

Mr Gary Mulhearn
Environment and Community Manager
Warkworth Mining Ltd

14/07/2022

Dear Mr Mulhearn

**Warkworth Continuation Project (SSD-6464)
Security of the Wollombi Brook Aboriginal Cultural Heritage Conservation Area**

I refer to your request, dated 1 July 2022, seeking the Planning Secretary's agreement to allow Warkworth Mining Ltd (WML) to continue mining west of Wallaby Scrub Road while the Conservation Agreement for the Wollombi Brook Aboriginal Cultural Heritage Conservation Area (WBACHCA) is finalised and registered in accordance with condition 39 of Schedule 3 of SSD-6464 for the Warkworth Continuation Project.

The Department understands that Yancoal, on behalf of WML, and Heritage NSW have now agreed on terms of the conservation agreements and, on 23 May 2022, final conservation agreements were submitted to Heritage NSW for execution. The Department also understands that WML actively manages Aboriginal heritage within the WBACHCA in consultation with its Registered Aboriginal Parties and in accordance with the approved Wollombi Brook Conservation Management Plan.

Following discussions with Heritage NSW, the Department considers that, given the final conservation agreements are now with Heritage NSW for execution, WML has satisfied the intent of condition 39 of Schedule 3 of SSD-6464 and should be permitted to continue mining westward. Accordingly, the Planning Secretary agrees to allow WML to:

1. mine the red polygons shown in Attachment B of its letter (dated 1 July 2022) prior to the final execution of the conservation agreements; and
2. continue mining within areas approved under SSD 6464 once the conservation agreements are executed by the Minister for Environment & Heritage (or delegate).

If you wish to discuss the matter further, please contact Joe Fittell on (02) 4908 6896.

Yours sincerely

A handwritten signature in black ink, appearing to be "SOD", written over a light blue circular stamp.

Stephen O'Donoghue
Director
Resource Assessments
As nominee of the Planning Secretary