feral pig control), fire trail maintenance (within the Kenalea property) and ecological monitoring. Ecological monitoring included seasonal surveys and bird surveys within the offset areas. The management actions and monitoring programs are directed toward the establishment and maintenance of native vegetation communities and habitat for threatened fauna species.	
LONG TERM SECURITY OF OFFSETS					
28	Within 2 years of the commencement of development under this consent, unless otherwise agreed with the Secretary, the Applicant must make suitable arrangements to provide appropriate long term security for the land within the Biodiversity Offset Strategy identified in **Table 13** through a Biobanking Agreement under the Threatened Species Conservation Act 1995 (or an alternative mechanism agreed with BCT), to the satisfaction of the Secretary.	Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024 BMC to BCT and DPE Email Threads on Security (various) dated between 2024 and 2025 BMC to DPE Letter - Offset Properties Long Term Security dated 12/01/2024 Bengalla Mine Proposed BSA - Meeting Minutes held 18/01/ 2024 BMC, DPHI and BCT Email Threads on BSA Offsets (various) dated between 2023 and 2024	**Non-compliant**	DPHI (then DPE) granted an extension to 30 June 2022 (approved 6 October 2020) for establishment of long-term security for the biodiversity offset areas. No further extension was granted. The offset areas remain owned by BJV and are currently managed by BMC in accordance with the approved BOMP; however, suitable long-term security has not been established. BMC provided correspondence demonstrating ongoing consultation with the Biodiversity Conservation Trust and submitted a Biodiversity Stewardship Agreement (BSA) application on 11 April 2024. While the BSA was not finalised at the time of the audit, BMC advised it was awaiting a response from the Biodiversity Conservation Trust regarding the payment required to secure the BSA. As **long-term security for the offset areas was not secured by 30 June 2022**, the requirements of this condition were not met during the audit period. BMC has self-reported this matter in its Annual Reviews. **Recommendation: BMC should continue to liaise with the Biodiversity Conservation Trust and Department of Planning, Housing and Infrastructure and take all reasonable steps to finalise the Biodiversity Stewardship Agreement to secure long-term protection of the offset areas as soon as practicable.**	**NC-08**

Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
BIODIVERSITY MANAGEMENT PLAN					
29	The Applicant must prepare a Biodiversity Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with CHPR, and submitted to the Secretary for approval within 6 months of the date of this consent; (b) describe how the implementation of the offset strategy would be integrated with the overall rehabilitation of the site; (c) establish baseline data for the existing habitat in the biodiversity offset areas and on the site; (d) include: (i) a description of the short, medium, and long term measures that would be implemented to: • implement the biodiversity offset strategy; and • manage the remnant vegetation and habitat on the site; (ii) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy and triggering remedial action (if necessary); (iii) a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for: • enhancing the quality of existing vegetation and fauna habitat in the biodiversity offset areas; • restoring native vegetation and fauna habitat on the biodiversity offset areas and rehabilitation areas through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features (where necessary); • collecting and propagating seed; • protecting vegetation outside the approved disturbance area; • managing salinity; • undertaking pre-clearance surveys; • managing impacts on fauna; • salvaging and reusing material from the site for habitat enhancement; • translocation of threatened flora from the site in accordance with the Guidelines for the Translocation of Threatened Plants in Australia (Vallee et al., 2004); • controlling weeds and feral pests; • managing grazing and agriculture; • controlling access; and • bushfire management; (iv) include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria; (v) identify the potential risks to the successful implementation of the biodiversity offset strategy, and include a description of the contingency measures that would be implemented to mitigate these risks; and	Biodiversity Management Plan (rev 4) dated 19/06/2017 Schedule 5 Condition 5 Post-Modification 7 Management Plan Review received 31/12/2025 BMC Management Plan Review Spreadsheet received 31/12/2025	Compliant	During the audit period the Biodiversity Management Plan (BMP) was reviewed on the 19 December 2023 and was determined that no revisions were required following the approval of Mod 5. Following approval of Mod 7 BMC undertook a subsequent review on the 21 October 2025 which concluded that no revisions in response to the approval of Mod 7 was required. Confirmed in previous audits the BMP, as approved addresses the requirements of items (a)–(d) and no revisions have been required or made during the audit period.	

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
	(vi) include details of who would be responsible for monitoring, reviewing, and implementing the plan.				
29A	The Biodiversity Management Plan, as approved by the Secretary, must be implemented for the development.	WSP Bengalla 2023 Annual Clearing Report dated 26/03/2024 Weed Management Area Mapping 2023 dated 26/03/2024 SLR Bengalla 2024 Annual Clearing Report dated 26/03/2025 GDP 2411 – Tiger Orchid Relocation dated 17/05/2024 Email Correspondence November 2025 Monthly Disturbance Update distribution dated 2/12/2025 SLR Stream Health Monitoring 2025 Report Invoice dated 28/11/2025	Compliant	During the audit period, biodiversity management actions were generally undertaken in accordance with the BMP and reported in the Annual Review. Pre-clearance surveys and habitat tree assessments were undertaken prior to disturbance, including fauna relocation requirements identified within SLR habitat tree clearing reports. Ground Disturbance Permits dated 2024 and 2025 were sighted. Tiger Orchids were identified within ML 1728 in 2024. The GDP dated 17 May 2024 records relocation works occurring on 17 May 2024; however, **the annual clearing report states the translocation occurred prior to clearing. This indicates an inconsistency in reporting.** Two fauna mortalities (possums) associated with clearing in 2025 were recorded. A detailed incident summary was not available at the time of the audit and is to be included in the 2025 Disturbance Report. Weed management was undertaken during the audit period and was observed during the site inspection. Annual Reviews record weed control activities, with species prioritised in accordance with Weeds of National Significance. BMC also coordinates weed spraying with neighbouring landholders where practicable. Offset areas are regularly inspected by environmental staff. Salvaged habitat materials (e.g. logs and trees) from clearing were observed to be stockpiled for rehabilitation use. While volumes of stripped soil are recorded, BMC does not maintain a register documenting salvaged habitat features. Where viable seed could not be collected prior to clearing, seed was sourced externally. Based on the evidence reviewed, it is considered that the BMP was appropriately implemented during the audit period. **Opportunity for Improvement: It is recommended that a verification step be implemented following clearing activities to reconcile Ground Disturbance Permits, relocation records and disturbance reporting (e.g. threatened flora relocations) prior to finalising compliance reporting.** **Opportunity for Improvement: Establish a register to record salvaged habitat features and materials (e.g. hollow-bearing trees, logs and other habitat resources) for tracking and use in rehabilitation.**	
29B	During construction and maintenance of the Northern Diversion Levee, the Applicant must ensure that impacts to native vegetation (particularly EECs) are minimised as far as is reasonable and feasible, to the satisfaction of the Secretary.		Not triggered	Construction of the levees occurred prior to the audit period. No maintenance has occurred within the audit period (H. Frazer pers. comm).	
CONSERVATION BOND					
30	Within 6 months of the approval of the Biodiversity Management Plan, the Applicant must lodge a conservation bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond must be determined by: (a) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and		Compliant	As confirmed in the previous audit the conservation bond has been lodged and paid.	

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
	(b) employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Secretary. The calculation of the conservation bond must be submitted to the Department for approval at least 1 month prior to lodgement of the final bond. 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. *Notes:* • *Alternative funding arrangements for long term management of the biodiversity offset strategy, such as provision of capital and management funding as agreed by CHPR as part of a Biobanking Agreement or transfer to conservation reserve estate (or any other mechanism agreed with CHPR) can be used to reduce the liability of the conservation bond.* • *The sum of the bond may be reviewed in conjunction with any revision to the biodiversity offset strategy or the completion of major milestones within the approved plan.*				
HERITAGE					
ABORIGINAL HERITAGE MANAGEMENT PLAN					
31	The Applicant must prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with Heritage NSW and the relevant Registered Aboriginal Parties, and submitted to the Secretary for approval within 6 months of the date of this consent; (b) include a program/procedures for: • salvage, excavation and/or management of Aboriginal sites and potential archaeological deposits within the approved disturbance area; • assessment and removal of scarred trees; • protection and monitoring of Aboriginal sites outside the approved disturbance area; • managing the discovery of any new Aboriginal objects or skeletal remains during the development; • maintaining and managing access to archaeological sites by the Registered Aboriginal Parties; and • ongoing consultation and involvement of the Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.	Aboriginal Cultural Heritage Management Plan (rev 7) dated 9/05/2017 Schedule 5 Condition 5 Post-Modification 7 Management Plan Review received 31/12/2025 BMC Management Plan Review Spreadsheet received 31/12/2025	Compliant	During the audit period the Aboriginal Cultural Heritage Management Plan (rev 7) (ACHMP) was reviewed on the 23 January 2024 and was determined that no revisions were required following the approval of Mod 5. Following approval of Mod 7 BMC undertook a subsequent review on the 21 October 2025 which concluded that no revisions in response to the approval of Mod 7 was required. Confirmed in previous audits the ACHMP addresses the requirements of items (a)–(b).	
31A	The Aboriginal Heritage Management Plan, as approved by the Secretary, must be implemented for the development.	Aboriginal Cultural Heritage Management Plan (rev 7) dated 9/05/2017	Compliant	Based on the evidence reviewed, it is considered that the ACHMP was appropriately implemented during the audit period. GDPs reviewed included documentation of the Aboriginal cultural heritage due diligence process that is completed to provide assurance and ensure impacts to known sites and artefacts are avoided by approved operations (sighted).	

Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
		GDP 2510 – ML 1729 Drilling Program 2026 dated 6/11/2025 CCC Minutes of Meeting No. 145 dated 21/02/2024 CCC Newsletter dated November 2024		BMC also outlined the consultation processes undertaken in accordance with the ACHMP, including engagement with the Wanarua Local Aboriginal Land Council, the Community Consultative Committee (CCC) and broader consultation where required for the operation (e.g. public notifications associated with Mod 8 which is currently being progressed) (H. Frazer pers. comm).	
HISTORIC HERITAGE MANAGEMENT PLAN					
32	The Applicant must prepare a Historic Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with the Heritage Branch and Council, and submitted to the Secretary for approval within 6 months of the date of this consent; (b) include the following for the management of other historic heritage on site: • conservation management plans for the Bengalla and Overdene homesteads; • measures to minimise the visual impacts of the development on the Edinglassie and Rous Lench Homesteads; and • a program/procedures for: ○ photographic and archival recording of potentially affected historic heritage items; ○ protection and monitoring of historic heritage items outside the approved disturbance area; ○ monitoring, notifying and managing the effects of blasting on potentially affected historic heritage items; and • additional archival recording of any significant historic heritage items requiring demolition (including the Stockyard).	Historic Heritage Management Plan (rev 7) dated 9/5/2017 Schedule 5 Condition 5 Post-Modification 7 Management Plan Review received 31/12/2025 BMC Management Plan Review Spreadsheet received 31/12/2025	Compliant	During the audit period the Historic Heritage Management Plan (rev 7) (HHMP) was reviewed on the 11 November 2024 and was determined that no revisions were required following the approval of Mod 5. Following approval of Mod 7 BMC undertook a subsequent review on the 21 October 2025 which concluded that no revisions in response to the approval of Mod 7 was required. Confirmed in previous audits the HHMP addresses the requirements of items (a)–(b).	
32A	The Historic Heritage Management Plan, as approved by the Secretary, must be implemented for the development.	Pulse Environmental Team Work Orders M911599 and M911600 – Dilapidation Surveys dated 19/11/2025 GDP 2510 – ML 1729 Drilling Program 2026 dated 6/11/2025 Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024	Compliant	Based on the evidence reviewed, it is considered that the HHMP was appropriately implemented during the audit period and relevant heritage management actions were undertaken. Ad hoc heritage inspections of heritage items were undertaken during the audit period; however, records of these inspections were not documented (H. Frazer pers. comm). Annual dilapidation surveys were also undertaken during the audit period. Heritage sites are also included within the weed inspection and vegetation management program (H. Frazer pers. comm). The site inspection for this audit included a visit to Bengalla Homestead, which was observed to be well maintained. No concerns were identified at the time of inspection. It is noted that, as mining progresses to the west, some heritage items (e.g. stockyards, anticipated circa 2030) will require relocation or removal in accordance with the HHMP. The Unexpected Finds Procedure was not triggered during the audit period (H. Frazer pers. comm).	

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
		WSP 2025 Bengalla Homestead - Annual Dilapidation Inspection dated 14/10/2025 WSP 2024 Overdene Homestead- Annual Dilapidation Inspection dated 19/11/2024 WSP 2024 Bengalla Homestead - Annual Dilapidation Inspection dated 19/11/2024			
TRANSPORT					
MONITORING OF COAL TRANSPORT					
33	The Applicant must keep records of the: (a) amount of coal transported from the site in each calendar year; (b) number of coal haulage train movements generated by the development (on a daily basis); and (c) make these records available on its website at the end of each calendar year.	Bengalla Coal Transport Report 2025 received 23/02/2026 Bengalla Coal Transport Report 2024 received 23/02/2026 Bengalla Coal Transport Report 2023 received 23/02/2026 BMC Webpage sighted 15/12/2025	Compliant	The amount of coal transported from the site and train movements is well-managed via SPIRE (tracking system used by CHPP). Information is made publicly available in the Annual Reviews each year, which are available on the New Hope Group website. The BMC webpage also contains a Transport Summary (sighted).	
ROAD WORKS					
34	Prior to mining within 200 metres of the Bengalla Link Road, the Applicant must design and construct the realigned road and associated intersections as shown conceptually in Appendix 8 (unless otherwise agreed by Council) to the satisfaction of Council.		Not triggered	No mining has occurred within 200 metres of the Bengalla Link Road during the audit period. Bengalla Link Road is still subject to detailed design (H. Frazer pers. comm).	
ROAD UPGRADES AND MAINTENANCE					
35	The Applicant must contribute to the upgrade and maintenance of Thomas Mitchell Drive and its intersections with Denman Road and the New England Highway, proportionate to its impact (based on usage) on that infrastructure, in accordance with the Contributions Study prepared by GHD titled, "Thomas Mitchell Drive Contributions Study, December 2013" (or its latest version), unless otherwise agreed by the Secretary. The road or intersection upgrades referred to in this condition may be satisfied through funding the required upgrades, subject to the agreement of the applicable roads authority, and subject to providing the funding such that the upgrades can be completed within the stated timeframe. For Thomas Mitchell Drive, the contributions must be paid to Council in accordance with the upgrade and maintenance schedule established in accordance with the Contributions Study during the life of the development, unless otherwise agreed with Council.	GHD Thomas Mitchell Road Contributions Study dated 2021 Internal BMC email chain, coms from Community Relations Specialist and PA to the GM dated 28/10/2025	Compliant	Accounting records provided by BMC indicate contributions toward the upgrade and maintenance of Thomas Mitchell Drive have been made to Muswellbrook Shire Council. Payments sighted included: • 2023 – $168,248.11 • 2024 – $174,127.30 An invoice dated 30 January 2023 totalling $1,436,310.95 was also sighted. Correspondence from the BMC Accounting Specialist dated 30 October 2025 confirms budget allocation for the "Thomas Mitchell Drive Pavement Next Stage Upgrade – Intersection to Industrial Estate" works planned for 2026.	

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
	If there is any dispute between the Applicant and Council or the TfNSW in relation to the funding or completion of the upgrades, then any of the parties may refer the matter to the Secretary for resolution. *Note:* *In making a determination about the applicable maintenance contributions for Thomas Mitchell Drive, the Secretary will take into account the contributions already paid and currently required to be paid towards the maintenance of the local road network surrounding Muswellbrook under this consent and the voluntary planning agreement summarised in Appendix 3.*	8232-010 Thomas Mitchell Dr Denman Rd Invoice dated 30/1/2023			
VISUAL					
VISUAL AMENITY					
36	The Applicant must: (a) implement all reasonable and feasible measures to mitigate the visual and off-site lighting impacts of the development; (b) ensure no outdoor lights shine above the horizontal; and (c) ensure that all external lighting associated with the development complies with relevant Australian Standards, including Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting, to the satisfaction of the Secretary.	PRO-0365 Management of Lighting Impacts from Operations dated 10/05/2022	Compliant	During the audit period, **informal inspections were undertaken nightly in conjunction with supplementary noise monitoring to observe potential lighting impacts**. The Environment Superintendent also undertook informal weekly inspections from public roads and the Muswellbrook township (H. Frazer pers. comm). Lighting impacts have reduced following the establishment of rehabilitation on the eastern side of the site. Tree screens and visual bunding were sighted during the site inspection and appear to reduce visual impacts. **Opportunity for Improvement: It is recommended night-time supplementary monitoring records (e.g. Pronto forms used for noise monitoring) include prompts to record any observed lighting impacts from operations.**	
ADDITIONAL VISUAL IMPACT MITIGATION					
37	Within 6 months of the commencement of development under this consent, the Applicant must prepare a Visual Impact Mitigation Plan for the development to the satisfaction of the Secretary. This plan must: (a) identify the visual receptors within the western and southern view sectors that are likely to have significant direct views of the development; (b) include a site specific visual impact assessment of each of the visual receptors identified in **Table 14**, and any other receptors identified during the site verification process, to determine the severity of the visual impact; (c) describe the additional mitigation measures that could be implemented to reduce the visual impacts of the development on these visual receptors. **Table 14: Visual receptors** **Receiver** 106, 105, 109, 112S, 113, 114, 117, 118, 119, 120, 108, 152, 153, 154, 155, 156E, 156S, 168 *Note:* *To interpret the land referred to in **Table 14**, see the applicable figure in Appendix 4.*	Visual Impact Mitigation Plan (rev 1) dated 30/03/2016 Schedule 5 Condition 5 Post-Modification 7 Management Plan Review received 31/12/2025 BMC Management Plan Review Spreadsheet received 31/12/2025	Compliant	During the audit period the **Visual Impact Mitigation Plan (VIMP) was not reviewed following the approval of Mod 5**. Following approval of Mod 7 BMC undertook a subsequent review on the 21 October 2025 which concluded that no revisions in response to the approval of Mod 7 was required. Confirmed in previous audits the VIMP addresses the requirements of items (a)–(c).	
38	Within 1 month of the approval of the Visual Impact Mitigation Plan, the Applicant must advise the owners of the visual receptors identified in the plan that they are entitled to additional mitigation measures to reduce the visibility of the development from these visual receptors.		Compliant	Condition not relevant to audit period. No additional residences identified to be impacted based on the VIMP.	

Bengalla Coal Mine – Continuation Project (Development Approval SSD 5170 – Mod 7)

Mod 1 - Mod 2 - Mod 3 - Mod 4 - Mod 5 - Mod 7

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
39	Upon receiving a written request from the owner of a visual receptor identified in this plan, the Applicant must implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) at the visual receptor in consultation with the landowner, and to the satisfaction of the Secretary. These mitigation measures must be reasonable and feasible. If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution. *Note: The additional visual impact mitigation measures must be aimed at reducing the visibility of the development from the identified affected receptors and do not necessarily require measures to reduce visibility of the development from other locations on the affected properties. The additional visual impact mitigation measures do not necessarily have to include measures on the affected property itself (i.e. the additional measures may consist of measures outside the affected property boundary that provide an effective reduction in visual impacts).*	2023 Complaints Register Spreadsheet 2024 Complaints Register Spreadsheet 2025 Complaints Register spreadsheet (updated up to 26/11/2025)	Compliant	No additional measures were requested by a residence during the audit period (H. Frazer pers. comm).	
TREE PLANTINGS ALONG PUBLIC ROADS					
40	Within 12 months of the approval of Mod 5, the Applicant must plant tree screening, or provide some other visual screening measure (e.g. visual bunding), along those sections of Denman Road, Roxburgh Road and Wybong Road that will have direct views of mining operations on site. This screening (or alternative measure) must be undertaken in consultation with Council (and where relevant TfNSW), and maintained to the satisfaction of the Secretary.	Site inspection (driving on Denman Road, Roxburgh Road and Wybong Road). TfNSW Email Correspondence - Denman Road Visual Screening Requirements, dated 15/02/2024 BMC Letter to DPHI - Tree Plantings Along Public Roads dated 1/03/2024	Compliant	During the audit period, visual screening had been established along Roxburgh Road (H. Frazer pers. comm). **An earthen bund along Wybong Road was sighted during the site inspection. Vegetation establishment on the bund was unsuccessful, with most hydromulch growth failing to establish.** No visual screening was installed along Denman Road. BMC advised consultation was undertaken with Muswellbrook Shire Council and Transport for NSW; however, TfNSW did not permit planting within the road reserve due to road safety concerns. As a result, screening along Denman Road has not been implemented. BMC have submitted a letter to the Department 1 March 2024 to the Department outlining TfNSW concerns. No response has been received from the Department during the audit period. **Opportunity for Improvement: It is recommended the failed vegetation on the Wybong Road bund be re-established using a more suitable species mix and establishment method (e.g. planting and/or irrigation support) or seek approval from the Secretary that planting is not required.**	
41	At least two years prior to construction of the Bengalla Link Road realignment, the Applicant must plant tree screening, or provide some other visual screening measure (e.g. visual bunding), along the proposed Bengalla Link Road realignment. This screening (or alternative measure) must be undertaken in consultation with Council and maintained to the satisfaction of the Secretary.		Not triggered	Bengalla Link Road remains subject to detailed design. The development is currently undergoing Modification 8 (Mod 8), which includes design changes to the road alignment. Accordingly, tree screening along the proposed alignment has not yet been planted pending approval and finalisation of the detailed design (H. Frazer pers. comm).	
41A	Tree screening (or alternative measures) may not be required along all of the sections of Denman Road, Roxburgh Road, Wybong Road and Bengalla Link Road that will have direct views of mining operations, as required under conditions 40 and 41, where the Applicant can demonstrate, to the satisfaction of the Secretary, that the screening works are not possible due to constraints. *Note:* *The planting of tree screening in areas of constructed fill embankments associated with the road realignment must be undertaken as soon as practicable after completion of the constructed landform*	BMC Letter to DPHI - Tree Plantings Along Public Roads dated 1/03/2024	Compliant	Visual screening along Denman Road was not installed following consultation with TfNSW, which did not permit planting within the road reserve due to road safety constraints. BMC have submitted a letter to the Department 1 March 2024 to the Department outlining TfNSW concerns. No response has been received from the Department during the audit period.	

Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
BUSHFIRE MANAGEMENT					
42	The Applicant must: (a) ensure that the development is suitably equipped to respond to any fires on site; and (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the surrounding area.	PRO-0684 Bengalla Bushfire Management Procedure received 25/11/2025 Bushfire Management Committee correspondence dated 2024-2025	Compliant	During the audit period, BMC operated under the PRO-0684 Bengalla Bushfire Management procedure, which outlines bushfire prevention and emergency response actions. Fire-fighting infrastructure was sighted during the site inspection, including hydrants, water carts and fire suppression systems at workshops and larger buildings. Clean water basins are available for emergency response and the Orica facility includes a gravity-fed water tank that can be activated in the event of a fire. Overall, site infrastructure appeared adequate to respond to fire incidents. BMC also participates in the Liverpool Range Bush Fire Management Committee, which meets twice per year. During the second day of the audit inspection, a bushfire occurred at an offset property. BMC personnel coordinated with the Rural Fire Service and emergency services, and trained site personnel assisted where required. This demonstrated the site’s capacity to respond to fires and support emergency services in the surrounding area.	
WASTE					
43	The Applicant must: (a) implement all reasonable and feasible measures to minimise the waste (including coal reject) generated by the development; (b) ensure that the waste generated by the development is appropriately stored, handled and disposed of; (c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and (d) monitor and report on effectiveness of the waste minimisation and management measures each calendar year, to the satisfaction of the Secretary.	PRO-0217 Waste Dump Design and Construction dated 21/3/2024 PRO-0459 ARD and Mineral Waste Management n.d. October 2025 Waste receipt (EPA) from Remondis Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024	Compliant	(a) Non-mineral waste generated during 2024 totalled 3,029 t, of which 2,388 t (approximately 79%) was recycled. Waste volumes increased compared with 2022 and 2023; however, initiatives to reduce waste were evident. BMC is implementing a program to divert GET steel to specialised recyclers for reuse in manufacturing. The mining method (dragline mining and minimisation of water entering tailings) also reduces the generation of rejects and fines. Waste awareness measures were observed, including colour-coded bins, waste signage, and environmental training delivered through “U-Day” sessions. The site SLICE Group also undertakes improvement initiatives, including waste reduction activities. (b) Monthly waste reports from Remondis were provided and demonstrate tracking of waste disposal. BMC is also reintroducing a general waste management procedure, including waste inspection checklists. However, during the site inspection, several containers around workshops were observed stored without bunding, including unlabelled containers and IBCs located undercover but not within secondary containment. Spill kits were also not consistently maintained. (c) Sewage is managed in accordance with Council requirements through an on-site treatment system maintained by a qualified plumber. The system is independently inspected annually, with results provided to Council and reported in the Annual Review. A dosing program is also undertaken, with results reported in quarterly monitoring reports. No issues were identified. (d) Waste generation and disposal are tracked through contractor reports and summarised annually. Waste performance is reported in the Annual Review.	
43A	The Applicant must ensure that waste tyres generated on site are appropriately stored, handled and disposed of, and beneficial reuse/recycling options implemented in accordance with any requirements of an EPL.	PRO-0217 Waste Dump Design and Construction dated 21/3/2024	Compliant	Waste tyres are stored in a designated area on site prior to disposal. The development has approval to dispose of tyres in-pit in accordance with site procedures (Section 6.3 of PRO-0217 Waste Dump Design and Construction).	

<table>
<tr><th>Condition No.</th><th>Requirement</th><th>Evidence Collected</th><th>Compliance Status</th><th>Independent Audit Findings and Recommendations</th><th>Unique ID on NC</th></tr>
<tr><td></td><td></td><td>Tyre Disposal Site Location GIS Screenshot n.d. received 25/11/2025
Tyre Dump Checklist Excel Spreadsheet n.d. received 25/11/2025
Survey Records – Tyre Dump GIS Screenshot received 23/02/2026</td><td></td><td>During the audit period, on the 10 August 2025, BMC buried tyres in-pit within a purpose-designed tyre dump. In total, 193 tyres were disposed. A checklist is used to verify that disposal is undertaken in accordance with the procedure, and disposal locations are recorded within the site GIS system.
BMC also consulted with Tyre Stewardship Australia regarding appropriate disposal and potential recycling options (H. Frazer pers. comm).
It was noted that the PRO-0217 Waste Dump Design and Construction procedure still references the Mining Operations Plan, which was superseded in 2022 by the Rehabilitation Management Plan.
Opportunity for Improvement: Update the PRO-0217 Waste Dump Design and Construction procedure to reference the Rehabilitation Management Plan in place of the Mining Operations Plan.</td><td></td></tr>
<tr><td colspan="6">REHABILITATION</td></tr>
<tr><td colspan="6">REHABILITATION OBJECTIVES</td></tr>
<tr><td>44</td><td>The Applicant must rehabilitate the site in accordance with the provisions under the Mining Act 1992.
The rehabilitation must comply with the objectives in Table 15 and be consistent with the conceptual final landform plan shown in Appendix 9.
Table 15: Rehabilitation Objectives
<table>
<tr><th>Feature</th><th>Objective</th></tr>
<tr><td>Mine site (as a whole)</td><td>• Safe, stable and non-polluting
• Final landforms designed to incorporate natural micro-relief and natural drainage lines, which, where reasonable and feasible, further avoid straight run drainage drop structures, to integrate with surrounding landforms</td></tr>
<tr><td>Overburden Emplacement Area – exposed to Muswellbrook and Denman</td><td>• Rehabilitate the entire face with high density woody vegetation comprising of species commensurate with the surrounding native vegetation communities as soon as practicable following the completion of mining operations</td></tr>
<tr><td>Final void</td><td>• Designed as a long term groundwater sink and to maximise groundwater flows across back-filled pits to the final void
• Minimise to the greatest extent practicable:
○ the size and depth of the final void
○ the drainage catchment of the final void
○ any high wall instability risk
○ risk of flood interaction (flows in and out of the void)
• Maximise to the greatest extent practicable the final void landform to be in keeping with the natural terrain features of the surrounding landscape</td></tr>
<tr><td>Agricultural land</td><td>• Restore or maintain land capability generally as described in the EIS and shown conceptually in Appendix 9</td></tr>
<tr><td>Revegetation areas</td><td>• Restore a minimum 10% treed coverage at the mine site
• Higher density planting along the riparian zone of the Dry Creek reinstatement, and around the final void</td></tr>
<tr><td>Dry Creek reinstatement</td><td>• No net loss of creek length
• Restore, maintain and/or improve hydrological and ecological function, quality and geomorphic stability
• Incorporate erosion control measures based on vegetation and engineering revetments
• Revegetate with suitable native species</td></tr>
</table></td><td>Bengalla Mine Annual Review 2024 dated 31/03/2025
Bengalla Mine Annual Review 2023 dated 28/03/2024
SLR 2024 Annual Clearing Report dated 26/03/2025
Rehabilitation Management Plan (rev3) dated 19/01/2024
Rehabilitation Strategy (rev 2) dated 27/05/2024
Final Landform Plan (contained in the RMP)
Rehab CY25 Presentation n.d.
Internal Email Correspondence - Northern Rehab dated 13/10/2025</td><td>Compliant</td><td>BMC maintains a Rehabilitation Strategy and RMP to guide progressive rehabilitation and achievement of the final landform and rehabilitation objectives outlined in Table 15.
Progressive rehabilitation is being undertaken across the site. Areas disturbed under Ground Disturbance Permits are seeded and revegetated following disturbance. During the site inspection, rehabilitated landforms were observed, including hydromulched areas and landforms designed using Geofluv methodology on areas visible from Muswellbrook. However, rill and gully erosion was observed in parts of the north-east emplacement rehabilitation area.
Final landform completion is not yet required as closure has not commenced; however, progressive rehabilitation is required under the consent and Mining Act framework. BMC advised additional rehabilitation works were undertaken in 2025 to better align progress with planned schedules.
Rehabilitation activities were observed during the inspection; however, supporting documentation is limited. Records of routine inspections and maintenance of rehabilitation areas are not consistently maintained. Rehabilitation monitoring is undertaken annually and reported in the Annual Review, but there is limited documented evidence of ongoing monitoring or interim inspections to demonstrate the stability, performance and condition of rehabilitated areas throughout the year.
Rehabilitation planning addresses revegetation and landform stability objectives; however, inconsistencies were identified regarding agricultural land capability objectives. The consent requires restoration of agricultural land capability consistent with the EIS (generally Class III), whereas the RMP references Class III, IV and V land capability. The method for demonstrating achievement of Class III capability is not clearly defined in the RMP or supporting records.
Opportunity for Improvement: It is recommended the Rehabilitation Management Plan is updated to outline the way in which Class III agricultural land will be achieved.</td><td></td></tr>
</table>

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
	Surface infrastructure: • To be decommissioned and removed, unless the Resources Regulator agrees otherwise Community: • Ensure public safety • Minimise the adverse socio-economic effects associated with mine closure			**Opportunity for Improvement: It is recommended that BMC implement a documented rehabilitation inspection and monitoring program, including regular inspections, condition assessments and record keeping (e.g. mapped inspections and resource registers), to demonstrate landform stability and vegetation performance between annual reporting periods.**	
PROGRESSIVE REHABILITATION					
45	Deleted. Note: Progressive rehabilitation is a requirement under the conditions imposed under the Mining Act.		Not Applicable		
REHABILITATION MANAGEMENT PLAN					
46	Deleted. Note: The Applicant must prepare a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the provisions of the Mining Act 1992.		Not Applicable	It is noted BMC currently have a Rehabilitation Management Plan to satisfy requirements under mining tenements and a Rehabilitation Strategy to satisfy the requirements of the SSD.	
REHABILITATION STRATEGY					
47	The Applicant must prepare a Rehabilitation Strategy for all land disturbed by the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with Water Group, CHPR, Council, Resources Regulator and the CCC and be submitted to the Secretary for approval within 12 months after the approval of Mod 7, unless otherwise agreed by the Secretary; (b) be prepared by a suitably qualified and experienced person/s; (c) build upon the Rehabilitation Objectives in **Table 15**, conceptual final landform plan in Appendix 9, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform (including final voids and reinstatement of Dry Creek), postmining land use/s and water management; (d) align with strategic rehabilitation and mine closure objectives and address the principles of the Strategic Framework for Mine Closure (ANZMEC and MCA, 2000); (e) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature mine closure; (f) investigate opportunities to refine and improve the final landform and final void outcomes over time; (g) include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes; (h) include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site (including the final voids), that: • considers regional and local strategic land use planning objectives and outcomes; • support a sustainable future for the local community; • utilise existing mining infrastructure, where practicable • considers opportunities for regional vegetation connectivity with adjoining developments; and • avoids disturbing self-sustaining native ecosystems, where practicable (i) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure;	Rehabilitation Strategy (rev 2) dated 27/05/2024 DPHI Rehabilitation Strategy Approval letter dated 6/08/2024 Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine CCC Minutes of Meeting No. 146 dated 22/05/2024	**Non-compliant**	During the audit period, the Rehabilitation Strategy (rev 2) was approved by DPHI on 6 August 2024. Appendix A of the document includes a summary of consultation undertaken. **The Rehabilitation Strategy was required to be prepared and submitted to the Department by 24 February 2024 (12 months from the approval of Mod 5) however due to the delays associated with obtaining stakeholder feedback, the Rehabilitation Strategy was not submitted within the required timeframe. This non-compliance was self-reported by BMC in Section 11.2 of the Annual Review 2024.** The Rehabilitation Strategy will be required to be reviewed and resubmitted to the Secretary by 7 August 2026 (within 12 months of the approval of Mod 7). The Rehabilitation Strategy addresses the requirements of items (b)-(j).	**NC-09**

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
	(j) include a program to periodically review and update this strategy at least every three years.				
47A	The Rehabilitation Strategy, as approved by the Secretary, must be implemented for the development.	Rehabilitation Strategy (rev 2) dated 27/05/2024 Rehabilitation Management Plan Risk Assessment dated 2022 GDP 2510 – ML 1729 Drilling Program 2026 dated 6/11/2025 Annual Rehabilitation As-Executed Reports dated 2023 and 2024 PRO-0217 Waste Dump Design and Construction received 25/11/2025	Compliant	BMC demonstrated they are generally undertaking rehabilitation in accordance with the Consent and the approved Rehabilitation Strategy. The Rehabilitation Strategy outlines how rehabilitation planning is incorporated in everyday active mine planning, with evidence of clearing and salvage protocols, and rehabilitation planning in the BMC internal emails (dated 2025) on tasks for the northern rehabilitation area. The post-mining land use is outlined in the RMP Final Land Use Plan. There was no evidence of reviews into the socio-economic effects of closure in the audit period. However, it should be noted BMC is not planned for closure within the next 5 years.	
SCHEDULE 4					
ADDITIONAL PROCEDURES					
NOTIFICATION OF LANDOWNERS/TENANTS					
1	Within 1 month of the date of this consent, the Applicant must: (a) notify in writing the owners of: • the land listed in **Table 1** of schedule 3 that they have the right to require the Applicant to acquire their land at any stage during the development and/or request the Applicant to ask for additional noise and/or air quality mitigation measures (whichever is relevant) to be installed at their residence at any stage during the development (if they have not requested acquisition); • the land listed in **Table 2** of schedule 3 that, if they no longer have an acquisition right for that land under the mining approval of the mine listed in **Table 2**, they have the right to require the Applicant to acquire their land at any stage during the development and/or request the Applicant to ask for additional noise and/or air quality mitigation measures (whichever is relevant) to be installed at their residence at any stage during the development (if they have not requested acquisition from any mine, or the installation of mitigation measures by another mine); • any residence on the land listed in **Table 3** of schedule 3 that they have the right to request the Applicant to ask for additional noise and/or air quality mitigation measures (whichever is relevant) to be installed at their residence at any stage during the development (if they have not requested the installation of mitigation measures by another mine); and • any privately-owned land within 3 kilometres of the approved open cut mining pit/s that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated; (b) notify the tenants of any mine-owned land of their rights under this consent (see condition 18 of schedule 3); and		Compliant	Compliance with this condition was confirmed in previous audits. The requirement was triggered within one month of the grant of this approval.	

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
	(c) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EIS identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria in schedule 3 at any time during the life of the development.				
2	Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, or for any of the land listed in condition 1 that is subsequently purchased by the Applicant, the Applicant must: (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and (b) advise the prospective tenants of the rights they would have under this consent.	Licence Agreements (various) Mine Dust and You Factsheet BMC Senior Land and Property Officer Email thread dated October 2025	Compliant	Licence Agreements and Residential Tenancy Agreements between BMC and tenants were sighted. Licence Agreements were observed to contain a clause regarding air quality (clause 9 or 10 depending on LA) and the Mine Dust and You Fact Sheet in Schedule 2. The RTAs on the Audit Trail page contain reference to provision of the Mine Dust and You Fact Sheet to the tenant.	
3	As soon as practicable after obtaining monitoring results showing: (a) an exceedance of any relevant criteria in schedule 3, the Applicant must notify the affected landowners in writing of the exceedance, and provide regular monitoring results to these landowners until the development is again complying with the relevant criteria; and (b) an exceedance of any relevant air quality criteria in schedule 3, the Applicant must send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).		**Non-compliant**	During the audit period, monitoring data recorded multiple exceedances of the air quality criteria in Schedule 3. Subsequent investigation reports determined these exceedances were not attributable to the development. BMC advised that monitoring results and exceedance notifications were not routinely provided to affected landowners or tenants where exceedances occurred but were later assessed as non-mine related (H. Frazer pers. comm). **As a result, written notification, provision of monitoring results and distribution of the NSW Health fact sheet Mine Dust and You were not undertaken following these exceedances.** This condition requires that affected landowners and/or tenants be notified in writing as soon as practicable after obtaining monitoring results showing an exceedance of the Schedule 3 criteria, and that the Mine Dust and You fact sheet be provided. **The condition is triggered by the monitoring result itself and does not allow notification to be deferred pending attribution investigations.** **Recommendation: BMC should revise the Air Quality Management Plan to include an exceedance notification procedure. The procedure should require that, upon identification of a monitoring exceedance, affected landowners and tenants are notified and provided monitoring results and the Mine Dust and You fact sheet, with follow-up advice issued once attribution investigations are completed.**	**NC-10**
INDEPENDENT REVIEW					
4	If an owner of privately-owned land considers the development to be exceeding the relevant criteria in schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land. If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision the Applicant must: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to: • consult with the landowner to determine his/her concerns; • conduct monitoring to determine whether the development is complying with the relevant criteria in schedule 3;		Not triggered	No independent reviews were requested by the Secretary during the audit period (H. Frazer pers. comm).	

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
	- if the development is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and - in cases where there is an exceedance of any air quality criteria, and more than one mine is responsible for the exceedance, determine the relative share of each mine regarding the impact of the development; (b) give the Secretary and landowner a copy of the independent review with a plan which details the proposed measures to be implemented in response to the independent review; and (c) implement the necessary measures as directed by the Secretary				
LAND AQUISITION					
5	Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant must make a binding written offer to the landowner based on: (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the: - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and - presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise and/or air quality mitigation measures in condition 2 of schedule 3; (b) the reasonable costs associated with: - relocating within the Muswellbrook, Cessnock or Singleton local government area, or to any other local government area determined by the Secretary; and - 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 (c) reasonable compensation for any disturbance caused by the land acquisition process. However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution. Upon receiving such a request, the Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to: - consider submissions from both parties; - 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; - prepare a detailed report setting out the reasons for any determination; and - provide a copy of the report to both parties. Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination. 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	Valuation of Property Letter from BMC to JM dated 11/10/2023 Written Request for Acquisition Letter from landholder KM dated 19/12/2024	Compliant	BMC provided the audit team with a copy of a written acquisition request from landholder JM dated 19 December 2024. BMC also provided an earlier offer to purchase the property dated 11 October 2023. Documentation and correspondence indicate that BMC and the landholder had been engaged in negotiations regarding potential acquisition of the property for a considerable period prior to the formal written request (H. Frazer pers. comm). As a result, an offer to purchase had already been issued before the landholder formally exercised their acquisition rights. The condition requires that, within three months of receiving a written request from a landowner with acquisition rights, the Applicant must make a binding written offer. The condition does not prevent an offer being made prior to the written request. BMC advised the offer remained current following receipt of the 19 December 2024 request and the landholder has been seeking legal advice before progressing the agreement.	

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
	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.				
	Within 14 days of this determination, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination. If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land will cease, unless the Secretary determines otherwise.				
6	The Applicant must pay all reasonable costs associated with the land acquisition process described in condition 5 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.	Valuation of Property Letter from BMC to JM dated 11/10/2023	Compliant	BMC have paid all costs and legal costs for landowners with acquisition rights associated with the land acquisition process during the audit period (H. Frazer pers. comm).	
SCHEDULE 5					
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING					
ENVIRONMENTAL MANAGEMENT					
ENVIRONMENTAL MANAGEMENT STRATEGY					
1	The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must: (a) be submitted to the Secretary for approval within 6 months of the date of this consent; (b) provide the strategic framework for environmental management of the development; (c) identify the statutory approvals that apply to the development; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; (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 development; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the development; • respond to any non-compliance; • respond to emergencies; and (f) include: • references to any strategies, plans and programs approved under the conditions of this consent; and • a clear plan depicting all the monitoring required to be carried out in relation to the development. The Applicant must implement the approved strategy as approved from time to time by the Secretary.	Environmental Management Strategy (rev 4) dated 22/06/23 DPHI EMS Approval Letter dated 24/08/2023	Compliant	During the audit period the Environmental Management Strategy (EMS) (rev 4) was updated to reflect Mod 5 and lodged with the Department on the 22 June 2023. The EMS was approved by DPHI (then DPE) on 24 August 2023 Following approval of Mod 7 BMC undertook a review dated 21 October 2025 which concluded that the EMS would need to be updated. The EMS was undergoing revision at the time of the audit. The EMS generally addresses the requirements of items (a)–(f).	

Bengalla Coal Mine – Continuation Project (Development Approval SSD 5170 – Mod 7)

Mod 1 - Mod 2 - Mod 3 - Mod 4 - Mod 5 - Mod 7

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
ADAPTIVE MANAGEMENT					
2	The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation. Where any exceedance of these criteria and/or performance measures has occurred, the Applicant 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 course of action; and (c) implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary.	Todoroski Air Sciences 'PM10 data investigation for 12 March 2024' report dated 19/4/2024 Todoroski Air Sciences 'PM10 data investigation for 23 February 2025' dated 24/3/2025 Todoroski Air Sciences 'PM10 data investigation for 1 March 2025' dated 23/4/2025 Minvu Environmental Delay Breakdown 30/12/2022 to 10/12/2025 Screenshot received 15/12/2025 AGE Bengalla Mine September 2025 Water Exceedance Investigation dated 03/11/2025 AGE Bengalla Mine Q1 2024 Water Exceedance Investigation dated 19/06/2024	Compliant	During the audit period, BMC assessed and managed development-related risks through the identification, investigation and management of exceedances and incidents relevant to the criteria and performance measures in Schedule 3. Air quality exceedances recorded during the audit period were investigated through detailed exceedance investigation reports prepared by Todoroski (refer Schedule 3 Condition 16 for further details). These investigations considered contributing factors, assessed whether exceedances were attributable to the development, and identified appropriate management responses. Where exceedances were identified, operational controls were implemented to minimise the risk of recurrence. Water-related exceedances and incidents were also recorded and investigated (refer Schedule 3 Condition 23 and 24 for further details). This included the sediment-laden water release event, which was investigated and reported, with corrective actions implemented to address the cause and reduce the likelihood of recurrence (H. Frazer pers. comm). In addition, a non-compliance associated with uncontrolled grazing within part of the Kenalea Offset Area was identified, investigated and reported(refer Schedule xx Condition 26 for further details). Management actions were implemented to remove stock, assess environmental impacts and prevent recurrence (H. Frazer pers. comm).	
MANAGEMENT PLAN REQUIREMENTS					
3	The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include: (a) a summary of baseline data; (b) a description of • the relevant statutory requirements (including any relevant approval, 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 development; • effectiveness of any management measures (see c above); (e) a contingency plan to manage any unpredicted impacts and their consequences;	Aboriginal Cultural Heritage Management Plan (rev 7) dated 9/5/2017 Air Quality Management Plan (rev 14) dated 12/12/2022 Biodiversity Management Plan (rev 4) dated 19/06/2017 Biodiversity Offset Management Plan (rev 6) 27/02/2017 Blast Management Plan, (rev 6) dated 21/6/2023	Compliant	Consistent with previous audits management plans for the development reviewed as part of this audit were considered to address the elements required by this condition (items a–h).	

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
	(f) a program to investigate and implement ways to improve the environmental performance of the development 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. *Note:* *The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*	Noise Management Plan, (rev 7) dated 22/06/2023 Historic Heritage Management Plan (rev 7) dated 9/5/2017 Visual Impact Mitigation Plan (rev 1) dated 30/3/2016 Water Management Plan (rev 6) dated 19/12/23 Environmental Management Strategy (rev 4) dated 22/06/23			
ANNUAL REVIEW					
4	By the end of March each year (or as otherwise agreed by the Secretary), the Applicant must review the environmental performance of the development for the previous calendar year to the satisfaction of the Secretary. This review must: (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 development 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 EIS; (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 development; (e) identify any discrepancies between the predicted and actual impacts of the development, 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 development.	Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024	Compliant	During the audit period, Annual Review reports were prepared generally to include the elements required by this condition (items (a) – (f)). The 2023 Annual Review was published on 28 March 2024 and the 2024 Annual Review was published on 31 March 2025. The 2025 Annual Review was in preparation at the time of the audit, noting the calendar year had not yet concluded.	
REVISION OF STRATEGIES, PLANS AND PROGRAMS					
5	Within 3 months of the submission of: (a) an annual review under Condition 4 above; (b) an incident report under Condition 7 below; (c) an audit report under Condition 9 below; or (d) any modification to the conditions of this consent (unless the conditions require otherwise), the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.	BMC Management Plan Review Spreadsheet received 31/12/2025 Schedule 5 Condition 5 Post-Modification Management Plan Review received 31/12/2025	**Non-compliant**	During the audit period BMC has prepared and maintained a Management Plan Review Register documenting all reviews of management plans and strategies required by this consent, including instances where no revisions were required. **No verifiable evidence was provided to demonstrate that all relevant management plans were reviewed within three months of the submission of Annual Review reports or previous audit reports during the audit period.**	**NC-11**

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
	Where this review leads to revisions in any such document, then within 4 weeks of the review, unless the Secretary agrees otherwise, the revised document must be submitted to the Secretary for approval. *Note:* *This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.*			**Similarly, no evidence was available to confirm that management plans were reviewed in response to reportable incidents**. Following approval of MOD 5, BMC sought an extension to the review and submission timeframes so they aligned with the Annual Review reporting cycle. The updated management plans were required to be submitted to the Department by 28 July 2023. **However, the WMP was submitted to the Department on 19 December 2023, exceeding the required deadline.** **In addition, some plans, including the VIMP, were not reviewed following approval of MOD 5.** However, following approval of Mod 7, BMC undertook a comprehensive review of management plans and identified updates required to incorporate the modification and improve environmental performance. **Recommendation: It is recommended BMC implement a documented trigger-based review process requiring relevant strategies, plans and programs to be reviewed following environmental incidents, modifications to the development, or significant operational changes in accordance with Schedule 5 Condition 5 of the Consent.**	
COMMUNITY CONSULTATIVE COMMITTEE					
6	The Applicant must operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. This CCC must be operated in general accordance with the Community Consultative Committee Guidelines: State Significant Projects (2016). *Notes:* • *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.* • *In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, affected councils and the local community.*	CCC Minutes of Meeting No. 150 dated 28/05/2025 CCC Minutes of Meeting No. 145 dated 21/02/2024 Bengalla Website viewed 28/11/2025	Compliant	Information on the CCC is provided on the BMC environmental documentation webpage, thus available to the public. Based on the evidence reviewed for this audit, the CCC is operating in accordance with the 2016 requirements.	
INCIDENT NOTIFICATION					
7	The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including: (a) date, time and location; (b) a brief description of what occurred and why it has been classified as an incident; (c) a description of what immediate steps were taken in relation to the incident; and (d) identifying a contact person for further communication regarding the incident.	DPHI Portal Notification Sediment Dam Water Discharge (16/17/2024) dated 16/17/2024 EPA Penalty Notice and Official Caution - Sediment Dam Water Discharge dated 21/03/2025 Email DPE Notification Kenalea Offset Property dated 9/06/2023 Email AG DCCEEW Notification Kenalea Offset Property dated 6/06/2023	Compliant	During the audit period a number of incidents occurred as reported in the conditions above. A summary of key incidents and notifications is provided below. • **Kenalea Offset Property (6 June 2023)** - BMC notified AG DCCEEW of a non-compliance with the Offset Management Plan relating to the Kenalea offset property on 6 June 2023. DPHI was notified on 9 June 2023, three days after the initial notification to AG DCCEEW. It is noted that the non-compliance reporting requirements were undertaken in accordance with MOD 5 conditions. The incident involved a tenant grazing cattle and horses on the property in breach of the Residential Tenancy Agreement, which does not permit livestock without BMC consent**.** • **Sediment-laden Water Discharge (24 July 2024)** - BMC notified DPHI within 24 hours via the NSW Planning Portal of a sediment-laden water discharge from a sediment basin associated with the Western Diversion Levee area. The notification letter was incorrectly titled as “air quality monitoring results 2023” however included all of the requirements outlined by this condition.	

Bengalla Coal Mine – Continuation Project (Development Approval SSD 5170 – Mod 7)

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Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
7A	The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 10 (Incident Notification and Reporting Requirements).		Not triggered	No incidents occurred during the audit period following the approval of Mod 7 on the 7 August 2025.	
NON-COMPLIANCE NOTIFICATION					
7AA	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 and must be submitted via the Department's NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, and when, 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.*	DPE Portal Notification Air Quality Exceedance (13/12 & 19/12) dated 19/01/2024 DPE Portal Notification Air Quality Exceedance (7/12 & 19/12) dated 19/01/2024 Email Correspondence BMC to DPE Notification RE: March 2023 Air Quality Exceedances dated 23/04/2023 Email Correspondence BMC to DPE Notification RE: 2/10/2023 Air Quality Exceedances dated 8/11/2023 DPHI Portal Notification Air Quality Exceedance (5/2/2024) dated 15/03/2024 DPHI Portal Notification Air Quality Exceedance (12/03/2024) –dated 16/04/2024 DPHI Portal Notification Air Quality Exceedance (13/12/2024) dated 16/01/2025 DPHI Portal Notification Air Quality Exceedance (23/2/2025) dated 17/03/2024 DPHI Portal Notification Air Quality Exceedance (1/3/2025) dated 22/04/2025 DPHI Portal Notification Air Quality Exceedance	**Non-compliant**	During the audit period, BMC recorded multiple air quality exceedances and provided notifications and investigation reports to the Department (refer Schedule 3 Condition 16 for further details). However, review of the notification records **identified that two notifications were not submitted within seven days of BMC becoming aware of the potential non-compliance.** **Some notifications did not include all details required by this condition. These notifications were generally sent at the beginning of the audit period** and it appears BMC has since corrected this issue. For example, email correspondence dated 8 November 2023 did not identify the development application number or the follow-up actions undertaken. But notifications sent in 2024 onwards appear to include all details. **Water exceedances against groundwater criteria outlined in the WMP were also recorded during the audit period but there was no verifiable evidence to suggest that these exceedances were reported to the Department**.	**NC-12**

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
		(28/8/2025) dated 15/09/2025 DPHI Portal Notification Air Quality Exceedance (9/9/2025 & 27/9/2025) dated 27/10/2025 DPHI Portal Notification Air Quality Exceedance (21/10/2025) dated 14/11/2025 DPHI Non-compliance Notification – Air Quality Exceedance (6/1/2025) dated 5/6/2025			
MONITORING AND ENVIRONMENTAL AUDITS					
7B	Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit. *Note:* *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*		Noted	This condition was considered when assessing compliance regarding monitoring, Management Plans and auditing.	
REGULAR REPORTING					
8	The Applicant must provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.	Bengalla Website, viewed November 2025 and January 2026. Monthly Monitoring Summary reports (Jan 2023 to October 2025) as published on BMC Website.	Compliant	BMC uploads all monthly EPL monitoring reports to the Bengalla website, along with further environmental performance reporting in the annual reviews for 2023, 2024 and 2025.	
INDEPENDENT ENVIRONMENTAL AUDIT					
9	Independent Environmental Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020) or as updated from time to time and published on the Department's website.		Compliant	This Independent Environmental Audit has been undertaken to satisfy this condition.	
10	*Deleted.*		Not Applicable		
ACCESS TO INFORMATION					
11	From the commencement of development under this consent, the Applicant must: (a) make copies of the following publicly available on its website: • the documents listed in condition 2(a) of Schedule 2; • current statutory approvals for the development;	2023 Complaints Register Spreadsheet	Compliant	During the audit period, BMC maintained publicly available information on the Bengalla website. Documents sighted included current management plans and strategies, development consent and other statutory approvals, monitoring	

<table>
<tr><th>Condition No.</th><th>Requirement</th><th>Evidence Collected</th><th>Compliance Status</th><th>Independent Audit Findings and Recommendations</th><th>Unique ID on NC</th></tr>
<tr><td></td><td>• approved strategies, plans and programs required under the conditions of this consent;
• a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
• a complaints register, which is to be updated monthly;
• minutes of CCC meetings;
• the annual reviews of the development (for the last 5 years, if applicable);
• any independent environmental audit of the development, and the Applicant'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.</td><td>2024 Complaints Register Spreadsheet
2025 Complaints Register Spreadsheet (up to 26/11/2025)
Bengalla Website sighted 10/12/2025</td><td></td><td>results summaries, the complaints register, Annual Review reports, independent environmental audits and responses, CCC information and coal transport records.
All information appeared to be kept up to date in accordance with this condition.</td><td></td></tr>
<tr><td colspan="6">APPENDIX 3</td></tr>
<tr><td colspan="6">TERMS OF THE VOLUNTARY PLANNING AGREEMENT</td></tr>
<tr><td>-</td><td><table>
<tr><th>Funding Component</th><th>Applicant Contribution</th></tr>
<tr><td>Bengalla Coal Community Fund</td><td>$400,000 per annum</td></tr>
<tr><td>Road maintenance requirements within the Muswellbrook LGA</td><td>$125,000 per annum</td></tr>
<tr><td>Council Environmental Officer position</td><td>$20,000 per annum</td></tr>
<tr><td>A commitment from the Applicant to seek to engage four apprentices per annum for the life of the mine sourced from residents within the local area.</td><td>N/A</td></tr>
<tr><td>General</td><td>$0.065 cents per tonne of product coal produced in excess of 8.5 Mt of product coal from the mine in any one calendar year.</td></tr>
</table></td><td>Bengalla Mine Annual Review 2024 dated 31/03/2025
Bengalla Mine Annual Review 2023 dated 28/03/2024
Internal BMC Email threads - SSD-5170, Schedule 3, Condition 35 dated October 2025</td><td>Compliant</td><td>Requirements under the VPA were maintained during the audit period. Funds contributing to the VPA are included below:
• $726,285 in 2023 and
• $823,636 in 2024.
An overview of funds provided for 2025 could not be presented at the time of the audit, as contributions are made annually and the relevant data was not yet available.</td><td></td></tr>
<tr><td colspan="6">APPENDIX 5</td></tr>
<tr><td colspan="6">NOISE COMPLIANCE ASSESSMENT</td></tr>
<tr><td colspan="6">APPLICABLE METEOROLOGICAL CONDITIONS</td></tr>
<tr><td>1</td><td>The noise criteria in Table 4 of schedule 3 are to apply under all meteorological conditions except the following:
(a) wind speeds greater than 3 m/s measured at 10 m above ground level; or
(b) temperature inversion conditions between 1.5°C and 3°C/100 m and wind speeds greater than 2 m/s at 10 m above ground level; or
(c) temperature inversion conditions greater than 3°C/100 m.</td><td>Bridge Acoustics Noise Compliance Report November 2025 - Draft</td><td>Noted</td><td></td><td></td></tr>
<tr><td colspan="6">DETERMINATION OF METEOROLOGICAL CONDITIONS</td></tr>
<tr><td>2</td><td>Except for wind speed at microphone height, the data to be used for determining meteorological conditions must be that recorded by the meteorological station located on the site.</td><td>Bridge Acoustics Noise Compliance Report November 2025 - Draft</td><td>Compliant</td><td>Data from the AWS meteorological station is used to determine meteorological conditions inform noise monitoring conclusions.</td><td></td></tr>
<tr><td colspan="6">COMPLIANCE MONITORING</td></tr>
<tr><td>3</td><td>Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.</td><td>Bridge Acoustics Noise Compliance Report November 2025 - Draft</td><td>Compliant</td><td>BMC engage Bridges Acoustics to undertake attended noise monitoring on a monthly basis at three locations (AN01, AN02, AN03). Comparison to criteria and</td><td></td></tr>
</table>

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
				the conditions of this Consent is presented in the monthly Noise Compliance Surveys.	
4	This monitoring must be carried out at least once a month (but at least two weeks apart) unless the Secretary directs otherwise.	Bridge Acoustics Noise Compliance Report November 2025 - Draft	Compliant	During the audit period BMC has engaged Bridges Acoustics to undertake monitoring at least once a month (H. Frazer pers. comm).	
5	Unless otherwise agreed with the Secretary, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the NSW Industrial Noise Policy (as amended from time to time), in particular the requirements relating to: (a) monitoring locations for the collection of representative noise data; (b) meteorological conditions during which collection of noise data is not appropriate; (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.	Bridge Acoustics Noise Compliance Report November 2025 - Draft	Compliant	Attended noise monitoring is undertaken in accordance with the NSW INP including locations, meteorological conditions, equipment and modified factors.	
APPENDIX 10					
INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS					
INCIDENT NOTIFICATION REQUIREMENTS					
1	All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).		Not Triggered	No incidents occurred during the audit period following the approval of Mod 7 on the 7 August 2025.	
2	The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition 7 of Schedule 5 of this consent or, having given such notification, subsequently forms the view that an incident has not occurred.		Not Triggered	No incidents occurred during the audit period following the approval of Mod 7 on the 7 August 2025.	
3	Within seven days (or as otherwise agreed by the Secretary) of the Applicant making the incident notification (in accordance with condition 7 of Schedule 5 of this consent), the Applicant is required to submit a subsequent incident report that: (a) identifies how the incident was detected; (b) identifies when the Applicant became aware of the incident; (c) identifies any actual or potential non-compliance with conditions of consent; (d) identifies further action(s) that will be taken in relation to the incident; and (e) a summary of the incident; (f) outcomes of an incident investigation, including identification of the cause of the incident; (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and (h) details of any communication with other stakeholders regarding the incident.		Not Triggered	No incidents occurred during the audit period following the approval of Mod 7 on the 7 August 2025.	
4	The Applicant must submit any further reports as directed by the Secretary.		Not Triggered	No incidents occurred during the audit period following the approval of Mod 7 on the 7 August 2025.	

Bengalla Coal Mine – Continuation Project (EPBC Approval 2012/6378)

Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
PROPOSED CONDITIONS OF APPROVAL					
1	The approval holder must not clear more than 535 hectares of White Box-Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community (Box Gum Woodland) and must limit clearing to within the project disturbance boundary defined at Schedule 1.	WSP Bengalla Coal Mine 2023 Annual Clearing Report dated 26/03/2024 SLR Bengalla Coal Mine 2024 Annual Clearing Report dated 26/03/2025 Aerial Imagery viewed on-site 25/11/2025	Compliant	Review of available spatial data and site inspection observations confirmed that clearing activities were confined to the approved Project Disturbance Boundary. While the Annual Clearing Reports describe clearing activities and vegetation communities impacted, they **do not provide a clear or auditable summary of the total area (in hectares) of White Box–Yellow Box–Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community cleared to date**. **Opportunity for Improvement: It is recommended that BMC prepare and maintain a consolidated, hectare-based clearing summary, supported by spatial analysis, demonstrating cumulative clearing of White Box–Yellow Box–Blakely's Red Gum Grassy Woodland and Derived Native Grassland against the approved 535 hectare limit.**	
2	To mitigate impacts of the action on Box Gum Woodland, the Grey Headed Flying Fox, Large-eared Pied Bat, South-eastern Long-eared Bat, Regent Honeyeater, Swift Parrot and Spotted-tail Quoll, the approval holder must prepare and submit, prior to the proposed date of commencement of the action, a mine site Vegetation Clearance Protocol and Landscape Management Plan (VCPLMP) for the Minister's written approval. The VCPLMP must: a. Delineate areas to be cleared, describe pre-clearance survey methods, specify actions to minimise fauna impacts and detail vegetation clearance procedures b. Require collection and stockpiling of habitat features important to threatened fauna species for reinstatement in rehabilitation areas c. Require use of native, locally sourced seed for propagation for rehabilitation activities d. Include measures to avoid, suppress and control the spread of plant pathogens (such as *Phytophthora cinnamomi*) e. Specify a two stage clearing protocol where non-habitat trees are cleared 24 hours prior to any habitat trees being cleared, to encourage fauna to move out of an area. The approval holder must not commence the action until the VCPLMP is approved by the Minister. The approved VCPLMP must be implemented. *Note:* *The Biodiversity Management Plan required under NSW Approval condition 29 may be used to satisfy this condition if it meets the above content and submission requirements.*	Biodiversity Management Plan (rev 4) dated 19/06/2017 WSP Bengalla 2023 Annual Clearing Report dated 26/03/2024 Weed Management Area Mapping 2023 dated 26/03/2024 SLR Bengalla 2024 Annual Clearing Report dated 26/03/2025 GDP 2411 – Tiger Orchid Relocation dated 17/05/2024 BMC Email Correspondence - November 2025 Monthly Disturbance Update distribution dated 2/12/2025 SLR Stream Health Monitoring 2025 Report Invoice dated 28/11/2025	Compliant	The requirements of this condition are addressed through the Bengalla Biodiversity Management Plan (BMP), which has been prepared outside the audit period and is implemented in lieu of a standalone Vegetation Clearance Protocol and Landscape Management Plan (VCPLMP). The BMP was not revised during the audit period. The BMP addresses each of the requirements in Condition 2 (a)-(e). During the audit period, biodiversity management actions were generally undertaken in accordance with the BMP and reported in the Annual Review. Pre-clearance surveys and habitat tree assessments were undertaken prior to disturbance, including fauna relocation requirements identified within SLR habitat tree clearing reports. Ground Disturbance Permits dated 2024 and 2025 were sighted. Tiger Orchids were identified within ML 1728 in 2024. The GDP dated 17 May 2024 records relocation works occurring on 17 May 2024; however, **the annual clearing report states the translocation occurred prior to clearing. This indicates an inconsistency in reporting.** Two fauna mortalities (possums) associated with clearing in 2025 were recorded. A detailed incident summary was not available at the time of the audit and is to be included in the 2025 Disturbance Report. Weed management was undertaken during the audit period and was observed during the site inspection. Annual Reviews record weed control activities, with species prioritised in accordance with Weeds of National Significance. BMC also coordinates weed spraying with neighbouring landholders where practicable. Offset areas are regularly inspected by environmental staff. Salvaged habitat materials (e.g. logs and trees) from clearing were observed to be stockpiled for rehabilitation use. While volumes of stripped soil are recorded, BMC does not maintain a register documenting salvaged habitat features. Where viable seed could not be collected prior to clearing, seed was sourced externally. Based on the evidence reviewed, the BMP was generally implemented during the audit period. **Opportunity for Improvement: It is recommended that a verification step be implemented following clearing activities to reconcile Ground Disturbance Permits, relocation records and disturbance reporting (e.g. threatened flora relocations) prior to finalising compliance reporting.**	

Bengalla Coal Mine – Continuation Project (EPBC Approval 2012/6378)					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
				Opportunity for Improvement: Establish a register to record salvaged habitat features and materials (e.g. hollow-bearing trees, logs and other habitat resources) for tracking and use in rehabilitation.	
3	To compensate for the loss of 535 hectares of Box Gum Woodland ecological community and 272 hectares of habitat for the Grey Headed Flying Fox, Large-eared Pied Bat, South-eastern Long-eared Bat, Regent Honeyeater, Swift Parrot and the Spotted-tail Quoll, the approval holder must prepare and submit, by 3 September 2015, a Biodiversity Offset Management Plan (BOMP) for the Minister's written approval. The BOMP must: a. Identify those lands described as the Offset Areas at Schedule 2 (Figures 1- 6) of this notice. This must include offset attributes, shape files, textual descriptions and maps to clearly define the location and boundaries of the offset area(s) b. Provide a survey and description of the current condition (prior to any management activities) of the offset areas identified in Condition 3a c. Detail management actions and regeneration and revegetation strategies to be undertaken on the offset areas to improve the ecological quality of these areas, including: (i) a description and timeframe of measures that would be implemented to improve the condition of Box Gum Woodland and habitat for the Grey Headed Flying Fox, Large-eared Pied Bat, South-eastern Long-eared Bat, Regent Honeyeater, Swift Parrot and the Spotted-tail Quoll on the offsets sites; (ii) performance and completion criteria for evaluating the management of the offset areas, and criteria for triggering remedial action; (iii) a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria; (iv) a description of potential risks to the successful implementation of the plan, a description of the measures that will be implemented to mitigate against these risks and a description of the contingency measures that will be implemented if defined triggers arise; and (v) details of who would be responsible for monitoring, reviewing, and implementing the plan. The approved BOMP must be implemented. The approved BOMP must be published on the approval holder's internet web site within 1 month of being approved. The most recently approved version of the BOMP must be published on the approval holder's internet web site for a period of 5 years after it is approved. *Note:* *The Biodiversity Management Plan required under NSW Approval condition 29 may be used to satisfy this condition if it meets the above content and submission requirements.*	Biodiversity Offset Management Plan (rev 6) dated 27/02/2017 Bengalla Offsets Monitoring Annual Offsets Monitoring Report 2024 dated 6/03/2025 Bengalla Offset Sites Hazard Reduction Burn Ecological Monitoring 2024 Report dated 20/01/2025 Bengalla Offsets Monitoring Annual Offsets Monitoring Report 2023 dated 17/05/2024 Bengalla Offset Sites Hazard Reduction Burn Ecological Monitoring 2023 Report dated 11/06/2024 EPBC Approval 2012/6378 - Kenalea Offset Property Notification dated 06/06/2023 RFS Your Burn Notification Confirmation dated 12/06/2023 BMC to RFS Email Correspondence - Planned Burn Notification dated 16/06/2023	**Non-compliant**	The Biodiversity Offset Management Plan (BOMP) (rev 6) for the Kenalea, Black Mountain and Merriwa River Offset Areas was approved on 8 March 2017 and remains in effect. During the audit period, management actions to maintain and enhance native vegetation were undertaken, including annual weed and feral animal control and threatened species monitoring. No hazard reduction burns were undertaken on the offset properties during 2024. Cumberland Ecology was engaged to undertake post-burn ecological monitoring following ecological burns completed in 2023. The NSW Rural Fire Service was notified of the planned burn in accordance with notification requirements. Routine maintenance activities (e.g. track and fencing maintenance) are undertaken; however, these inspections are informal (H. Frazer pers. comm) and **no documented records were available to confirm that inspections had occurred.** During the audit period, on 6 June 2023, **BMC reported a non-compliance to the Australian Government DCCEEW relating to uncontrolled grazing by stock at the southern end of the Kenalea Offset Area (approximately 97 hectares).** Under the Residential Tenancy Agreement, the tenant was not permitted to keep stock on the property (other than up to 12 dogs); however, cattle and horses were present within the offset area. BMC requested removal of the stock, which occurred on 2 July 2023, and the tenant vacated the property in August 2023. BMC subsequently engaged Cumberland Ecology to undertake an ecological assessment of the affected area. The assessment concluded that the vegetation was likely to recover following removal of grazing pressure. The assessment was provided to regulators, and correspondence dated 20 December 2023 from AG DCCEEW confirmed no further regulatory action was required subject to implementation of corrective actions. **Recommendation: It is recommended that BMC establish and maintain a documented inspection and maintenance program for the offset areas (including fencing integrity, access tracks and general condition), with inspection records retained as evidence of ongoing management and compliance with the BOMP.**	**NC-13**

Bengalla Coal Mine – Continuation Project (EPBC Approval 2012/6378)

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
4	The approval holder must secure the lands identified as the Offset Areas at Schedule 2 (Figures 1- 6) of this notice as a biodiversity offset, in accordance with NSW Approval condition 28.		**Non-compliant**	**BMC have not been able to acquire the long-term security of offsets via the Biodiversity Stewardship Agreement mechanism.** Further details refer to Table 1 Schedule 4 Condition 28 in this audit report.	**NC-14**
5	In order to protect listed threatened species and listed threatened ecological communities, the approval holder must undertake rehabilitation activities in accordance with NSW approval conditions 44, 45 and 46.	Rehabilitation Management Plan (rev 3) dated 19/01/2024	Compliant	Rehabilitation has generally been completed in accordance with NSW approval conditions 44, 45 and 46.	
6	The approval holder must undertake management and monitoring of water resources in accordance with NSW approval conditions 23 to 25.	EPA Penalty Notice and Official Caution dated 21/3/2025	**Non-compliant**	During the audit period, BMC generally undertook water management and monitoring in accordance with the Water Management Plan and the requirements of the SSD approval. Evidence reviewed confirmed that monitoring programs were implemented as described in the Water Management Plan. However, **a sediment-laden water discharge occurred in 2024, which constituted a breach of SSD Schedule 4 Condition 23**. Refer to Table 1 Schedule 4 Condition 23 for further details.	**NC-15**
7	In order to protect water resources, the approval holder must undertake rehabilitation activities in accordance with NSW approval conditions 44 and 46.	Rehabilitation Management Plan (rev 3) dated 19/01/2024	Compliant	Rehabilitation has generally been completed in accordance with NSW approval conditions 44, 45 and 46.	
8	Upon request, the approval holder shall supply the groundwater monitoring data for the Bengalla Mine to the Department, NSW Government agencies, operators of the Mt Arthur and/or Mount Pleasant mines or other adjacent mine operators. A protocol for the supply of the data must be included in the approval holder's Water Management Plan.	Bengalla Mine Water Management Plan (rev 6) dated 21/12/2023	**Non-compliant**	No requests for groundwater monitoring data were received during the reporting period (H. Frazer pers. comm). Review of the Bengalla Water Management Plan (WMP) confirms that while response protocols for trigger exceedances are included, **the WMP does not explicitly set out a protocol for the supply of groundwater monitoring data upon request, nor does it reference the EPBC Approval requirement**. **Recommendation: It is recommended that the Water Management Plan be updated to include a clear protocol for the provision of groundwater monitoring data upon request from the Department, NSW Government agencies, operators of the Mt Arthur and/or Mount Pleasant mines or other adjacent mine operators.**	**NC-16**
9	The approval holder must make available to the Minister on request, all plans or programs and any review of plans or programs required under the Project Approval issued for the project under the Environmental Planning and Assessment Act, 1979 (NSW), including the Biodiversity Management Plan, the Rehabilitation Management Plan and the Water Management Plan, which must include a Site Water Balance, Surface Water Management Plan and Groundwater Management Plan.		Not triggered	No requests were received from the Minister during the reporting period (H. Frazer pers. comm).	
10	Within 30 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	Bengalla Mine (EPBC Approval 2012/6378) 2023 Annual Compliance Report dated March 2024 Bengalla Mine (EPBC Approval 2012/6378) 2024 Annual Compliance Report dated March 2023	Compliant	The commencement of the action occurred outside the audit period. As documented in previous EPBC Annual Compliance Reports, BMC advised the then Department of the Environment and Energy by email dated 30 October 2015 that the action commenced on 1 October 2015. This notification was provided within 30 days of commencement	

Bengalla Coal Mine – Continuation Project (EPBC Approval 2012/6378)

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
11	The approval holder must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement the BOMP and VCPLMP, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	Biodiversity Offset Management Plan (rev 6) dated 27/02/2017	Compliant	During the audit period, management actions to maintain and enhance native vegetation were undertaken, including annual weed and feral animal control and threatened species monitoring. **Routine maintenance activities (e.g. fencing checks, access track maintenance and general condition inspections) were reported to occur; however, these inspections were informal (H. Frazer pers. comm) and no documented records were available to verify that they had been undertaken.** **Opportunity for Improvement: It is recommended that BMC establish and maintain a documented inspection and maintenance program for the offset areas (including fencing integrity, access tracks and general condition), with inspection records retained as evidence of ongoing management and compliance with the BOMP.**	
12	By the end of March each year, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the BOMP and VCPLMP as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published. *Note:* *The Annual Review required under NSW Approval condition 4 (of Schedule 5) may be used to satisfy this condition if it meets the above content and submission requirements.*	BMC to EPBC Officer Email Correspondence - 2024 Annual Compliance Report dated 28/03/2024 BMC to EPBC Officer Email Correspondence - 2024 Annual Compliance Report dated 31/03/2025	Compliant	EPBC annual compliance reports are made publicly available on the development website for the audit period, with the exception of the 2025 report as the reporting year had not yet concluded. Correspondence provided to the audit team confirmed the 2023 EPBC Annual Compliance Report was published on 28 March 2024 and 2024 EPBC Annual Compliance Report was published on 31 March 2025. The Department was notified of both submissions.	
13	Non-compliance with any of the conditions of this approval must be reported to the Department within 2 business days of the approval holder becoming aware of the non-compliance.	EPBC Approval 2012/6378 - Kenalea Offset Property Notification dated 06/06/2023 EPBC Approval 2012/6378 - Sediment-laden Water Discharge Notification dated 25/07/2024	Compliant	During the audit period, two non-compliances were identified that were required to be notified to the Department. These non-compliances are summarised below: • Kenalea Offset Property (Condition 3) - BMC notified AG DCCEEW of a non-compliance with the Offset Management Plan relating to the Kenalea offset property on the 6 June 2023. BMC became aware of the event on the 5 June 2023. • Sediment-laden Water Discharge (Condition 6) – BMC notified AG DCCEEW on the 25 July 2024 of a non-compliance with the Water Management Plan relating to a sediment-laden water Discharge event on the 24 July 2024.	
14	Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted, and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.	DCCEEW Email Correspondence - Independent Audit Query dated 25/09/2025	Not triggered	During the audit period, no direction was issued by the Minister requiring BMC to undertake an independent audit of compliance (H. Frazer pers. comm). Correspondence received from the Department of Climate Change, Energy, the Environment and Water confirms that, while a potential request for an independent audit under Condition 14 of EPBC Approval 2012/6378 was discussed, the Department has advised that it will not formally request an audit under this condition, noting that an independent audit under the NSW approval is scheduled and will address relevant EPBC conditions.	
15	If the approval holder wishes to carry out any activity other than in accordance with a Plan as specified in the conditions, the approval holder must submit to the Department for the Minister's written approval a revised version of that Plan. The approval holder must not commence the varied activity until the Minister has approved the varied Plan in writing.	Biodiversity Offset Management Plan (rev 6) dated 27/02/2017	**Non-compliant**	On 20 December 2023, the Department issued a Contravention Notice in relation to the Kenalea Offset Property incident. As part of the regulatory response, the Department requested that four additional monitoring plots be incorporated into the annual monitoring program and formally included in the BOMP.	**NC-17**

Bengalla Coal Mine – Continuation Project (EPBC Approval 2012/6378)					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
	The Minister will not approve a varied Plan unless the revised Plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised Plan, that Plan must be implemented in place of the Plan originally approved.	AG DCCEEW Contravention Notice dated 20/12/2023 Bengalla Offsets Monitoring Annual Report 2024 dated 6/03/2025		These points have been included in the Annual Monitoring Program as evidenced by the Bengalla Offsets Monitoring Annual Report 2024 however **no verifiable evidence was provided to demonstrate that the BOMP had been updated and submitted to the Department for approval to incorporate the additional monitoring requirements.** **Recommendation: BMC should revise the Biodiversity Offset Management Plan to include the additional monitoring plots requested by the Department and submit the revised Plan to the Department for approval.**	
16	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the Minister may request that the approval holder make specified revisions to a Plan specified in the conditions and submit the revised Plan for the Minister's written approval. The approval holder must comply with any such request. The revised approved Plan must be implemented. Unless the Minister has approved the revised Plan then the approval holder must continue to implement the Plan originally approved, as specified in the conditions.		Compliant	No requests were issued by the Minister during the audit period (H. Frazer pers. comm) Based on the records provided, BMC have implemented the BOMP including management measures for threatened species and ecological communities (refer to Condition 3 for further details).	
17	If, at any time after 5 years from the date of this approval, the approval holder has not commenced the action, then the approval holder must not commence the action without the written agreement of the Minister.	Bengalla Mine (EPBC Approval 2012/6378) 2024 Annual Compliance Report dated March 2024	Compliant	The commencement of the action occurred outside the audit period. The action commenced on 1 October 2015, within five years of the date of approval and therefore did not require further written agreement from the Minister.	

Mining Regulation 2016 - Schedule 8a Standard Conditions of Mining Leases					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
Part 2 Standard Conditions					
Division 1 Protection of the environment and rehabilitation					
4	**4 Must prevent or minimise harm to environment** (1) The holder of a mining lease must take all reasonable measures to prevent, or if that is not reasonably practicable, to minimise, harm to the environment caused by activities under the mining lease. (2) In this clause— harm to the environment has the same meaning as in the Protection of the Environment Operations Act 1997.	Sediment Laden Water Incident Report, dated 12/08/2024 BMC letter to DPHI for Sediment Water Discharge dated 24/07/2024 EPA Penalty Notice And Official Caution dated 21/03/2025	Compliant	BMC has been generally found to conduct operations in a manner that minimises harm to the environment caused by activities under the mining lease. **During the audit period there was one incident of pollution of waters occurred on 24 July 2024.** Sediment laden water left the site water management system and entered an old rail corridor during decommissioning of a small sediment dam associated with construction of a clean water diversion drain forming part of the Western Diversion Levee. Approximately 1 ML of water containing an estimated 50 kg of sediment was discharged. The EPA issued a Penalty Notice and Official Caution on 21 March 2025 in relation to this incident. **Based on the available information and regulatory response, the incident was treated as pollution of waters and was not identified as causing material harm to the environment.** Refer to Table 1 SSD Schedule 3 Condition 25A above for further information. Other exceedances during the audit period were investigated and did not result in material harm.	
5	**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.	2023 Rehabilitation As Executed n.d. Annual Rehabilitation Report 2023 dated 28/03/2024 Annual Rehabilitation Report 2024 dated 9/05/2025	Compliant	BMC has maintained an effort to rehabilitate areas disturbed under mining leases as soon as reasonably practicable. In 2024 BMC rehabilitation schedule was impacted by challenges relating to radio and global positioning system (GPS) communication (H. Frazer pers. comm). The rehabilitation aims in 2025 included areas missed in 2024 and northern areas. The challenges in 2025 for rehabilitation included inadequate capping material for northern dumps and uncertainty due to a new Modification being prepared which has direct impacts to the final landform.	
6	**Rehabilitation must achieve final land use** (1) The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area. (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). (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. (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.	Rehabilitation Management Plan (rev 3) dated 19/01/2024 Annual Rehabilitation Report 2023 dated 28/03/2024 Annual Rehabilitation Report 2024 dated 9/05/2025	Compliant	Rehabilitation is ongoing and final outcomes cannot yet be assessed; further evaluation will be required as mining and rehabilitation progress. BMC is progressing toward the approved Rehabilitation Objectives (ROBJs). Under the project approvals, detailed closure planning is triggered five years prior to mine closure. The Final Landform and Rehabilitation Plan (FLRP) is incorporated within the Rehabilitation Management Plan (RMP).	

Mining Regulation 2016 - Schedule 8a Standard Conditions of Mining Leases

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
Division 2 Risk Assessment					
7	**7 Rehabilitation risk assessment** (1) 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. (2) The holder of the mining lease must implement the measures identified. (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.	Rehabilitation Risk Assessment, bow-tie format dated 2022	Compliant	The last Rehabilitation Risk Assessment prepared for the development was completed in 2022, which occurred outside the audit period. **No evidence was provided to demonstrate the risk assessment has been reviewed following recent operational changes or modifications.** Some of the risks identified include insufficient clay material availability to reinstate Dry Creek. However**, the risk assessment does not include consideration of rehabilitation risks associated with exploration or disturbance activities.** Under the Mining Regulation 2016, the rehabilitation risk assessment must identify and evaluate all risks to achieving the rehabilitation objectives, completion criteria and final land use. **Based on the evidence reviewed, it cannot be demonstrated that the current Rehabilitation Risk Assessment adequately reflects current operations or all rehabilitation risks.** BMC advised the Rehabilitation Risk Assessment is planned for review in 2026. **Opportunity for Improvement: It is recommended that BMC undertake a review and update of the Rehabilitation Risk Assessment to reflect current operations and recent modifications, and to ensure all rehabilitation risks are identified and evaluated, including risks associated with exploration and disturbance activities.**	
Division 3 Rehabilitation documents					
8	**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.	Email from Resources Regulator RE: Variation of Security ML1397 dated 13/08/2025 Deed of Security Despot Bond	Compliant	The current Rehabilitation Cost Estimate requires a security deposit of approximately $111 million, and documentation reviewed confirmed a security deposit of $111,832,400 is held by the NSW Resources Regulator.	
9	**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.	Rehabilitation Management Plan (rev 3) dated 19/01/2024 Annual Rehabilitation Report 2024 dated 9/05/2025 Annual Rehabilitation Report 2023 dated 28/03/2024 Bengalla Forward Program dated 28/03/2024	Compliant	The Rehabilitation Outcome Documents generally align with the Form and Way documents by the NSW Resources Regulator.	
10	**10 Rehabilitation management plans for large mines** (1) The holder of a mining lease relating to a large mine must prepare a plan (a rehabilitation management plan) for the mining lease that includes the following— (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,	Rehabilitation Risk Assessment, bow-tie format dated 2022 Rehabilitation Management Plan (rev 3) dated 19/01/2024 GDP2519 GDP2409 dated 24/02/2024	**Non-compliant**	The RMP (rev 3) was available on the BMC website. The RMP is prepared in the approved form and generally addresses the required components of Clause 10, including a description of rehabilitation management, rehabilitation objectives and performance outcomes, and monitoring approaches. It is noted the RMP is a separate document to the Rehabilitation Strategy required under the SSD consent. The RMP includes final land use domains, including agricultural grazing (Class III pasture) and native vegetation rehabilitation. However, **the document does not clearly describe differences in growth medium preparation and treatment methodologies between pasture and native vegetation rehabilitation**. Records reviewed indicate treatments may vary in practice, but this is not documented within the RMP. Rehabilitation requirements associated with exploration drilling are detailed within Assessable Prospecting Operations Application as part of GDP. This application covers the rehabilitation requirements for the	**NC-18**

Mining Regulation 2016 - Schedule 8a Standard Conditions of Mining Leases					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
	(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. (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. (3) A rehabilitation management plan is not required to be given to the Secretary for approval. (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.	Status of EL9431 Rehabilitation Memorandum dated 25/09/2025		exploration drilling program. Post exploration drilling inspections regarding the progress of rehabilitation are also undertaken (sighted). However the RMP **does not adequately describe rehabilitation requirements associated with exploration activities** (e.g. borehole sealing and drilling waste management). The RMP references environmental inspections and post-construction monitoring of erosion and landform stability; however, **limited procedural detail is provided**. Rehabilitation monitoring is undertaken annually, which may limit the ability to identify emerging issues (e.g. erosion or poor vegetation recruitment) and trigger corrective actions in a timely manner. Review of rehabilitation records identified inconsistencies between documented rehabilitation requirements and implementation evidence. Examples include: • **limited evidence of topsoil application across all rehabilitation areas where required by the RMP;** • **recommended ameliorants (e.g. gypsum and fertiliser) not consistently documented as applied;** • **sampling results identifying nutrient limitations in growth media without corresponding records of corrective treatments.** Under Clause 10(4), the lease holder must implement the matters set out in the RMP. Based on the documentation reviewed, **implementation of certain rehabilitation measures could not be demonstrated, and supporting records were incomplete.** Accordingly, this condition is considered non-compliant due to insufficient evidence to verify implementation of the RMP. **Opportunity for Improvement: It is recommended that the RMP be updated to clearly document rehabilitation methodologies, including growth media preparation, ameliorant application and differences between pasture and native vegetation rehabilitation.** **Recommendation: It is recommended that exploration rehabilitation requirements (including borehole sealing, drilling waste and sump management (if applicable)) be incorporated into the RMP and supported by documented completion records.** **Opportunity for Improvement: It is recommended that routine inspection and monitoring of rehabilitation areas be undertaken at increased frequency (e.g. post-rainfall inspections) and documented to allow early identification and management of erosion and vegetation establishment issues.** **Recommendation: It is recommended BMC implement a formalised record-keeping process to capture and retain all rehabilitation implementation records (e.g. topsoil placement, ameliorant application and vegetation establishment).**	
11	**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) (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.	Rehabilitation Management Plan (rev 3) dated 19/01/2024	Compliant	The Rehabilitation Management Plan is dated 19 January 2024 (rev 3) having been updated following the approval of the ROBJs and FLRP. No update of Rehabilitation Risk Assessment was completed in the audit period. The FLRP and ROBJs were approved by the NSW Resources Regulator on 22 December 2023. BMC updated the RMP document following their approval (RMP is dated 19 January 2024). No direction from the NSW Resources Regulator was received in this audit period (H. Frazer pers. comm).	

Mining Regulation 2016 - Schedule 8a Standard Conditions of Mining Leases					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
12	**12 Rehabilitation outcome documents** (1) The holder of a mining lease must prepare the following documents (the rehabilitation outcome documents) for the mining lease and give them to the Secretary for approval— (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. (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.	Rehabilitation Management Plan (rev 3) dated 19/01/2024	Compliant	These documents were provided to the NSW Resources Regulator prior to this audit period. Documents were submitted via the Mine Rehabilitation Portal (GIS) and the Resources Portal. **Mod 7 was approved 7 August 2025, with the inclusion of an increase to the height of the approved final landform within the TOEA footprint**. Clause 12(2) requires that rehabilitation outcome documents (which includes the Final Landform and Rehabilitation Plan) are consistent with a final land use required by a condition of development consent. As such, a holder of a mining lease (including State Significant Development Projects) will need to apply to the Secretary to amend an approved rehabilitation outcome document in accordance with Schedule 8A, Clause 14(2)(b) to reflect any amendments to the final landform as specified by a modified development consent. **Opportunity for Improvement: Review and update the Final Landform and Rehabilitation Plan to ensure consistency with Mod 7.** **Opportunity for Improvement: Review and update the Rehabilitation Management Plan to reflect the amendments to the Development Consent (TOEA) approved in Mod 7.**	
13	**13 Forward program and annual rehabilitation report** (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. (2) 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. (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. (4) The holder of the mining lease must give the forward program and annual rehabilitation report to the Secretary. (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.	Annual Rehabilitation Report 2024 dated 9/05/2025 Annual Rehabilitation Report 2023 dated 28/03/2024 Bengalla Forward Program dated 28/03/2024	Compliant	Annual Rehabilitation Reports and Forward Programs were prepared during the audit period and submitted via the relevant regulatory portals, with copies subsequently exported and uploaded to the BMC website for public access. All documents were submitted by the end of March each year, with the exception of the 2023 Annual Rehabilitation Report, which was submitted in May. Refer to Condition 15 for further information.	

Mining Regulation 2016 - Schedule 8a Standard Conditions of Mining Leases

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
14	**14 Amendment of rehabilitation outcome documents and forward program** (1) 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. (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. (3) The holder of the mining lease must amend the document in accordance with the Secretary's direction or approval. (4) Nothing in this clause prevents the holder of a mining lease preparing a draft amendment for submission to the Secretary for approval.		Compliant	The Secretary or NSW Resources Regulator have not requested an amendment to the Rehabilitation Outcome Documents during the audit period (H. Frazer pers. comm).	
15	**15 Times at which documents must be prepared and given** (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. (2) 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. (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. (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. (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). (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. (7) The holder of the mining lease must comply with the direction. (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.	Email correspondence between NSW Resources Regulator and BMC from 10/04/2025 to 9/05/2025 Annual Rehabilitation Report 2024 dated 9/05/2025 Annual Rehabilitation Report 2023 dated 28/03/2024 Bengalla Forward Program dated 28/03/2024 Email Correspondence RR Bengalla Forward Program and Annual Rehabilitation Report dated 28/03/2025	Compliant	1) A Rehabilitation Management Plan, ROBJs, and Forward Program have been prepared for the development. 2(a) The Forward Program was on the BMC website at the time of the audit. **It is noted the Forward Program submission date is stated as 9 May 2025, which is outside of the 60 day requirement for submission**. BMC provided email correspondence to demonstrate the Forward Program was submitted to the Resources Portal, within the 60 days, however due to errors the data submitted did not register correctly in the Portal. **BMC advised that it notified the Resources Regulator of the issue on 28 March 2025, and was subsequently instructed not to resubmit the Forward Program until further advice was provided**.	

Mining Regulation 2016 - Schedule 8a Standard Conditions of Mining Leases

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
16	**16 Certain documents to be publicly available** (1) This clause applies to the following documents— (a) a rehabilitation management plan, (b) a forward program, (c) an annual rehabilitation report. (2) 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. (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, (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.	BMC Webpage sighted 26/11/2025 Date of Publishment Screenshot received 16/02/2026	**Non-compliant**	At the time of the audit, the RMP, Forward Program and Annual Rehabilitation Report were publicly available on the BMC website. However, **a review of document preparation and submission dates compared with website publication dates identified that the RMP and Forward Program were not published within 14 days of being prepared/amended or provided to the Secretary**. **Recommendation: It is recommended BMC prepare a procedure to ensure required rehabilitation documents are uploaded to the website within the prescribed 14-day timeframe. This should include maintaining verifiable records of publication dates (e.g. upload logs, screenshots, or a document register).**	**NC-19**
Division 4 Records, reporting and notification					
17	**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.	GDP2519 GDP2409 dated 24/02/2024 Status of EL9431 Rehabilitation Memorandum dated 25/09/2025	**Non-compliant**	BMC reports non-compliance's in Annual Review reports. BMC are currently in the testing phase for the EnviroSys compliance management system (H. Frazer pers. comm) which will assist BMC to maintain records for the site. Records covering a sample of exploration activities undertaken during the audit period were sighted. **Review of rehabilitation records identified inconsistencies between documented rehabilitation requirements and implementation evidence. Examples include:** • **limited evidence of topsoil application across all rehabilitation areas where required by the RMP;** • **recommended ameliorants (e.g. gypsum and fertiliser) not consistently documented as applied;** • **sampling results identifying nutrient limitations in growth media without corresponding records of corrective treatments.** **Recommendation: It is recommended BMC implement a formalised record-keeping process to capture and retain all rehabilitation implementation records (e.g. topsoil placement, ameliorant application and vegetation establishment).**	**NC-20**
18	**18 Report on non-compliance** (1) 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. (2) The holder of the mining lease must provide the report within 7 days after becoming aware of the non-compliance. (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	Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024 Email correspondence between NSW Resources Regulator and BMC from 10/04/2025 to 9/05/2025	Compliant	During the audit period, no non-compliances requiring notification to the Minister were identified. Additional non-compliances were identified during the audit; however, these were identified as part of this audit process. **Opportunity for Improvement: BMC should review and update its incident and compliance reporting procedures to ensure all non-compliances with mining lease conditions, the *Mining Act 1992* and *Mining Regulation 2016* are formally reported to the Minister.**	

Mining Regulation 2016 - Schedule 8a Standard Conditions of Mining Leases

Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
	(d) describes the action that has been taken, or will be taken, to mitigate the effects, and to prevent any recurrence, of the noncompliance.				
19	**19 Nominated contact person** (1) The holder of a mining lease must nominate a natural person to be the contact person with whom the Secretary can communicate in relation to the mining lease for the purposes of the Act. 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. (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. (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.		Compliant	The nominated contact person is currently Craig White, Superintendent Continuation. **It may be more appropriate for the nominated contact person to be a member of the Environment Team**, given their role in regulatory communication and environmental compliance matters. **Opportunity for Improvement: It is recommended that the nominated contact person be updated to a suitable representative within the BMC Environment Team.**	
Division 5 Applications relating to development consent					
20	**20 Additional requirements—application for or to modify development consent** (1) 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. Audit Findings (2) This clause does not apply if the development is State significant development.		Not triggered	The development is considered as a State Significant Development.	

<table>
<tr><th colspan="6">ML1397</th></tr>
<tr><th>Condition No.</th><th>Requirement</th><th>Evidence Collected</th><th>Compliance Status</th><th>Independent Audit Findings and Recommendations</th><th>Unique ID on NC</th></tr>
<tr><td colspan="6">General conditions</td></tr>
<tr><td colspan="5">1. Notice to Landholders</td><td></td></tr>
<tr><td>1</td><td>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.</td><td></td><td>Not triggered</td><td>Grant and/or renewal of this mining lease occurs outside the auditing period.</td><td></td></tr>
<tr><td colspan="6">2. Group Security</td></tr>
<tr><td>2</td><td>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 $108,159,000.
The leases covered by the group security include this ML 1397 (Act 1992) And
<table>
<tr><th>Lease type</th><th>Lease number</th><th>Act Year</th></tr>
<tr><td>ML</td><td>1450</td><td>1992</td></tr>
<tr><td>ML</td><td>1469</td><td>1992</td></tr>
<tr><td>ML</td><td>1711</td><td>1992</td></tr>
<tr><td>ML</td><td>1728</td><td>1992</td></tr>
<tr><td>ML</td><td>1729</td><td>1992</td></tr>
</table></td><td>BMC Email Correspondence dated August 2025, subject: SEC0002010 | Variation of Security ML1397 (Act 1992)
Deed of Security Deposit Bond
ML 1397 Full Details Report dated 20/08/2025</td><td>Compliant</td><td>Evidence was provided confirming that ML 1397 forms part of a group security deposit arrangement under the <i>Mining Act 1992</i>.
The current Rehabilitation Cost Estimate requires a security deposit of approximately $111 million, and documentation reviewed confirmed a security deposit of $111,832,400 is held by the NSW Resources Regulator.</td><td></td></tr>
<tr><td colspan="6">3. Cooperation Agreement</td></tr>
<tr><td>3</td><td>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.</td><td>Notice of Grant of Mining Lease No 1829 dated 23/07/2023
Email Correspondence between BMC and Mach Energy Legal RE: Instruments of Registration of Approval for Transfer of Mining Lease No 1829 dated 27/7/2023</td><td>Compliant</td><td>Most access agreements entered by MACH and BMC have been terminated or expired. Documents provided regarding the Notice of Grant of ML 1829 and partial transfer of ML 1728 from MACH Energy to BMC dated 27 July 2023.
It is noted Mt Pleasant rail loop sublease was terminated prior to the audit period.
No issues related to the listed were noted at the time of this audit.</td><td></td></tr>
<tr><td colspan="6">4. Assessable Prospecting Operations</td></tr>
<tr><td>4</td><td>a. The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:
i. it is carried out in accordance with any necessary development consent; or
ii. if development consent is not required, the prior written approval of the Minister has been obtained.</td><td></td><td>Compliant</td><td>SSD 5170 (as modified) authorises exploration drilling in mining leases for coal (H. Frazer pers. comm).</td><td></td></tr>
</table>

ML1397					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
	b. The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval. c. An approval granted by the Minister under this condition may be granted subject to terms. d. The lease holder must comply with the approval granted to the holder under this condition.				
Special conditions					
5. Petroleum (Mining Operations By-Product Only)					
5	For the purposes of this lease, petroleum is limited to coal bed methane that is captured or extracted as a by-product in the course of carrying out mining operations		Noted		
6. Dams Safety – Mining Leases					
6	a. The lease holder must not mine within any part of the lease area which is within the notification area of the Bengalla Stage Discharge Dam, Bengalla Clean Water 1 Dam, Mount Pleasant Mine Water Dam Notification Area, Mount Pleasant Environmental Dam Notification Area, Bengalla Stage Discharge Dam 1 Notification Area, Bengalla Dirty Water Dam Notification Area, Bengalla Clean Water Dam 1 Notification Area without the prior written approval of the Minister and subject to any conditions the Minister may stipulate. b. Where the lease holder desires to mine within the notification area, the lease holder must: i. at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and ii. provide such information as the Minister may direct. c. The Minister must not, except in the circumstances set out in sub paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. i. This sub-paragraph is complied with if: a. Dams Safety NSW as constituted by section 6 of the Dams Safety Act 2015 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph b. the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined. c. the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal. d. Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and e. where Dams Safety NSW has made recommendations the approval is in terms that are: - in accordance with those recommendations; or - where the Minister does not accept those recommendations or any of them -in accordance with a determination under sub-paragraph (ii) of this paragraph. iii. (Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam:	CW1 Annual Dams Safety Standard Report 2024 DW1 Annual Dams Safety Standard Report 2024 CW1 Annual Dams Safety Standard Report 2023 DW1 Annual Dams Safety Standard Report 2023 Request to Dams Safety NSW for Bengalla Discharge Water Dam (DW1) for ML 1397 and 1729 dated 11/08/2021 Letter from NSW Resources Regulator to BMC, no date, re: Bengalla Mining Company proposal to mine within the Bengalla Dirty Water (DW1) notification Area, Bengalla-4 BMC request the Dams Safety Committee approval for extension of the Bengalla 2 prescribed dam area, dated 15/6/2020 BMC Letter to NSW Trade and Investment, dated 22 June 2015, re: Approval to Mine within Notification Area of the Clean Water Dam BMC Letter to NSW Trade and Investment, dated 11 July 2014, re: Application to Mine within the Notification Area of the Bengalla Discharge Dam	Compliant	Evidence was provided demonstrating that approval had been granted to mine within the Dirty Water Dam 1 (DW1) notification area (designated “Bengalla-4” by Dams Safety NSW). Correspondence from the NSW Resources Regulator confirmed that the approval was supported by Dams Safety NSW. The approval was also noted by the Resources Regulator to apply to ML 1450, although ML 1450 was not originally referenced in BMC’s request.	

ML1397					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
	- as determined by agreement between the Minister and the Minister administering the Dams Safety Act 2015; or - in the event of failure to reach such agreement - as determined by the Premier. d. The Minister, on notice from Dams Safety NSW, may at any time or times: i. cancel any approval given where a notice pursuant to section 19 of the Dams Safety Act 2015 is given. ii. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.				
Exploration Reporting					
Note:	Exploration Reports (Geological and Geophysical) 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. 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.	2023 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2023-1066 dated 26/07/2023 2024 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2024-1155 dated 26/07/2024 2025 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2025-1077 dated 25/07/2025	Compliant	ML exploration reporting is completed by BMC Superintendent Geology & Survey. All reports were lodged during the audit period.	

<table>
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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.</td><td></td><td>Not triggered</td><td>Grant and/or renewal of this mining lease occurs outside the auditing period.</td><td></td></tr>
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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.
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</table></td><td>BMC Email Correspondence dated August 2025, subject: SEC0002010 | Variation of Security ML1397 (Act 1992)
Deed of Security Deposit Bond</td><td>Compliant</td><td>Evidence was provided confirming that ML 1450 forms part of a group security deposit arrangement under the <i>Mining Act 1992</i>.
The current Rehabilitation Cost Estimate requires a security deposit of approximately $111 million, and documentation reviewed confirmed a security deposit of $111,832,400 is held by the NSW Resources Regulator.</td><td></td></tr>
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<tr><td>3</td><td>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.</td><td></td><td>Compliant</td><td>Most access agreements entered by MACH and BMC have been terminated or expired (H. Frazer pers. comm).
It is noted Mt Pleasant rail loop sublease was terminated prior to the audit period.
No issues related to the listed were noted at the time of this audit.</td><td></td></tr>
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<tr><td>4</td><td>a. The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:
i. it is carried out in accordance with any necessary development consent; or
ii. if development consent is not required, the prior written approval of the Minister has been obtained.</td><td></td><td>Compliant</td><td>SSD 5170 (as modified) authorises exploration drilling in mining leases for coal (H. Frazer pers. comm).</td><td></td></tr>
</table>

ML1450					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
	b. The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval. c. An approval granted by the Minister under this condition may be granted subject to terms. d. The lease holder must comply with the approval granted to the holder under this condition.				
Special conditions					
5. Petroleum (Mining Operations By-Product Only)					
5	For the purposes of this lease, petroleum is limited to coal bed methane that is captured or extracted as a by-product in the course of carrying out mining operations		Noted		
6. Dams Safety – Mining Leases					
6	a. The lease holder must not mine within any part of the lease area which is within the notification area of the Bengalla Stage Discharge Dam Notification Area without the prior written approval of the Minister and subject to any conditions the Minister may stipulate. b. Where the lease holder desires to mine within the notification area, the lease holder must: i. at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and ii. provide such information as the Minister may direct. c. The Minister must not, except in the circumstances set out in sub paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. i. This sub-paragraph is complied with if: a. Dams Safety NSW as constituted by section 6 of the Dams Safety Act 2015 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph b. the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined. c. the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal. d. Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and e. where Dams Safety NSW has made recommendations the approval is in terms that are: - in accordance with those recommendations; or - where the Minister does not accept those recommendations or any of them -in accordance with a determination under sub-paragraph (ii) of this paragraph. iii. (Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: - as determined by agreement between the Minister and the Minister administering the Dams Safety Act 2015; or - in the event of failure to reach such agreement - as determined by the Premier.		Not triggered	This condition was not triggered during the audit period.	

ML1450					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
	d. The Minister, on notice from Dams Safety NSW, may at any time or times: i. cancel any approval given where a notice pursuant to section 19 of the Dams Safety Act 2015 is given. ii. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.				
Exploration Reporting					
Note:	<u>Exploration Reports (Geological and Geophysical)</u> The lease holder must lodge reports in accordance with the requirements in section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016 as well as any further requirements issued by the Secretary under clause 62 of the Mining Regulation. 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.	2023 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2023-1066 dated 26/07/2023 2024 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2024-1155 dated 26/07/2024 2025 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2025-1077 dated 25/07/2025	Compliant	ML exploration reporting is completed by BMC Superintendent Geology & Survey. All reports were lodged during the audit period.	

<table>
<tr><th colspan="6">ML1469</th></tr>
<tr><th>Condition No.</th><th>Requirement</th><th>Evidence Collected</th><th>Compliance Status</th><th>Independent Audit Findings and Recommendations</th><th>Unique ID on NC</th></tr>
<tr><td colspan="6">General conditions</td></tr>
<tr><td colspan="5">1. Notice to Landholders</td><td></td></tr>
<tr><td>1</td><td>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.</td><td></td><td>Not triggered</td><td>Grant and/or renewal of this mining lease occurs outside the auditing period.</td><td></td></tr>
<tr><td colspan="6">2. Group Security</td></tr>
<tr><td>2</td><td>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 $108,159,000.
The leases covered by the group security include this ML 1469 (Act 1992) And
<table>
<tr><th>Lease type</th><th>Lease number</th><th>Act Year</th></tr>
<tr><td>ML</td><td>1397</td><td>1992</td></tr>
<tr><td>ML</td><td>1450</td><td>1992</td></tr>
<tr><td>ML</td><td>1711</td><td>1992</td></tr>
<tr><td>ML</td><td>1728</td><td>1992</td></tr>
<tr><td>ML</td><td>1729</td><td>1992</td></tr>
</table></td><td>BMC emails dated August 2025, subject: SEC0002010 | Variation of Security ML1397 (Act 1992)
Deed of Security Deposit Bond</td><td>Compliant</td><td>Evidence was provided confirming that ML 1469 forms part of a group security deposit arrangement under the <i>Mining Act 1992</i>.
The current Rehabilitation Cost Estimate requires a security deposit of approximately $111 million, and documentation reviewed confirmed a security deposit of $111,832,400 is held by the NSW Resources Regulator.</td><td></td></tr>
<tr><td colspan="6">3. Cooperation Agreement</td></tr>
<tr><td>3</td><td>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.</td><td></td><td>Compliant</td><td>Most access agreements entered by MACH and BMC have been terminated or expired.
It is noted Mt Pleasant rail loop sublease was terminated prior to the audit period.
No issues related to the listed were noted at the time of this audit.(H. Frazer pers.comm).</td><td></td></tr>
<tr><td colspan="6">4. Assessable Prospecting Operations</td></tr>
<tr><td>4</td><td>a. The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:
i. it is carried out in accordance with any necessary development consent; or
ii. if development consent is not required, the prior written approval of the Minister has been obtained.</td><td></td><td>Compliant</td><td>SSD 5170 (as modified) authorises exploration drilling in mining leases for coal (H. Frazer pers. comm).</td><td></td></tr>
</table>

ML1469					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
	b. The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval. c. An approval granted by the Minister under this condition may be granted subject to terms. d. The lease holder must comply with the approval granted to the holder under this condition.				
Special conditions					
5. Aboriginal Place or Relic					
5	The lease holder shall not knowingly destroy, deface or damage any aboriginal place or relic within the subject area except in accordance with an authority issued under the National Parks and Wildlife Act 1974, and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage	Bengalla Mine Annual Review 2024 dated 31/03/2025 Bengalla Mine Annual Review 2023 dated 28/03/2024	Compliant	No Aboriginal place or relics were damage during the audit period (H. Frazer pers. comm).	
6. Petroleum (Mining Operations By-Product Only)					
6	For the purposes of this lease, petroleum is limited to coal bed methane that is captured or extracted as a by-product in the course of carrying out mining operations		Noted		
7. Dams Safety – Mining Leases					
7	a. The lease holder must not mine within any part of the lease area which is within the notification area of the Bengalla Stage Discharge Dam without the prior written approval of the Minister and subject to any conditions the Minister may stipulate. b. Where the lease holder desires to mine within the notification area, the lease holder must: i. at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and ii. provide such information as the Minister may direct. c. The Minister must not, except in the circumstances set out in sub paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. i. This sub-paragraph is complied with if: a. Dams Safety NSW as constituted by section 6 of the Dams Safety Act 2015 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph b. the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined. c. the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal. d. Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and e. where Dams Safety NSW has made recommendations the approval is in terms that are: - in accordance with those recommendations; or - where the Minister does not accept those recommendations or any of them -in accordance with a determination under sub-paragraph (ii) of this paragraph.		Not triggered	This condition was not triggered during the audit period.	

ML1469					
Condition No.	Requirement	Evidence Collected	Compliance Status	Independent Audit Findings and Recommendations	Unique ID on NC
	iii. (Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: - as determined by agreement between the Minister and the Minister administering the Dams Safety Act 2015; or - in the event of failure to reach such agreement - as determined by the Premier. d. The Minister, on notice from Dams Safety NSW, may at any time or times: i. cancel any approval given where a notice pursuant to section 19 of the Dams Safety Act 2015 is given. ii. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.				
Exploration Reporting					
Note:	<u>Exploration Reports (Geological and Geophysical)</u> The lease holder must lodge reports in accordance with the requirements in section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016 as well as any further requirements issued by the Secretary under clause 62 of the Mining Regulation. 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.	2023 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2023-1066 dated 26/07/2023 2024 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2024-1155 dated 26/07/2024 2025 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2025-1077 dated 25/07/2025	Compliant	ML exploration reporting is completed by BMC Superintendent Geology & Survey. All reports were lodged during the audit period.	

<table>
<tr><th colspan="6">ML1711</th></tr>
<tr><th>Condition No.</th><th>Requirement</th><th>Evidence Collected</th><th>Compliance Status</th><th>Independent Audit Findings and Recommendations</th><th>Unique ID on NC</th></tr>
<tr><td colspan="6">General conditions</td></tr>
<tr><td colspan="5">1. Notice to Landholders</td><td></td></tr>
<tr><td>1</td><td>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.</td><td></td><td>Not triggered</td><td>Grant and/or renewal of this mining lease occurs outside the auditing period.</td><td></td></tr>
<tr><td colspan="6">2. Group Security</td></tr>
<tr><td>2</td><td>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 $108,159,000.
The leases covered by the group security include this ML 1711 (Act 1992) And
<table>
<tr><th>Lease type</th><th>Lease number</th><th>Act Year</th></tr>
<tr><td>ML</td><td>1397</td><td>1992</td></tr>
<tr><td>ML</td><td>1450</td><td>1992</td></tr>
<tr><td>ML</td><td>1469</td><td>1992</td></tr>
<tr><td>ML</td><td>1728</td><td>1992</td></tr>
<tr><td>ML</td><td>1729</td><td>1992</td></tr>
</table></td><td>BMC emails dated August 2025, subject: SEC0002010 | Variation of Security ML1397 (Act 1992)
Deed of Security Deposit Bond</td><td>Compliant</td><td>Evidence was provided confirming that ML 1711 forms part of a group security deposit arrangement under the <i>Mining Act 1992</i>.
The current Rehabilitation Cost Estimate requires a security deposit of approximately $111 million, and documentation reviewed confirmed a security deposit of $111,832,400 is held by the NSW Resources Regulator.</td><td></td></tr>
<tr><td colspan="6">3. Cooperation Agreement</td></tr>
<tr><td>3</td><td>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.</td><td></td><td>Compliant</td><td>Most access agreements entered by MACH and BMC have been terminated or expired (H. Frazer pers. comm).
It is noted Mt Pleasant rail loop sublease was terminated prior to the audit period.
No issues related to the listed were noted at the time of this audit.</td><td></td></tr>
<tr><td colspan="6">4. Assessable Prospecting Operations</td></tr>
<tr><td>4</td><td>a. The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:
i. it is carried out in accordance with any necessary development consent; or
ii. if development consent is not required, the prior written approval of the Minister has been obtained.</td><td></td><td>Compliant</td><td>SSD 5170 (as modified) authorises exploration drilling in mining leases for coal (H. Frazer pers. comm).</td><td></td></tr>
</table>

ML1711					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
	b. The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval. c. An approval granted by the Minister under this condition may be granted subject to terms. d. The lease holder must comply with the approval granted to the holder under this condition.				
Special conditions					
	Nil			Nil.	
Exploration Reporting					
Note:	Exploration Reports (Geological and Geophysical) 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. 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.	2023 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2023-1066 dated 26/07/2023 2024 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2024-1155 dated 26/07/2024 2025 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2025-1077 dated 25/07/2025	Compliant	ML exploration reporting is completed by BMC Superintendent Geology & Survey. All reports were lodged during the audit period.	

<table>
<tr><th colspan="6">ML1728</th></tr>
<tr><th>Condition No.</th><th>Requirement</th><th>Evidence Collected</th><th>Compliance Status</th><th>Independent Audit Findings and Recommendations</th><th>Unique ID on NC</th></tr>
<tr><td colspan="6">General conditions</td></tr>
<tr><td colspan="5">1. Notice to Landholders</td><td></td></tr>
<tr><td>1</td><td>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.</td><td>ML1728</td><td>Not triggered</td><td>Grant and/or renewal of this mining lease occurs outside the auditing period.</td><td></td></tr>
<tr><td colspan="6">2. Group Security</td></tr>
<tr><td>2</td><td>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 $108,159,000.
The leases covered by the group security include this ML 1728 (Act 1992) And
<table>
<tr><th>Lease type</th><th>Lease number</th><th>Act Year</th></tr>
<tr><td>ML</td><td>1450</td><td>1992</td></tr>
<tr><td>ML</td><td>1469</td><td>1992</td></tr>
<tr><td>ML</td><td>1711</td><td>1992</td></tr>
<tr><td>ML</td><td>1397</td><td>1992</td></tr>
<tr><td>ML</td><td>1729</td><td>1992</td></tr>
</table></td><td>BMC Email Correspondence dated August 2025, subject: SEC0002010 | Variation of Security ML1397 (Act 1992)
Deed of Security Deposit Bond</td><td>Compliant</td><td>Evidence was provided confirming that ML 1728 forms part of a group security deposit arrangement under the <i>Mining Act 1992</i>.
The current Rehabilitation Cost Estimate requires a security deposit of approximately $111 million, and documentation reviewed confirmed a security deposit of $111,832,400 is held by the NSW Resources Regulator.</td><td></td></tr>
<tr><td colspan="6">3. Cooperation Agreement</td></tr>
<tr><td>3</td><td>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.</td><td>Notice of Grant of Mining Lease No 1829 dated 23/07/2023
Email Correspondence between BMC and Mach Energy Legal RE: Instruments of Registration of Approval for Transfer of Mining Lease No 1829 dated 27/7/2023</td><td>Compliant</td><td>Most access agreements entered by MACH and BMC have been terminated or expired. Documents provided regarding the Notice of Grant of ML 1829 and partial transfer of ML 1728 from MACH Energy to BMC dated 27 July 2023.
It is noted Mt Pleasant rail loop sublease was terminated prior to the audit period.
No issues related to the listed were noted at the time of this audit.</td><td></td></tr>
</table>

ML1728					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
Special conditions					
4. Dams Safety – Mining Leases					
4	a. The lease holder must not mine within any part of the lease area which is within the notification area of the Bengalla Dirty Water Dam 1 and the Bengalla Dirty Water Dam 1 Notification Area without the prior written approval of the Minister and subject to any conditions the Minister may stipulate. b. Where the lease holder desires to mine within the notification area, the lease holder must: i. at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and ii. provide such information as the Minister may direct. c. The Minister must not, except in the circumstances set out in sub paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. i. This sub-paragraph is complied with if: a. Dams Safety NSW as constituted by section 6 of the Dams Safety Act 2015 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph b. the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined. c. the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal. d. Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and e. where Dams Safety NSW has made recommendations the approval is in terms that are: - in accordance with those recommendations; or - where the Minister does not accept those recommendations or any of them -in accordance with a determination under sub-paragraph (ii) of this paragraph. iii. (Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: - as determined by agreement between the Minister and the Minister administering the Dams Safety Act 2015; or - in the event of failure to reach such agreement - as determined by the Premier. d. The Minister, on notice from Dams Safety NSW, may at any time or times: i. cancel any approval given where a notice pursuant to section 19 of the Dams Safety Act 2015 is given. ii. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.		Not triggered	Not triggered during the audit period for ML 1728 (H. Frazer pers. comm).	

<table>
<tr><th colspan="6">ML1729</th></tr>
<tr><th>Condition No.</th><th>Requirement</th><th>Evidence Collected</th><th>Compliance Status</th><th>Independent Audit Findings and Recommendations</th><th>Unique ID on NC</th></tr>
<tr><td colspan="6">General conditions</td></tr>
<tr><td colspan="6">1. Notice to Landholders</td></tr>
<tr><td>1</td><td>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.</td><td></td><td>Not triggered</td><td>Grant and/or renewal of this mining lease occurs outside the auditing period.</td><td></td></tr>
<tr><td colspan="6">2. Group Security</td></tr>
<tr><td>2</td><td>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 $108,159,000.
The leases covered by the group security include this ML 1729 (Act 1992) And
<table>
<tr><th>Lease type</th><th>Lease number</th><th>Act Year</th></tr>
<tr><td>ML</td><td>1397</td><td>1992</td></tr>
<tr><td>ML</td><td>1450</td><td>1992</td></tr>
<tr><td>ML</td><td>1469</td><td>1992</td></tr>
<tr><td>ML</td><td>1728</td><td>1992</td></tr>
<tr><td>ML</td><td>1711</td><td>1992</td></tr>
</table></td><td>BMC Email Correspondence dated August 2025, subject: SEC0002010 | Variation of Security ML1397 (Act 1992)
Deed of Security Deposit Bond
ML 1397 full details report dated 20/08/2025</td><td>Compliant</td><td>Evidence was provided confirming that ML 1729 forms part of a group security deposit arrangement under the <i>Mining Act 1992</i>.
The current Rehabilitation Cost Estimate requires a security deposit of approximately $111 million, and documentation reviewed confirmed a security deposit of $111,832,400 is held by the NSW Resources Regulator.</td><td></td></tr>
<tr><td colspan="6">3. Cooperation Agreement</td></tr>
<tr><td>3</td><td>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.</td><td>Notice of Grant of Mining Lease No 1829 dated 23/07/2023
Email between BMC and Mach Energy Legal RE: Instruments of Registration of Approval for Transfer of Mining Lease No 1829 dated 27/7/2023</td><td>Compliant</td><td>Most access agreements entered by MACH and BMC have been terminated or expired. Documents provided regarding the Notice of Grant of ML 1829 and partial transfer of ML 1728 from MACH Energy to BMC dated 27 July 2023.
It is noted Mt Pleasant rail loop sublease was terminated prior to the audit period.
No issues related to the listed were noted at the time of this audit.</td><td></td></tr>
<tr><td colspan="6">4. Assessable Prospecting Operations</td></tr>
<tr><td>4</td><td>a. The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:
i. it is carried out in accordance with any necessary development consent; or
if development consent is not required, the prior written approval of the Minister has been obtained.</td><td></td><td>Compliant</td><td>SSD 5170 (as modified) authorises exploration drilling in mining leases for coal (H. Frazer pers. comm).</td><td></td></tr>
</table>

ML1729					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
	b. The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval. c. An approval granted by the Minister under this condition may be granted subject to terms. d. The lease holder must comply with the approval granted to the holder under this condition.				
Special conditions					
5. Dams Safety – Mining Leases					
5	a. The lease holder must not mine within any part of the lease area which is within the notification area of the Bengalla Stage Discharge Dam, Mount Pleasant Mine Water Dam Notification Area, Mount Pleasant Environmental Dam 3 Notification Area, Bengalla Stage Discharge Dam Notification Area, Bengalla Dirty Water Dam 1 Notification Area and the Bengalla Clean Water Dam 1 Notification Area without the prior written approval of the Minister and subject to any conditions the Minister may stipulate. b. Where the lease holder desires to mine within the notification area, the lease holder must: i. at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and ii. provide such information as the Minister may direct. c. The Minister must not, except in the circumstances set out in sub paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. i. This sub-paragraph is complied with if: a. Dams Safety NSW as constituted by section 6 of the Dams Safety Act 2015 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph b. the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined. c. the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal. d. Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and e. where Dams Safety NSW has made recommendations the approval is in terms that are: - in accordance with those recommendations; or - where the Minister does not accept those recommendations or any of them -in accordance with a determination under sub-paragraph (ii) of this paragraph. iii. (Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: - as determined by agreement between the Minister and the Minister administering the Dams Safety Act 2015; or - in the event of failure to reach such agreement - as determined by the Premier.	Si CW1 Annual Dams Safety Standard Report 2024 DW1 Annual Dams Safety Standard Report 2024 CW1 Annual Dams Safety Standard Report 2023 DW1 Annual Dams Safety Standard Report 2023 Request to Dams Safety NSW for Bengalla Discharge Water Dam (DW1) for ML 1397 and 1729 dated 11/08/2021 Letter from NSW Resources Regulator to BMC, no date, re: Bengalla Mining Company proposal to mine within the Bengalla Dirty Water (DW1) notification Area, Bengalla-4 BMC request the Dams Safety Committee approval for extension of the Bengalla 2 prescribed dam area, dated 15/6/2020 BMC Letter to NSW Trade and Investment, dated 22 June 2015, re: Approval to Mine within Notification Area of the Clean Water Dam BMC Letter to NSW Trade and Investment, dated 11 July 2014, re: Application to Mine within the Notification Area of the Bengalla Discharge Dam	Compliant	Evidence was provided demonstrating that approval had been granted to mine within the Dirty Water Dam 1 (DW1) notification area (designated “Bengalla-4” by Dams Safety NSW). Correspondence from the NSW Resources Regulator confirmed that the approval was supported by Dams Safety NSW. The approval was also noted by the Resources Regulator to apply to ML 1450, although ML 1450 was not originally referenced in BMC’s request.	

ML1729					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
	d. The Minister, on notice from Dams Safety NSW, may at any time or times: i. cancel any approval given where a notice pursuant to section 19 of the Dams Safety Act 2015 is given. ii. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed. b. Where the lease holder desires to mine within the notification area, the lease holder must: i. at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and ii. provide such information as the Minister may direct. c. The Minister must not, except in the circumstances set out in sub paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. i. This sub-paragraph is complied with if: a. Dams Safety NSW as constituted by section 6 of the Dams Safety Act 2015 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph b. the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined. c. the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal. d. Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and e. where Dams Safety NSW has made recommendations the approval is in terms that are: - in accordance with those recommendations; or - where the Minister does not accept those recommendations or any of them -in accordance with a determination under sub-paragraph (ii) of this paragraph. iii. (Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: - as determined by agreement between the Minister and the Minister administering the Dams Safety Act 2015; or - in the event of failure to reach such agreement - as determined by the Premier. d. The Minister, on notice from Dams Safety NSW, may at any time or times: iii. cancel any approval given where a notice pursuant to section 19 of the Dams Safety Act 2015 is given. iv. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.				

ML1729					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
Exploration Reporting					
Note:	Exploration Reports (Geological and Geophysical) 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. 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.	2023 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2023-1066 dated 26/07/2023 2024 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2024-1155 dated 26/07/2024 2025 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2025-1077 dated 25/07/2025	Compliant	ML exploration reporting is completed by BMC Superintendent Geology & Survey. All reports were lodged during the audit period.	

ML1796					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
General conditions					
1. Notice to Landholders					
1	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.		Not triggered	Grant and/or renewal of this mining lease occurs outside the auditing period.	
2. Security					
2	The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining lease, including obligations under the mining lease that may arise in the future. The amount of the security deposit to be provided has been assessed at $3,673,000	BMC emails dated August 2025, subject: SEC0002010 | Variation of Security ML1397 (Act 1992) Deed of Security Deposit Bond ML 1397 Full Details Report dated 20/08/2025	Compliant	Evidence was provided confirming that ML 1796 forms part of a group security deposit arrangement under the *Mining Act 1992*. The current Rehabilitation Cost Estimate requires a security deposit of approximately $111 million, and documentation reviewed confirmed a security deposit of $111,832,400 is held by the NSW Resources Regulator.	
3. Cooperation Agreement					
3	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.		Compliant	No issues related to the listed were noted at the time of this audit.	
4. Assessable Prospecting Operations					
4	a. The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless: i. it is carried out in accordance with any necessary development consent; or ii. if development consent is not required, the prior written approval of the Minister has been obtained. b. The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval. c. An approval granted by the Minister under this condition may be granted subject to terms. d. The lease holder must comply with the approval granted to the holder under this condition.		Compliant	SSD 5170 (as modified) authorises exploration drilling in mining leases for coal (H. Frazer pers. comm).	

ML1796					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
Special conditions					
5. Dams Safety – Mining Leases					
5	The lease holder must not mine within any part of the lease area which is within the notification area of the Mount Pleasant Tailings Dam, Mount Pleasant Mine Water Dam, Mt Pleasant Environmental Dam 3, Bengalla Dirty Water 1 Dam, Bengalla Clean Water Dam 1, Bengalla Stage Discharge Dam, Mount Pleasant Tailings Dam Notification Area, Mount Pleasant Mine Water Dam Notification Area, Mount Pleasant Environmental Dam 3 Notification Area, Bengalla Stage Discharge Dam Notification Area, Bengalla Clean Water Dam 1 Notification Area and Bengalla Dirty Water Dam 1 Notification Area without the prior written approval of the Minister and subject to any conditions the Minister may stipulate. b. Where the lease holder desires to mine within the notification area, the lease holder must: i. at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and ii. provide such information as the Minister may direct. c. The Minister must not, except in the circumstances set out in sub paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. i. This sub-paragraph is complied with if: a. Dams Safety NSW as constituted by section 6 of the Dams Safety Act 2015 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph b. the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined. c. the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal. d. Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and e. where Dams Safety NSW has made recommendations the approval is in terms that are: - in accordance with those recommendations; or - where the Minister does not accept those recommendations or any of them -in accordance with a determination under sub-paragraph (ii) of this paragraph. iii. (Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: - as determined by agreement between the Minister and the Minister administering the Dams Safety Act 2015; or - in the event of failure to reach such agreement - as determined by the Premier. d. The Minister, on notice from Dams Safety NSW, may at any time or times: i. cancel any approval given where a notice pursuant to section 19 of the Dams Safety Act 2015 is given. ii. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.	CW1 Annual Dams Safety Standard Report 2024 DW1 Annual Dams Safety Standard Report 2024 CW1 Annual Dams Safety Standard Report 2023 DW1 Annual Dams Safety Standard Report 2023 Request to Dams Safety NSW for Bengalla Discharge Water Dam (DW1) for ML 1397 and 1729 dated 11/08/2021 Letter from NSW Resources Regulator to BMC, no date, re: Bengalla Mining Company proposal to mine within the Bengalla Dirty Water (DW1) notification Area, Bengalla-4 BMC request the Dams Safety Committee approval for extension of the Bengalla 2 prescribed dam area, dated 15/6/2020 BMC Letter to NSW Trade and Investment, dated 22 June 2015, re: Approval to Mine within Notification Area of the Clean Water Dam BMC Letter to NSW Trade and Investment, dated 11 July 2014, re: Application to Mine within the Notification Area of the Bengalla Discharge Dam	Compliant	Evidence was provided demonstrating that approval had been granted to mine within the Dirty Water Dam 1 (DW1) notification area (designated "Bengalla-4" by Dams Safety NSW). Correspondence from the NSW Resources Regulator confirmed that the approval was supported by Dams Safety NSW. The approval was also noted by the Resources Regulator to apply to ML 1450, although ML 1450 was not originally referenced in BMC's request.	

ML1796					
Condition No.	**Requirement**	**Evidence Collected**	**Compliance Status**	**Independent Audit Findings and Recommendations**	**Unique ID on NC**
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Note:	Exploration Reports (Geological and Geophysical) 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. 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.	2023 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2023-1066 dated 26/07/2023 2024 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2024-1155 dated 26/07/2024 2025 Annual Report on Coal Exploration Activities Submission Receipt Case ID REP-2025-1077 dated 25/07/2025	Compliant	ML exploration reporting is completed by BMC Superintendent Geology & Survey. All reports were lodged during the audit period.	

Appendix 5

Photographic Plates

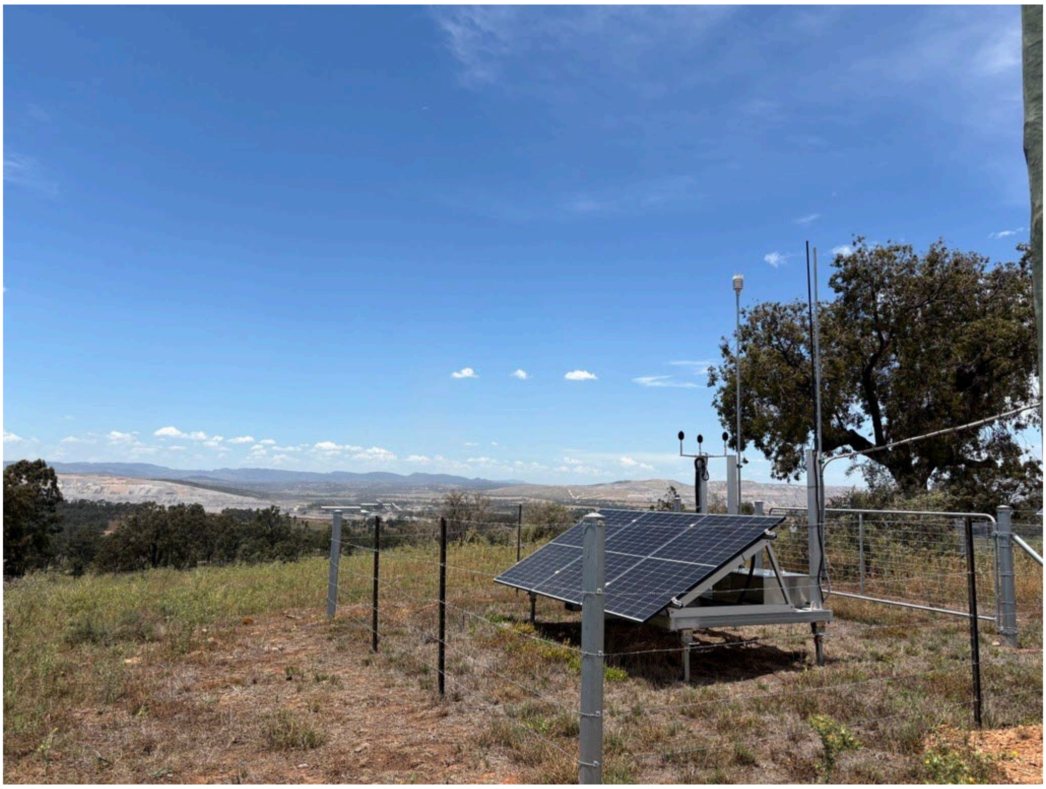

Plate 1: Roxburgh Road real-time noise monitor (Inspection date 26/11/2025).

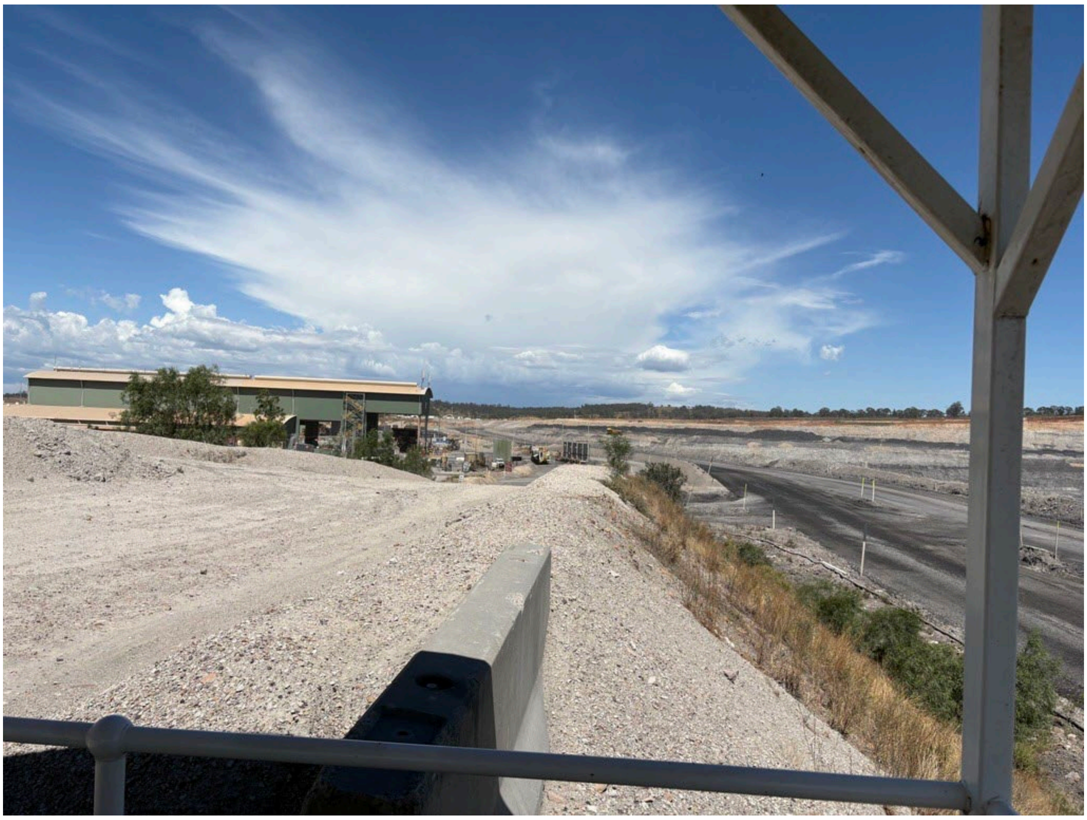

Plate 2: View from BMC viewing platform facing west. Conditions of site inspection were dry and windy, approaching stormfront (Inspection date 26/11/2025).

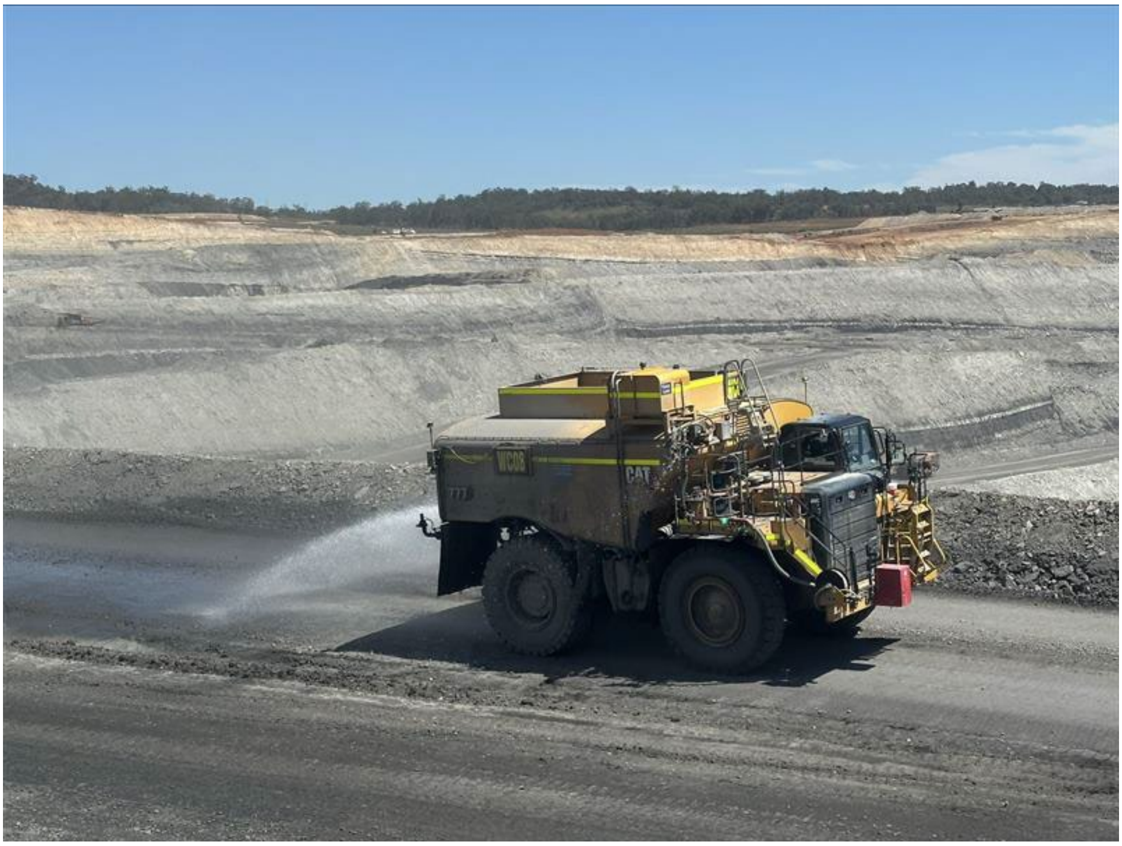

Plate 3: Haul road from BMC pit viewing platform during Orange air quality TARP conditions (Inspection date 26/11/2025).

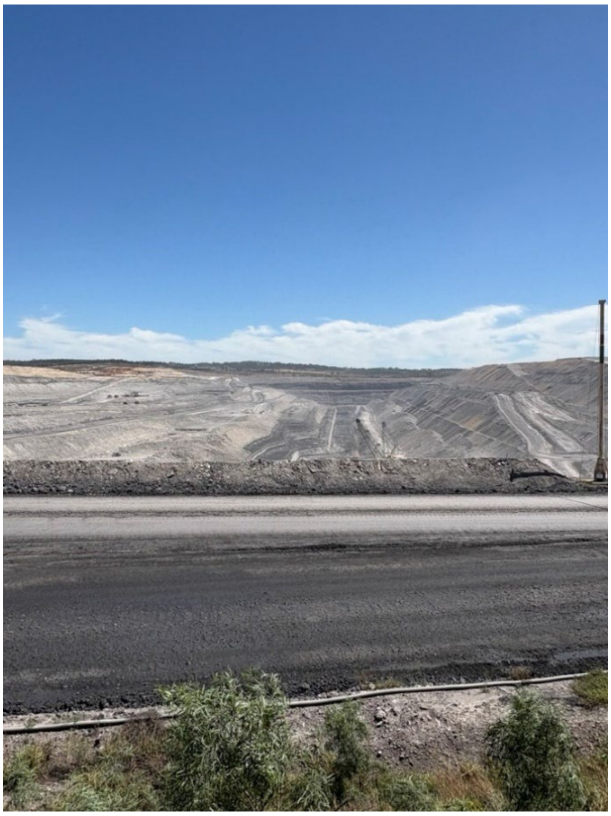

Plate 4: View into pit from viewing platform (top of dragline visible and facing north-north-east). Dragline had ceased operation due to dust generation risks (Inspection date 26/11/2025).

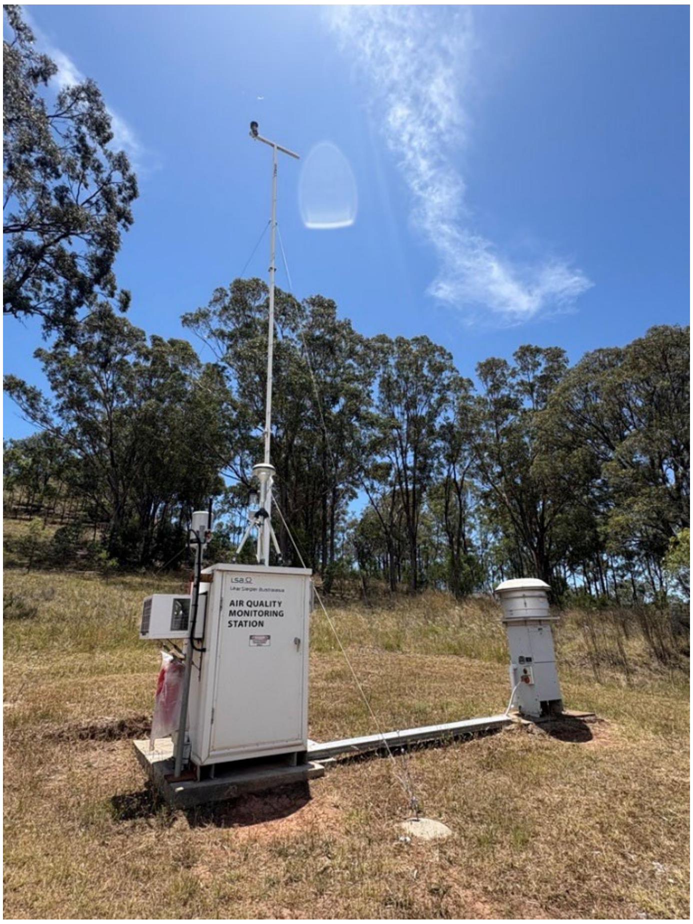

Plate 5: Roxburgh Road HVAS PM3 (Inspection date 26/11/2025).

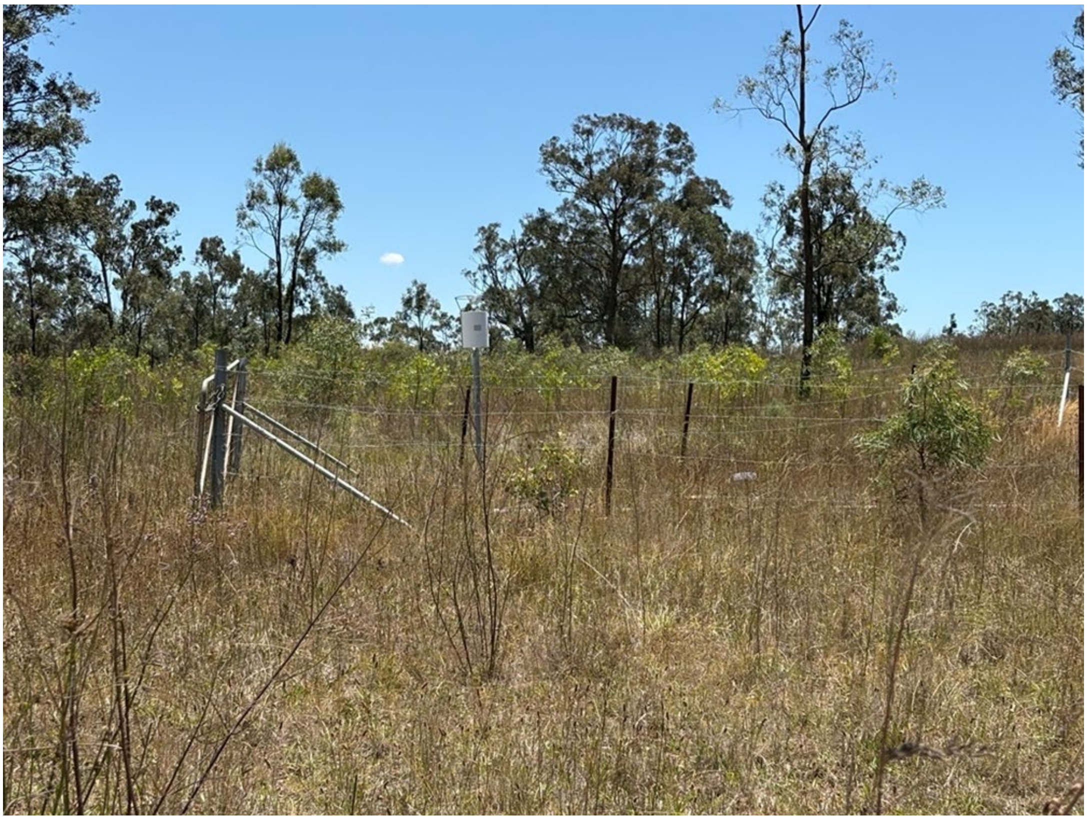

Plate 6: Roxburgh Road depositional dust gauge (Inspection date 26/11/2025).

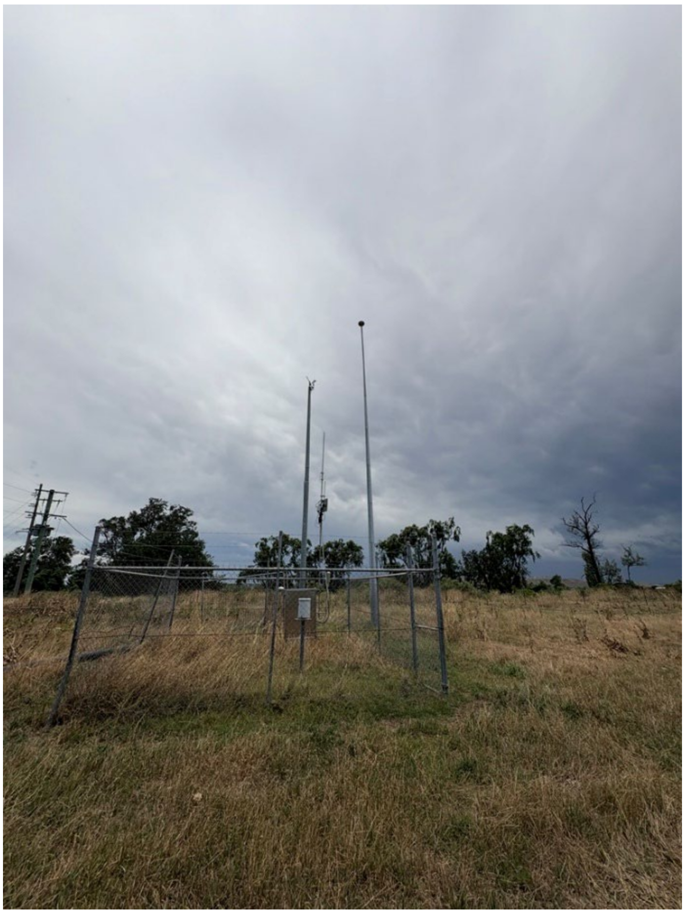

Plate 7: Logues Lane meteorological station (Inspection date 26/11/2025).

Plate 8: Roxburgh Road TEOM, noting substandard installation of the depositional dust gauge against fence (Inspection date 26/11/2025).

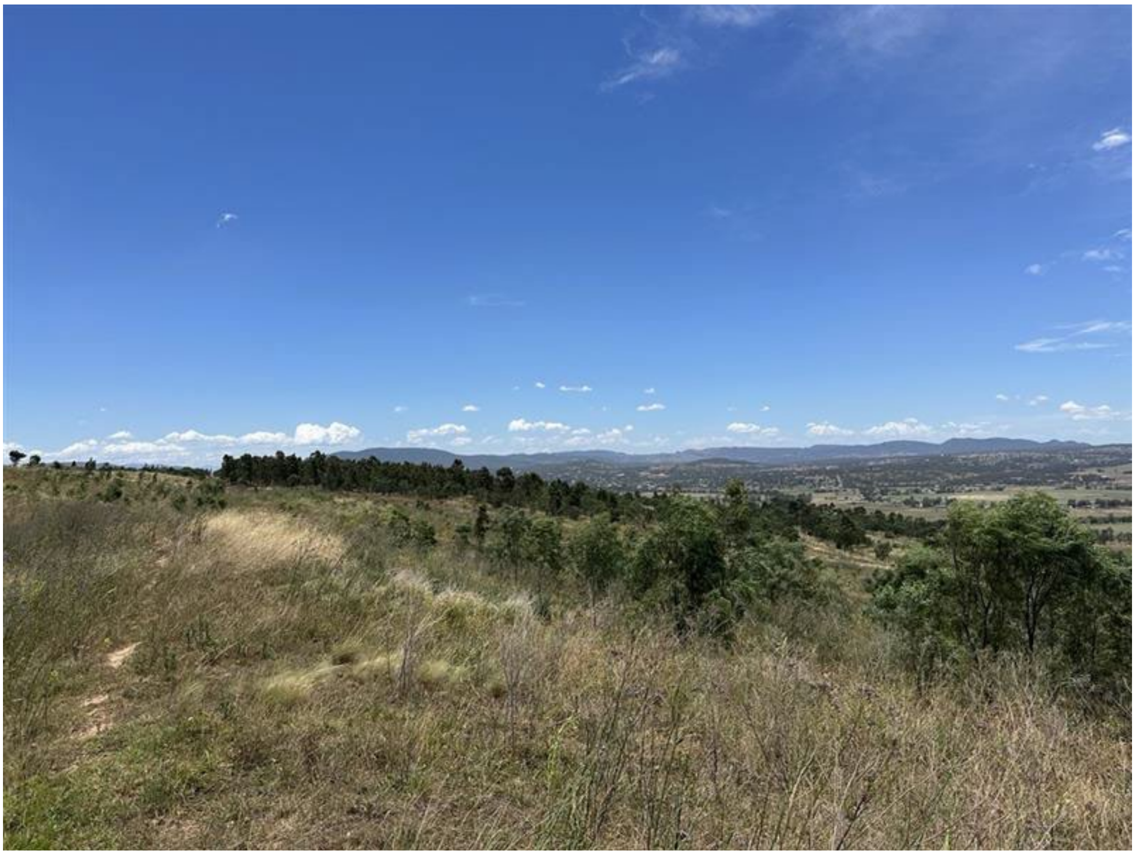

Plate 9: Southern End Wantana Rehabilitation Area (Inspection date 26/11/2025).

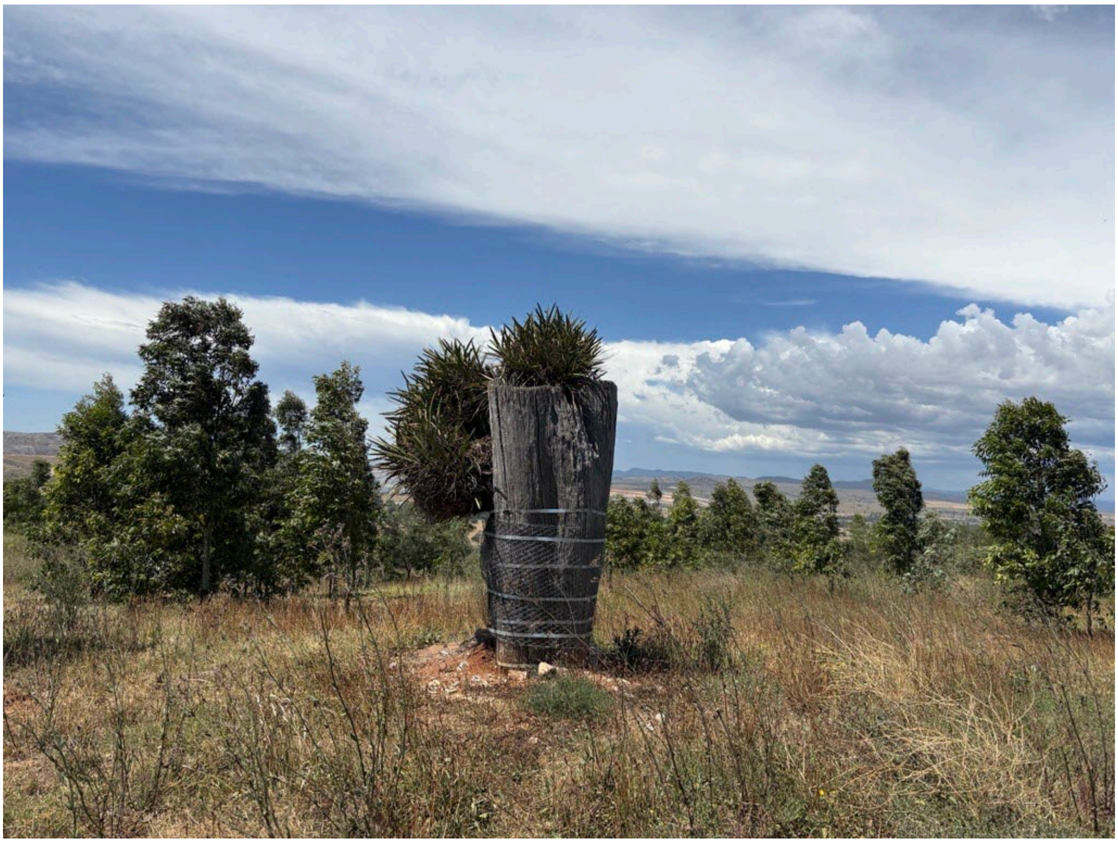

Plate 10: Eastern Rehabilitation Area also location of translocated orchid (Inspection date 26/11/2025).

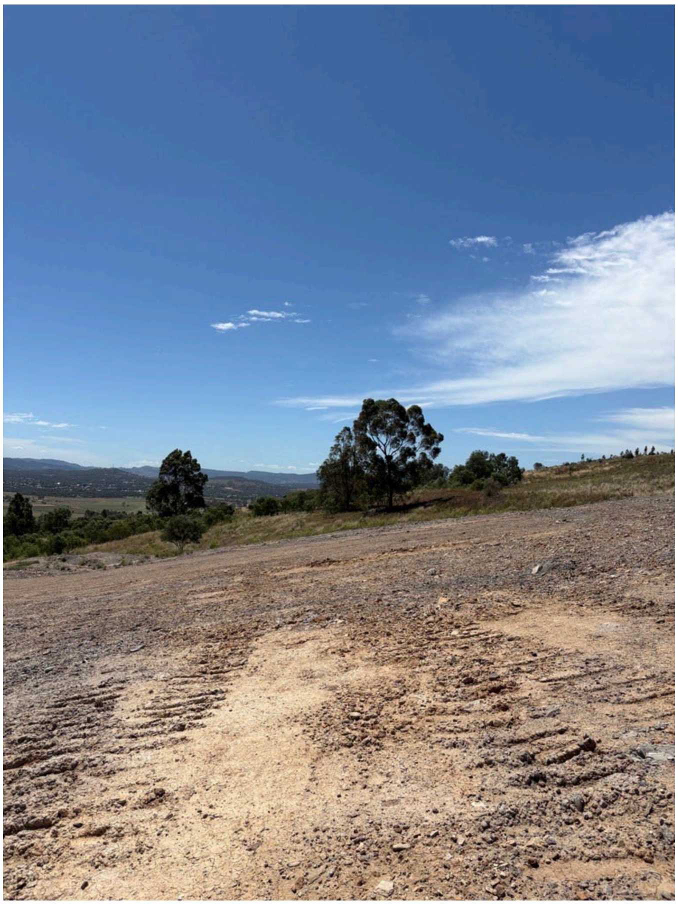

Plate 11: Old north-east rehabilitation and recently shaped rehabilitation area on the Wybong Road face (Inspection date 26/11/2025).

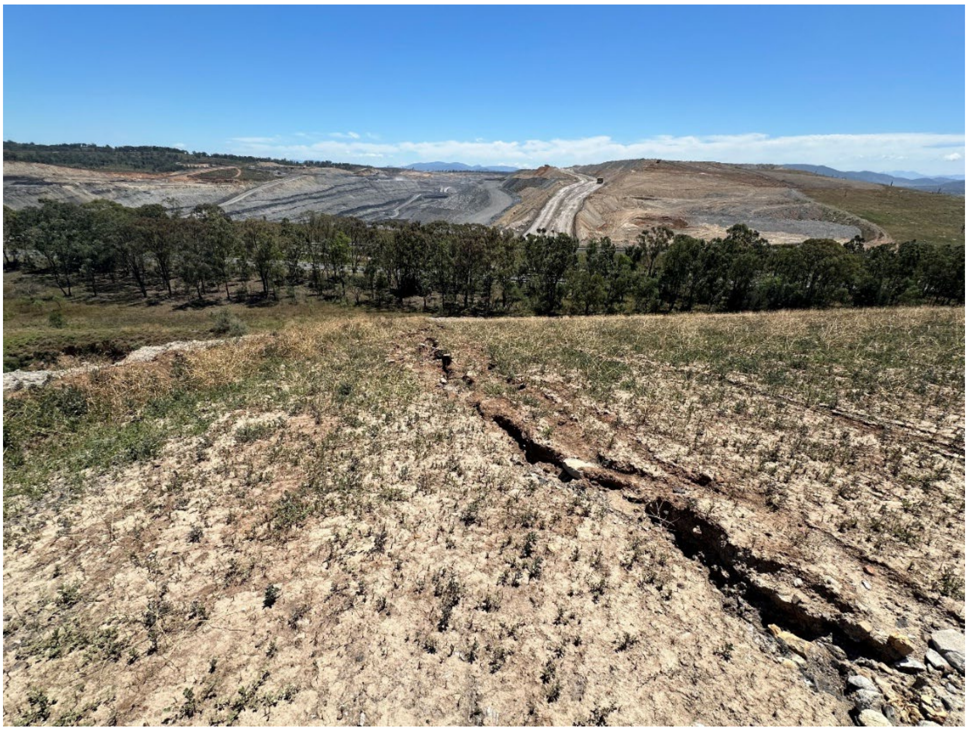

Plate 12: Rill erosion in the northern rehabilitation face. View into Mt Pleasant Mine over Wybong Road (Inspection date 26/11/2025).

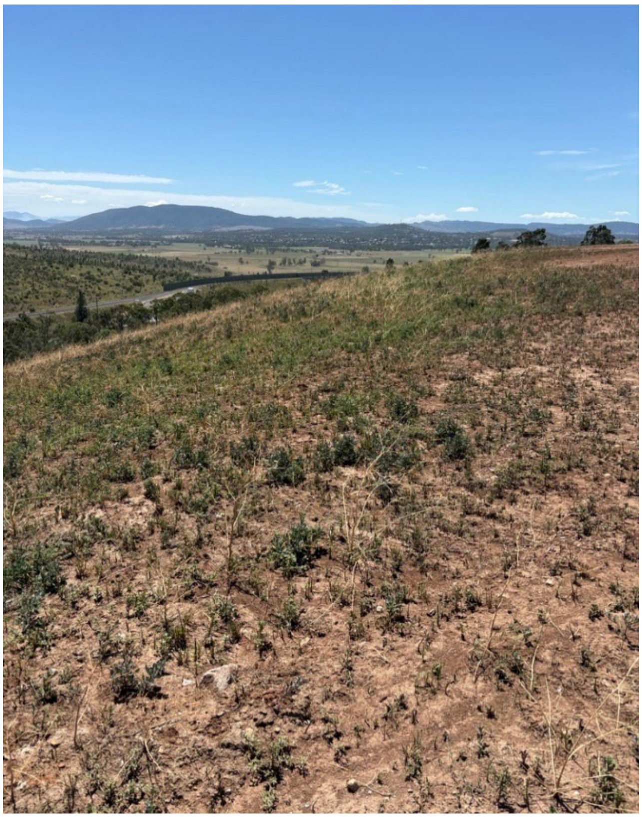

Plate 13: Cover vegetation on northern rehabilitation, facing Muswellbrook. Smoke visible on the horizon from the bushfire taking place at one of the BMC biodiversity offset properties (Inspection date 26/11/2025).

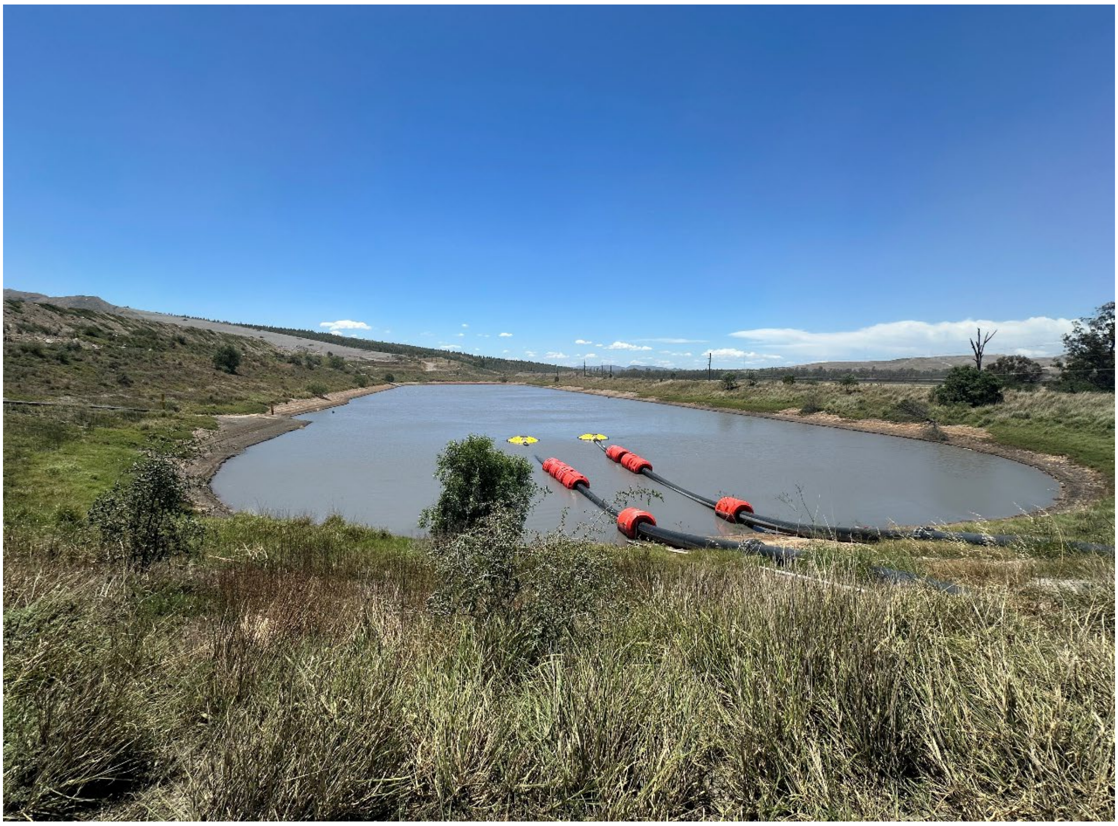

Plate 14: Dry Creek East Dam (Inspection date 26/11/2025).

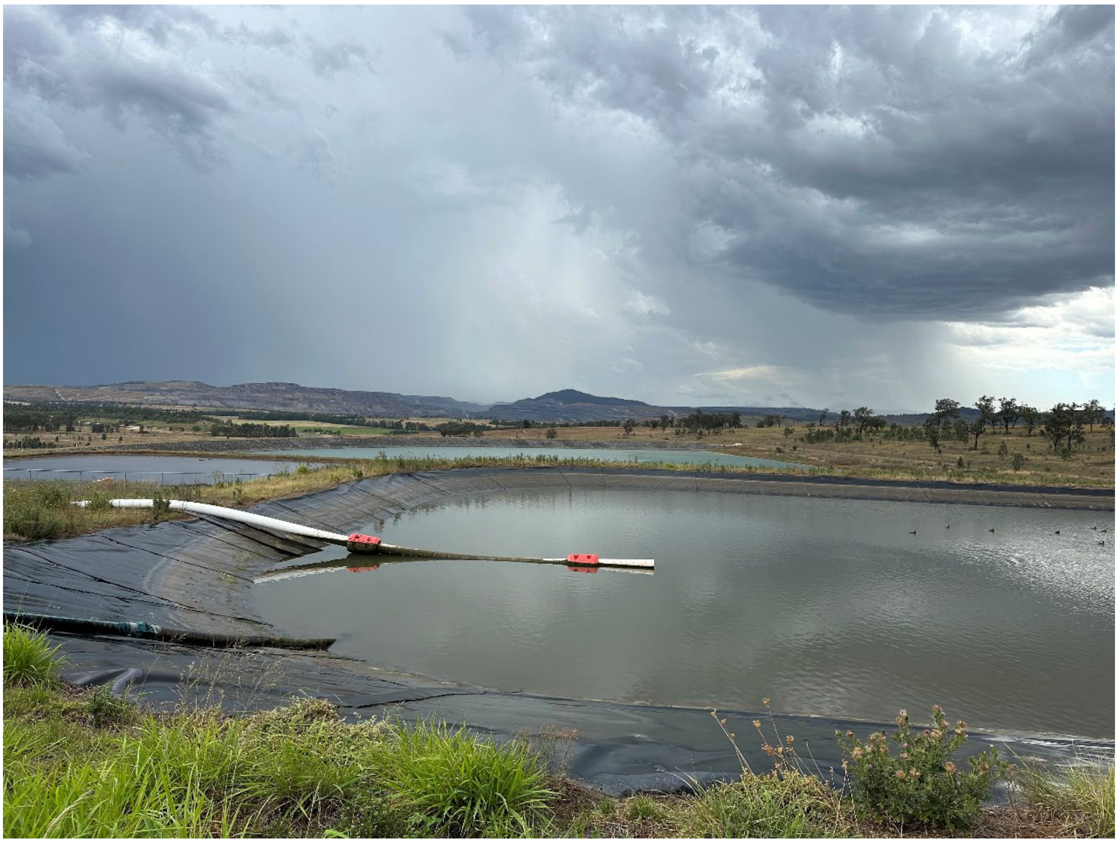

Plate 15: Hunter River Raw Water Dam (Inspection date 26/11/2025).

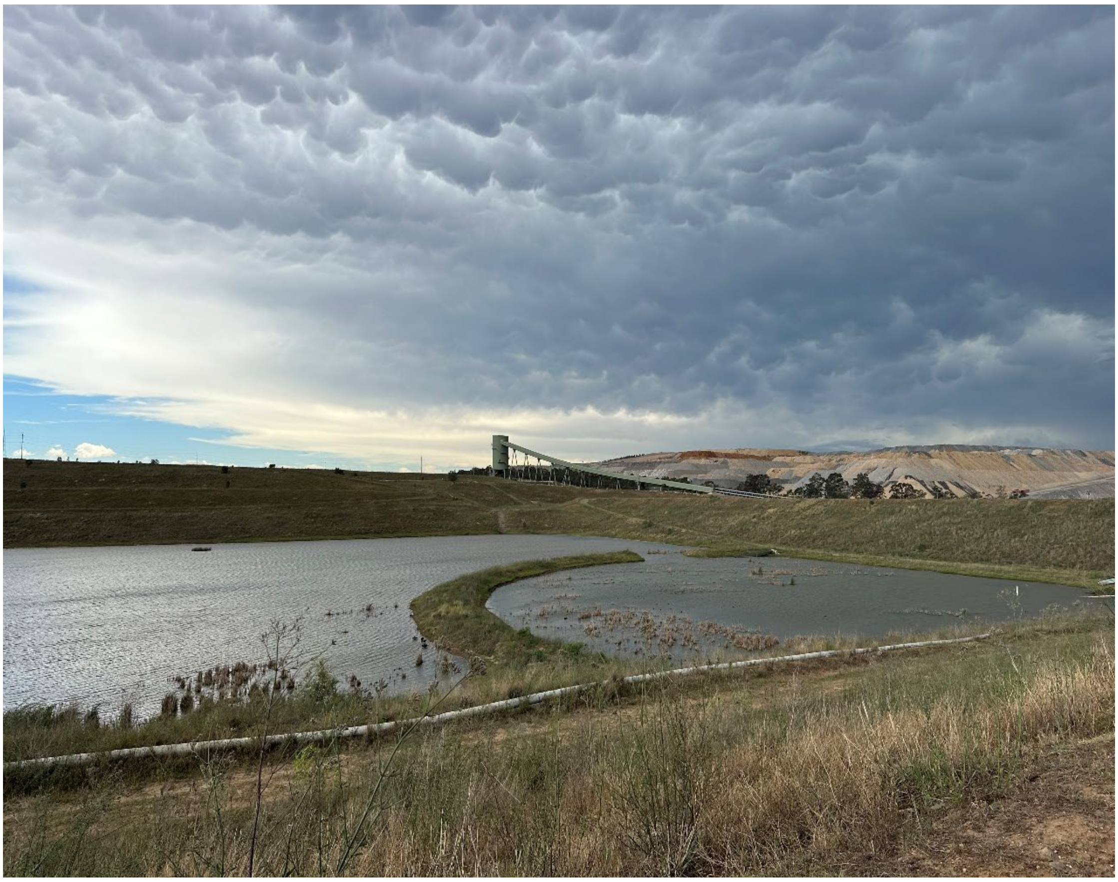

Plate 16: CW1 (Inspection date 26/11/2025).

Plate 17: Erosion and sediment controls located within Western Diversion Levy Construction site (Inspection date 26/11/2025).

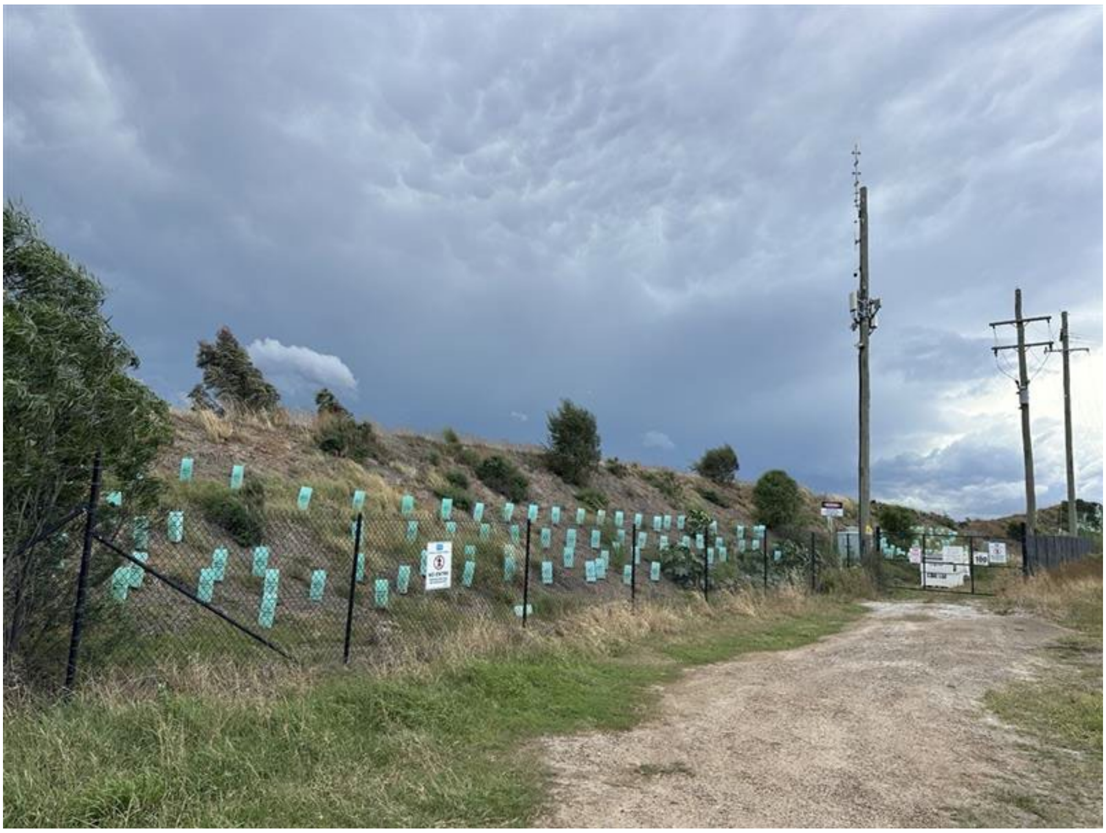

Plate 18: Earthen visual bund located along Wybong Road (Inspection date 26/11/2025).

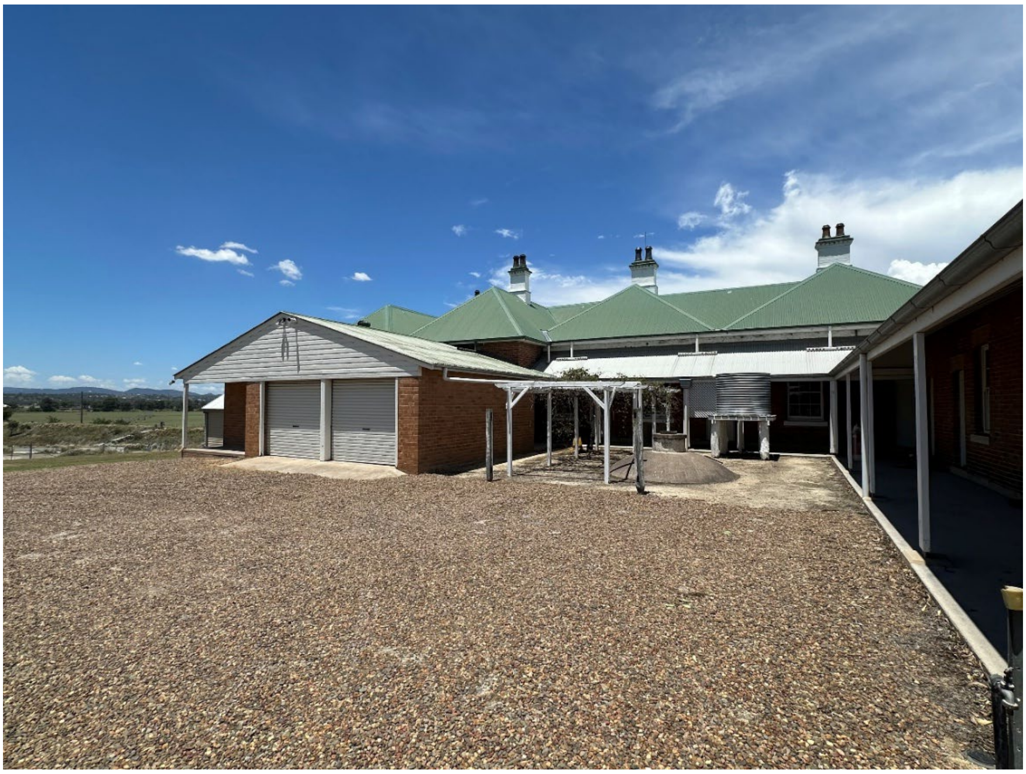

Plate 19: Bengalla Homestead (Inspection date 26/11/2025).

Plate 20: Separate waste streams observed being used around the workshop (Inspection date 26/11/2025).

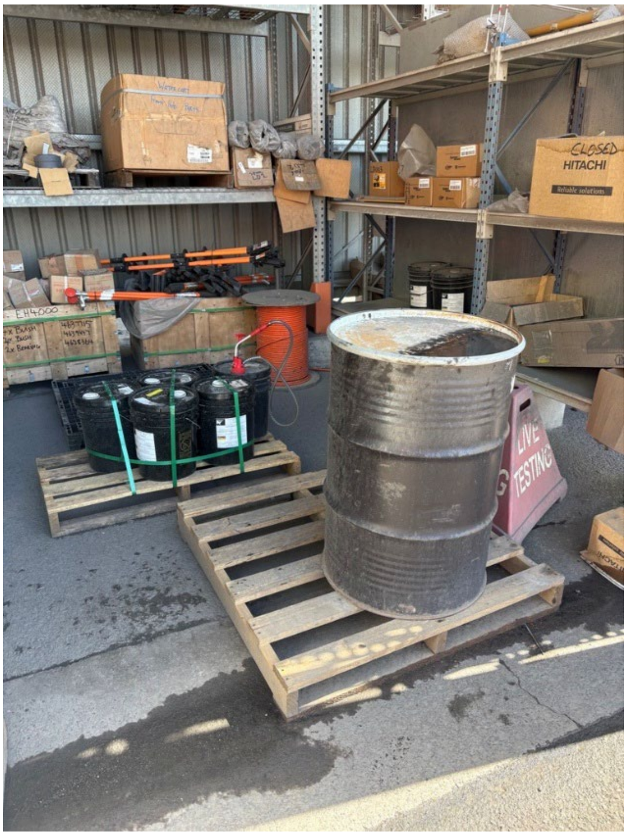

Plate 21: Workshop storage area with instances of unlabelled and un-bunded hydrocarbon and chemical containers (Inspection date 26/11/2025).

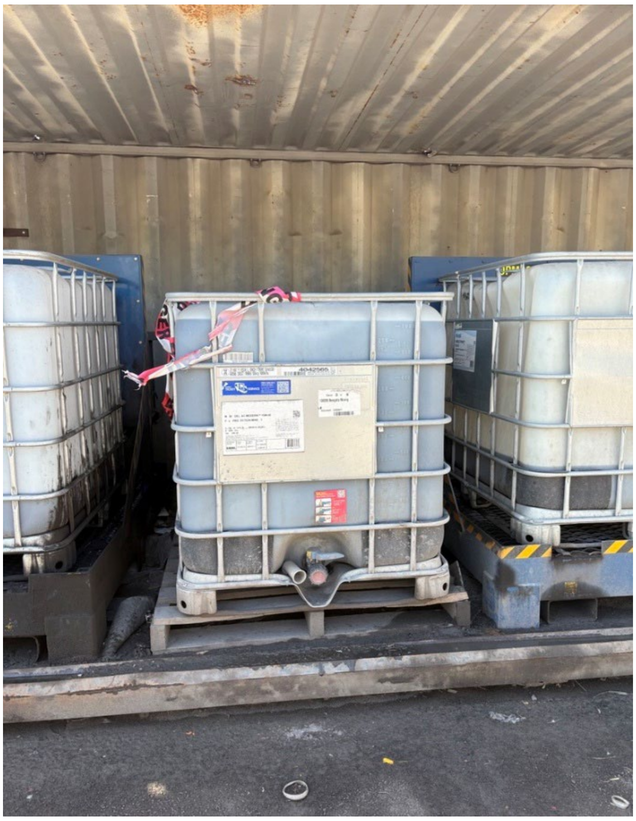

Plate 22: IBCs without bunding, however stored within shipping container (Inspection date 26/11/2025).

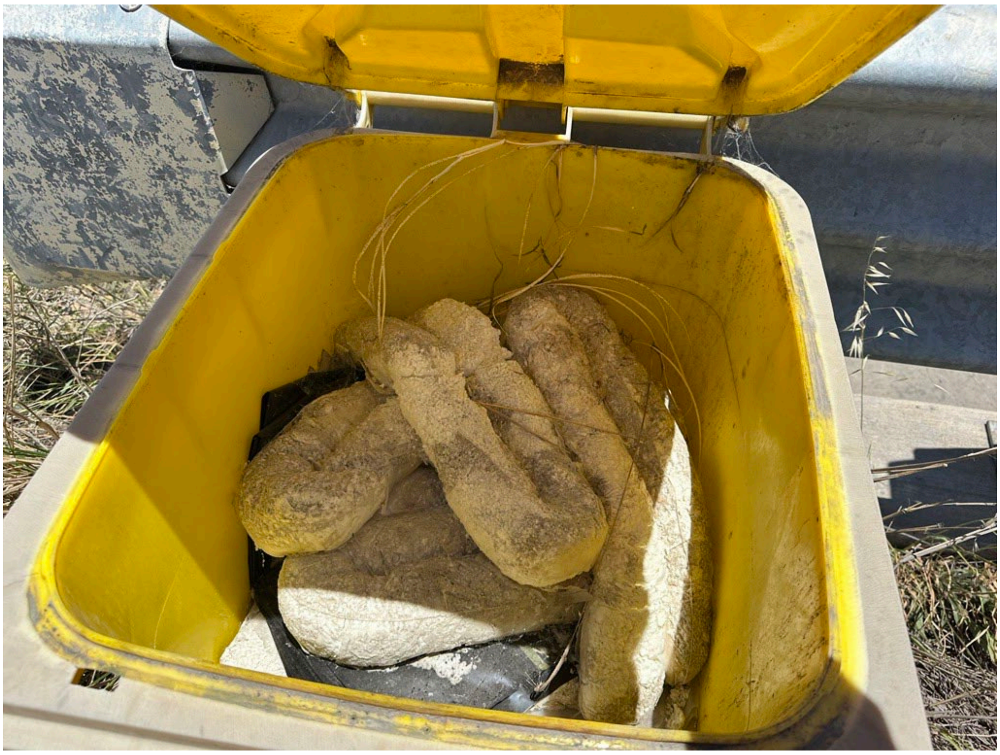

Plate 23: Spill kits not consistently maintained (Inspection date 26/11/2026)

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