

APO0001351

APPROVAL TO UNDERTAKE ASSESSABLE PROSPECTING OPERATIONS

EL9399 Exploration Program - Stage 2

1 MAY 2023

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Form: Approval Report (CEA) v0.3

Summary

DETAIL	APPLICATION
Reference	APO0001351
Date of approval	1 May 2023
Title	EL 9399 (1992)
Contact	
Project name	EL9399 Exploration Program - Stage 2
Project location	Wilpinjong
Activity type	Complying Exploration Activity

Important note

The Regulator may make the information in your application and any supporting information (including this approval) available for inspection by members of the public, including by publication on its website or by displaying the information at any of its offices. If you consider any part of your application to be confidential, please communicate this to the Regulator via the message function on this application within the Portal.

Project

Project details

Assessable prospecting activity APO0001351 relates to the EL9399 Exploration Program - Stage 2 at Wilpinjong.

The project has the following approved characteristics.

DETAIL	PROPOSAL
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Activity description

Activities will involve: drilling exploration holes to define the coal seam structure, coal quality testing, gas desorption testing and composition analysis, coal quality sizing, geotechnical testing of seam roof and floor and to define weathered coal.TRN091 represents the northeastern hole of 139 air core sites. The program would be approximately 16months (drilling only) assuming the continuous availability of drill rigs & favorable weather conditions. Works will be limited to the hours of 6:30am am to 6:30 pm on a 7 day roster, with 3 crews rotating. Up to three UDR 650 Type Drill Rigs or equivalent will undertake drilling, each with a service truck, water truck and/or light vehicles & a vacuum truck. Above ground sumps will be employed at all sites. Surface disturbance would be limited to the drill hole only (approximately 2.5m by 2.5m), with an approx. 40m x 40m area slashed at each drill site to maintain safe access to the exploration activities, this slashing would not include direct surface disturbance. The location nominated for drilling within each slashed area is only indicative and will be subject to relocation within the slashed area assessed under this APO. In the event of a failed drill hole due to technical difficulties or hole collapse, re-drills will be conducted within the slashed area. A predetermined number of redrills have been accounted for in the RCE. The RCE allows for some disturbance associated with unplanned events, i.e. bogging. Access to the proposed sites will be via existing local landholder access tracks and across previously cleared paddocks. No new formed access tracks are anticipated to be required. All sites would be decommissioned, sealed and rehabilitated consistent with the Exploration Codes of Practice: Rehabilitation (Version 5) (Resources Regulator, 2022) and Exploration Code of Practice: Environmental Management (Version 4) (Resources

Regulator, 2021). Further detail is provided in the attachment to this
application.

Earthworks or vegetation clearing

Direct surface disturbance for the construction and installation of drill holes would be limited to a 2.5 m x 2.5 m area for each of the 170 drill holes (total of 0.1 hectares [ha] of direct surface disturbance for the proposed exploration activities in EL 9399 relevant to this application). An approximate 40 m x 40 m area would be slashed at each drill hole to maintain safe access to the drill hole and immediate surrounds, however this slashing would not involve earthworks, vegetation removal or direct surface disturbance. Slashing activities would avoid established trees.

Access to exploration activities

Existing tracks would be used where possible, and other tracks would be slashed to allow for access to exploration activities. Note, vehicles with tires would be utilised for the exploration activities to reduce the potential for direct surface disturbance. Sites located away from existing tracks would be accessed across previously cleared paddocks. No new formed access tracks are anticipated to be required.

Ancillary activities

Ancillary infrastructure to be erected at a laydown area in proximity of Wollar. Includes tanks for temporary water storage, drilling materials and a parking area. All located on Peabody land. Some of the drilled exploration holes are intended to be retained as groundwater monitoring bores for analysis of water quality and standing water level. These bores will be constructed to the NSW 'Minimum Requirements for Building Site Groundwater Investigations and Reporting' guideline.

Start date

1 May 2023

Duration

45

Rehabilitation completion

30 April 2024

Proposed hours of operation

Continuous work hours (24 hours a day, 7 days a week).

On-site employee or

18

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NSW Resources Regulator

contractor numbers

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Exempted areas

The EL9399 Exploration Program - Stage 2 has not proposed prospecting in an exempted area.

State Conservation Areas

The EL9399 Exploration Program - Stage 2 has not proposed prospecting in a State Conservation Area.

Exploration activities

The following exploration activities have been approved.

Drill holes

ID / REGULATOR NO.	ТҮРЕ	SURFACE DISTURBANCE (m²)	VEG. CLEARING (m²)	EXCAVATIONS(m³)	PRODUCED WATER(ML)	DEPTH (m)	BLOCK NUMBER	UNIT LETTERS
TRS013 EDH0008464	DDH drill hole	6.25				42	360	N
TRS016 EDH0008467	DDH drill hole	6.25				44.33	360	0
TRN028 EDH0008457	DDH drill hole	6.25				61.2	360	J
TRN012 EDH0008448	DDH drill hole	6.25				68.43	360	D
TRS020 EDH0008471	DDH drill hole	6.25				32.68	360	Н
TRS017 EDH0008468	DDH drill hole	6.25				23.23	360	N
TRS009 EDH0008460	DDH drill hole	6.25				34.53	360	Н
TRS012 EDH0008463	DDH drill hole	6.25				48.07	360	0
TRN023 EDH0008455	DDH drill hole	6.25				61.83	360	D
TRS029 EDH0008477	DDH drill hole	6.25				50.4	360	J
TRS022 EDH0008473	DDH drill hole	6.25				41.24	360	Н
TRS021 EDH0008472	DDH drill hole	6.25				38.23	360	N
TRS015	DDH drill	6.25				47.96	360	N

ID / REGULATOR NO.	TYPE	SURFACE DISTURBANCE (m²)	VEG. CLEARING (m²)	EXCAVATIONS(m³)	PRODUCED WATER(ML)	DЕРТН (m)	BLOCK NUMBER	UNIT LETTERS
EDH0008466 h	nole							
	DDH drill nole	6.25				75.77	360	С
	DDH drill nole	6.25				50	360	J
	DDH drill nole	6.25				29.3	360	N
	DDH drill nole	6.25				68.95	360	0
	DDH drill nole	6.25				43.5	360	Н
	DDH drill nole	6.25				53.66	360	J
	DDH drill nole	6.25				43.07	360	Р
	DDH drill nole	6.25				43.62	360	Р
	DDH drill nole	6.25				47.9	360	N
	DDH drill nole	6.25				55.39	360	J
	DDH drill nole	6.25				49.87	360	J
	DDH drill nole	6.25				52.73	360	J
	DDH drill nole	6.25				67.64	360	J
	DDH drill nole	6.25				82.73	360	С
	DDH drill nole	6.25				53.07	360	J

ID / REGULATOR NO.	ТҮРЕ	SURFACE DISTURBANCE (m²)	VEG. CLEARING (m²)	EXCAVATIONS(m³)	PRODUCED WATER(ML)	DЕРТН (m)	BLOCK NUMBER	UNIT LETTERS
TRS107 EDH0008478	DDH drill hole	6.25				72.03	360	0
TRN016 EDH0008451	DDH drill hole	6.25				46.65	360	0
TRS024 EDH0008474	DDH drill hole	6.25				37.26	360	Н

Other exploration activities

ID / REGULATOR NO.	ТҮРЕ	SURFACE DISTURBANCE (m²)	VEG. CLEARING (m²)	EXCAVATIONS(m³)	PRODUCED WATER(ML)	BLOCK NUMBER	UNIT LETTERS
TRN091 EA0003531	Air core drilling	6.25				360	С

Sensitivity of the land to be disturbed

QUESTION	YES/NO
Conservation areas	
Land reserved under the National Parks and Wildlife Act 1974?	No
Land acquired by the Minister for Energy and Environment under Part 11 of the National Parks and Wildlife Act 1974?	No
Land subject to a 'conservation agreement' under the National Parks and Wildlife Act 1974?	No
Land declared as an aquatic reserve under the Marine Estate Management Act 2014?	No
Land declared as a marine park under the Marine Estate Management Act 2014?	No
Land within State Forests set aside under the <i>Forestry Act 2012</i> for conservation values, including Flora Reserves or Special Management (and other) Zones?	No
Land reserved or dedicated under the <i>Crown Lands Act 1989/Crown Lands Management Act 2016</i> (as applicable) for the preservation of flora, fauna, geological formations or other environmental protection purposes?	No
Land identified as wilderness or declared a wilderness area under the Wilderness Act 1987?	No
Land subject to a Biodiversity Banking and Offsets Scheme under the Biodiversity Conservation Act 2016?	No
Drinking water catchment protection areas	
Land declared to be a 'controlled area' or a 'special area' under the Water NSW Act 2014?	No
Land declared to be a 'special area' under the Water Management Act 2000 or Hunter Water Act 1991?	No
Sensitive areas	
Land declared as area of outstanding biodiversity value under the <i>Biodiversity Conservation Act 2016</i> or critical habitat under Part 7A of the <i>Fisheries Management Act 1994</i> ?	No
Wetlands of international significance listed under the Ramsar Wetlands Convention?	No
Land designated as a nationally important wetland in the Directory of Important Wetlands?	No
Coastal wetlands mapped under State Environmental Planning Policy (Coastal Management) 2018?	No
Littoral rainforests mapped under State Environmental Planning Policy (Coastal Management) 2018?	No
Coastal zone as defined in the Coastal Management Act 2016?	No
Land identified in an environmental planning instrument as being of biodiversity significance or zoned for environmental conservation?	No

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Waterfront land defined under the Water Management Act 2000?	No
Land with a slope greater than 18 degrees measured from the horizontal?	No
Land with potential for soil and water contamination	
Land mapped as Actual Acid Sulfate Soils (AASS) or Potential Acid Sulfate Soils (PASS) on the Acid Sulfate Soils Risk Maps for NSW?	No
Heritage protection areas (Aboriginal and European)	
Land declared as an Aboriginal place under the National Parks and Wildlife Act 1974?	No
Land listed on the World Heritage List, National Heritage List or Commonwealth Heritage List?	No
Land, places, buildings or structures listed on the NSW State Heritage Register?	No
Land identified in an environmental planning instrument (such as a State Environmental Planning Policy, Regional Environment Plan or Local Environment Plan) as being of Aboriginal or European heritage significance?	No
Critical industry clusters	
Land identified as Critical Industry Cluster under State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007?	No
Community land	
Public land classified as community land under the Local Government Act 1993?	No
Other areas	
Land identified on the authority as environmentally sensitive land?	No
Ecology	
Will the activity have a significant effect on threatened species or their habitats?	No
Will the activity have a significant effect on threatened ecological communities or their habitats?	No
Will vegetation be removed as part of access track upgrade works in waterfront land?	No
Aboriginal heritage	
Will the activity harm Aboriginal objects?	No
Will the activity damage heritage items?	No

Attachment 1 – Statement of Commitments

ITEM	COMMITMENT
Activity type	Exploration activity comprising: • 31 diamond drill holes • 0 reverse circulation drill holes • 0 cubic metres of bulk sampling • 0 square metres of new access tracks.
Activity location	Wilpinjong, within EL 9399 (1992).
Activity scope (including any ancillary activities)	Activities will involve: drilling exploration holes to define the coal seam structure, coal quality testing, gas desorption testing and composition analysis, coal quality sizing, geotechnical testing of seam roof and floor and to define weathered coal.TRN091 represents the northeastern hole of 139 air core sites. The program would be approximately 16months (drilling only) assuming the continuous availability of drill rigs & favorable weather conditions. Works will be limited to the hours of 6:30 am am to 6:30 pm on a 7 day roster, with 3 crews rotating. Up to three UDR 650 Type Drill Rigs or equivalent will undertake drilling, each with a service truck, water truck and/or light vehicles & a vacuum truck. Above ground sumps will be employed at all sites. Surface disturbance would be limited to the drill hole only (approximately 2.5m by 2.5m), with an approx. 40m x 40m area slashed at each drill site to maintain safe access to the exploration activities, this slashing would not include direct surface disturbance. The location nominated for drilling within each slashed area is only indicative and will be subject to relocation within the slashed area assessed under this APO. In the event of a failed drill hole due to technical difficulties or hole collapse, re-drills will be conducted within the slashed area. A predetermined number of redrills have been accounted for in the RCE. The RCE allows for some disturbance associated with unplanned events, i.e. bogging. Access to the proposed sites will be via existing local landholder access tracks and across previously cleared paddocks. No new formed access tracks are anticipated to be required. All sites would be decommissioned, sealed and rehabilitated consistent with the Exploration Codes of Practice: Rehabilitation (Version 5) (Resources Regulator, 2022) and Exploration Code of Practice: Environmental Management (Version 4) (Resources Regulator, 2021). Further detail is provided in the attachment to this application. Ancillary infrastructure to be erected at a laydow
Hours of operation	Continuous work hours (24 hours a day, 7 days a week).
Activity duration	45

ITEM	COMMITMENT
Proposed commencement date	1 May 2023 (pending approvals)
Proposed completion date (rehabilitation)	Estimated 30 April 2024
Maximum area of disturbance	200 square metres
Air quality	The titleholder must implement all measures to prevent, so far as practicable, pollution caused by dust and other air pollutants.
Protection of water sources	Prospecting operations must be carried out in a manner that does not cause or aggravate air pollution, water (including groundwater) pollution, soil contamination or erosion, unless otherwise authorised by an approval under this exploration licence.
Erosion and sediment controls	The titleholder must prevent erosion and pollution of watercourses resulting from the conduct of prospecting operations by implementing effective erosion and sediment control measures.
Noise and vibration	The titleholder must implement all practicable noise management measures to ensure that noise levels meet acceptable noise criteria for sensitive receivers.
Use of chemicals, fuels and lubricants	The titleholder must implement all measures to prevent, so far as is practicable, causing contamination of the environment by the release of chemicals, fuels, lubricants and other potential pollutants.
Waste	The titleholder must manage all waste in a manner which does not cause harm to the environment.
Ecology	Vegetation clearing and vegetation disturbance must be limited to the minimum extent necessary to facilitate the conduct of prospecting operations authorised by this exploration licence.
Aboriginal and other cultural heritage	The titleholder must implement all measures to prevent, so far as practicable, harm to Aboriginal cultural heritage and non-indigenous cultural heritage.
Weeds/Flora	The titleholder must implement all practicable measures to prevent the introduction and spread of weeds, pest animals and animal and plant diseases.
Rehabilitation commitments	The activity will be undertaken in accordance with the rehabilitation objectives and targets provided for this project.
Incident management	The NSW Resources Regulator will be notified of all incidents in accordance with the requirements of EL 9399 (1992).
Reporting	Reporting to the NSW Resources Regulator and Mining, Exploration and Geoscience – Department of Regional NSW will be in accordance with the conditions of EL 9399 (1992).

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ITEM	COMMITMENT
Codes of Practice	EL9399 Exploration Program - Stage 2 will be operated in accordance with:
	Exploration Code of Practice: Environmental Management
	Exploration Code of Practice: Rehabilitation
Other (as applicable)	No additional terms specified.

Attachment 2 – Definitions

To search for NSW legislation, visit<u>www.legislation.nsw.gov.au.</u>Commonwealth legislation can be found at <u>www.legislation.gov.au.</u>

WORD	DEFINITION
Aboriginal object	Has the same meaning as it has in the National Parks and Wildlife Act 1974.
Aboriginal place	Has the same meaning as it has in the National Parks and Wildlife Act 1974.
Acid Sulfate Soils	Sediments and soils containing iron sulfides which, when exposed to oxygen, generate sulfuric acid. Acid sulfate soils include actual acid sulfate soils (AASS) or potential acid sulfate soils (PASS).
Activity	Any activity carried out in connection with exploration, including: the use of land means of accessing land the carrying out of a work.
Activity approval	An approval to carry out assessable prospecting operations granted under the Mining Act 1992.
Actual Acid Sulfate Soils (AASS)	Sediments and soils containing highly acidic soil horizons or layers resulting from the aeration of sediments and soils that are rich in iron sulfides, primarily sulphide.
Applicant	In relation to an exploration activity, the person proposing to carry out the exploration activity
Aquatic reserve	Has the same meaning as it has in the Marine Estate Management Act 2014.
Areas of Outstanding Biodiversity Value (AOBVs)	Has the same meaning as it has in the <i>Biodiversity Conservation Act 2016</i> . Note: Areas of declared critical habitat under the now repealed <i>Threatened Species Conservation Act 1995</i> have become Areas of Outstanding Biodiversity Value (AOBVs) under the <i>Biodiversity Conservation Act 2016</i> .
Assessable prospecting operation	Any prospecting operation that is not exempt development within the meaning of clause 10 of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
Clearing of vegetation	 Any one or more of the following: cutting down, felling, thinning, lopping, logging or removing vegetation, or killing, destroying, poisoning, ringbarking, uprooting or burning vegetation.
Complying exploration activities (CEA)	Exploration activities that are considered unlikely to significantly affect the environment as set out in Assessment Requirements for Exploration Activities.



Critical habitat	Has the same meaning as it has in the Fisheries Management Act 1994. Areas of declared critical habitat under the now repealed Threatened Species Conservation Act 1995 have become Areas of Outstanding Biodiversity Value (AOBVs) under the Biodiversity Conservation Act 2016.
Drill hole	A hole made by drilling or boring, but excludes: sampling and coring using handheld equipment petroleum wells.
Drilling	The perforation of the earth's surface crust by mechanical means to form a hole, whether the hole caused by the perforation is vertical, inclined or horizontal, and includes all operations for preventing collapse of the sides of such hole or for preventing it from being filled with extraneous materials including water
Environment	Has the same meaning as it has in the <i>Mining Act 1992</i> .
Environmentally sensitive area of State significance	Has the same meaning as it has in State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
Excavation	The removal of the surface layer to a depth greater than 500 mm from the natural surface level.
Exempt development	Has the same meaning as it has in State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
Exploration	Has the same meaning as it has in State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
Fauna	Has the same meaning as it has in the National Parks and Wildlife Act 1974.
Groundwater	Water that occurs beneath the ground surface in the saturated zone
Habitat	Has the same meaning as it has in the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994 (as relevant).

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Harm

In relation to matters of national environmental significance, has the same meaning as 'significant impact' as provided by the 'Significant Impact Guidelines' used to determine whether assessment and approval is required under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.

In relation to the environment, has the same meaning as it has in the *Protection of the Environment Operations Act 1997*.

In relation to threatened species or ecological communities, has the same meaning as:

- 'harm an animal' in the National Parks and Wildlife Act 1974
- 'pick a native plant' in the National Parks and Wildlife Act 1974
- 'harm' in the Fisheries Management Act 1994.

In relation to an aquifer or waterfront land, has the same meaning as it has in the *Water Management Act 2000*.

In relation to Aboriginal places or Aboriginal objects has the same meaning as it has in the *National Parks and Wildlife Act 1974*.

In relation to items of heritage significance, has the same meaning as it has in the *Heritage Act* 1977.

In relation to protected marine vegetation, has the same meaning as it has in the *Fisheries Management Act 1994*.

Items of heritage significance

Means:

- any heritage items listed in one or more of the following:
 - o the Commonwealth Heritage List
 - o the World Heritage List
 - the National Heritage List
 - the State Heritage Register
 - an Environmental Planning Instrument
- any relic (being any deposit, object or material evidence which relates to the settlement
 of the area that comprises New South Wales, not being Aboriginal settlement, and
 which is 50 or more years old), or
- within State Conservation Areas:
 - items that are listed on the DECC Historic Heritage Information Management System, or
 - any deposit, object or material evidence relating to the settlement or occupation
 of New South Wales or a part of New South Wales (not being Aboriginal
 settlement or occupation) if the deposit, object or material evidence is more
 than 25 years old at the date of the interference or removal

Land

Includes:

- the sea or an arm of the sea
- a bay, inlet, lagoon, lake or body of water, whether inland or not and whether tidal or non-tidal
- · a river, stream or watercourse, whether tidal or non-tidal, and
- · a building erected on the land

Marine vegetation

Has the same meaning as it has in the Fisheries Management Act 1994.

Matters of national environmental significance	'Matters of national environmental significance' protected under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
Minister	The Minister administering the Mining Act 1992.
Native vegetation	Has the same meaning as it has in the Local Land Services Act 2013.
Potential acid sulphate soils (PASS)	Sediments and soils that contain iron sulfides or sulfidic material which have not been exposed to air and oxidised
Produced water	Any form of groundwater that is actively extracted from a borehole or excavation, excluding incidental groundwater mixed with drilling fluids.
Rehabilitation	Has the same meaning as it has in the Mining Act 1992.
Seismic survey	The use of shock waves (generated in the ground using either small explosive charges detonated below the surface, hand-held mechanical hammers or vehicle-mounted hammers) and an array of geophones, which are connected to measuring instruments, to differentiate the geophysical properties of the subsurface of the earth.
Sensitive receiver	Includes: dwellings libraries educational and research institutions (including schools, colleges and universities) childcare centres kindergartens hospitals, surgeries and other medical institutions places of worship milking sheds and holding yards associated with dairies animal boarding or training establishments aquaculture intensive livestock agriculture
Site	The land on which an activity is located.
State Conservation Area	Has the same meaning as it has in the National Parks and Wildlife Act 1974.
Surface disturbance	 Means: disturbance or exposure of the soil or surface rock layer, or degradation or deterioration in any manner of the physical surface of land
Terms	In relation to activity approvals, the terms imposed by the decision-maker on the grant of an activity approval.
Threatened species or ecological communities	Has the same meaning as it has in the <i>Biodiversity Conservation Act 2016</i> or <i>Fisheries Management Act 1994</i> (as relevant).



Title	An authority under the <i>Mining Act 1992</i> .
Titleholder	A person or company to whom a title has been issued.
Track	All unsealed routes that will be traversed multiple times, but does not include single pass (ingress and egress) routes or seismic shot and receiver lines.
Waste	Has the same meaning as it has in the Protection of the Environment Operations Act 1997.
Water source	Has the same meaning as it has in the Water Management Act 2000.
Water land	Has the same meaning as it has in the Fisheries Management Act 1994.
Waterfront land	Has the same meaning as it has in the Water Management Act 2000.
Wetlands	Has the same meaning as it has in the Fisheries Management Act 1994.
Wilderness	Lands identified as wilderness under the Wilderness Act 1987.
Wilderness area	Lands (including subterranean lands) declared to be a wilderness area under the Wilderness Act 1987 or the National Parks and Wildlife Act 1974.

Attachment 3 – List of Supporting Documents

- Attachment 4_Historic cultural or natural heritage items.pdf
- EL9399 Stage 2 Site Photos.zip
- Protected Matters MNES layers April 18th 2023.pdf
- · Wilpinjong Complying Exploration Activities Form (Stage 2 additional information).pdf
- Wilpinjong_Exploration Activities_Stage 2_AHIMS.pdf
- Wilpinjong_Exploration Activities_Stage 2_Critical_Habitat_Biodiversity_Value.pdf
- Wilpinjong_Exploration Activities_Stage 2_Eel_Tailed_Catfish.pdf
- Wilpinjong Exploration Activities Stage 2 Site Plan.pdf
- Wilpinjong_Exploration Activities_Stage 2_Threatened_Species.pdf