



Regional  
NSW

## Mining Act undertaking

Undertaking to the Secretary,  
**Regional NSW**  
given for the purposes of Part 17A, Division 4B of the *Mining Act 1992*

by

Narrabri Coal Pty Limited (ACN 107 813 963)  
Narrabri Coal Operations Pty Limited (ACN 129 850 139)

## Mining Act undertaking

### Purpose

The purpose of this Mining Act undertaking is to document the undertaking given to the Secretary of Regional NSW (the regulator), for the purposes of Part 17A, Division 4B of the *Mining Act 1992 (Mining Act)* in connection with a matter relating to a contravention or alleged contravention of the Mining Act.

### Section A - general information

#### 1. details of the company or individual proposing the undertaking

Name of company or individual	Narrabri Coal Pty Limited (ACN 107 813 963)	
Registered address	Level 28, 259 George Street, Sydney NSW 2000	
Mailing address (if different from above)	PO Box R1113, Royal Exchange NSW 1225	
Contact Officer	Brent Baker	
Position	Environmental Superintendent	
Telephone	(02) 6794 4167	Mobile 0488 002 205
Email address	brentbaker@whitehavencoal.com.au	
Legal structure	Australian proprietary company, limited by shares	
Type of business	Part owner of the Narrabri Coal Mine and licence holder of mining lease ML 1609 and exploration lease EL 6243, located near Baan Baa, NSW	
Commencement date of the entity	2 February 2004	
Name of company or individual	Narrabri Coal Operations Pty Limited (ACN 129 850 139)	
Registered address	Level 28, 259 George Street, Sydney NSW 2000	
Mailing address (if different from above)		
Contact Officer	Brent Baker	
Position	Environmental Superintendent	
Telephone	(02) 6794 4167	Mobile 0488 220 205
Email address	brentbaker@whitehavencoal.com.au	
Legal structure	Australian proprietary company, limited by shares	
Type of business	Operator of the Narrabri Coal Mine and mining lease ML 1609 and exploration lease EL 6243, located near Baan Baa, NSW	
Commencement date of the entity	1 April 2008	

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2. alleged contravention

Narrabri Coal Pty Limited (**NCPL**) is one of a number of licence holders of Mining Lease ML 1609 (**ML 1609**) and Exploration Licence No. 6243 (Act 1992) (**EL 6243**).

As at the date of this enforceable undertaking, the licence holders and their respective interest in ML 1609 and EL 6243 are as follows:

Licence holder	% Interest in ML 1609 and EL 6243
Narrabri Coal Pty Limited (ACN 107 813 963)	70%
Upper Horn Investments (Australia) Pty Limited (ACN 129 190 281)	7.5%
Narrabri Coal Australia Pty Limited (ACN 110 262 925)	7.5%
J-Power Australia Pty Limited (ACN 002 307 682)	7.5%
POSCO International Narrabri Investment (ACN 139 088 967)	5%
Kores Narrabri Pty Limited (ACN 138 993 263)	2.5%

Except for NCPL, the regulator has accepted that the remaining licence holders do not need to form part of this enforceable undertaking.

It is alleged that:

- (a) as part of its mining operations on ML 1609 NCPL contravened section 378D(1) of the Mining Act by not complying with conditions of its authorisation; and
- (b) as part of its prospecting operations on EL 6243 NCPL contravened section 378D(1) of the Mining Act by not complying with conditions of its authorisation.

Narrabri Coal Operations Pty Limited (**NCO**) has been engaged by the licence holders to have possession and control of ML 1609 and EL 6243.

It is alleged that, as the manager of ML 1609 and EL 6243 for all the licence holders, NCO has contravened section 378EA of the Mining Act by aiding and abetting NCPL in that it caused or permitted the commission of an offence under the Mining Act.

The licence holders also acknowledge that on 22 August 2019 the regulator suspended the licence holders from undertaking exploration activities on EL 6243.

On 10 August 2020 the regulator revoked the suspension of EL 6243 with immediate effect.

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3. details of the events surrounding the alleged contravention

NCO conducts mining activities on ML 1609 and exploration activities on EL 6243.

ML 1609 and EL 6243 are located approximately 27 kilometres to the south of Narrabri, NSW and approximately 9 kilometres to the north-west of Baan Baa, NSW.

The table below sets further details of the alleged contraventions against NCPL and NCO for ML 1609 and EL 6243:

Allegation #	Tenement	Allegation
1	EL 6243	An access track was cleared between drill pads E318 and E319 in contravention of the approved Review of Environmental Factors dated October 2018 ( <b>2018 REF</b> ).
2	EL 6243	An access track was cleared for access to drill pad E307 in a location different to that approved under the 2018 REF
3	EL 6243	An access track was cleared for access to drill pad E309 in a location different to that approved under the 2018 REF
4	EL 6243	That two bore holes have been drilled on drill pad E259 in a manner inconsistent with the Review of Environmental Factors dated 13 September 2016 ( <b>2016 REF</b> ) and in contravention of the activity approval granted on 19 September 2016 ( <b>2016 Activity Approval</b> ).
5	EL 6243	That an open borehole at drill pad E259 was left in an unsafe manner by leaving the borehole with only a star picket across the exposed hole.
6	EL 6243	Drill pad E266 not rehabilitated in accordance with the 2016 REF and in contravention of the 2016 Activity Approval
7	EL 6243	That exploration activities have been conducted on two site locations in a manner inconsistent with the 2016 REF and in contravention of the 2016 Activity Approval. Borehole E291, also identified as NC798, was drilled at E775757.5 N6615271 when the approved location is E774544 N6615479
8	EL 6243	That exploration activities have been conducted on two site locations in a manner inconsistent with the 2016 REF and in contravention of the 2016 Activity Approval. Borehole E292, also identified as NC799, was drilled at E775810 N6614783 when the approved location is E774544 N6615032
9	EL 6243	A site rehabilitation plan was not prepared as required by the 2018 REF.
10	ML 1609	That borehole NC619C was drilled in February 2015 had not been sealed or secured in accordance with the relevant guidelines.

#### Mining Act undertaking

4. an acknowledgement that the regulator alleged a contravention has occurred

NCPL acknowledges the regulator has alleged it has contravened s 378D(1) of the Mining Act 1992 in connection with the alleged offences set out in the table in section 3 above.

NCO acknowledges the regulator has alleged it has contravened s 378EA of the Mining Act 1992 in that it has aided and abetted NCPL in that it caused or permitted the commission of an offence under the Mining Act.

5. any rectifications made as a result of the contravention

The following rectifications have been undertaken on ML 1609 and EL 6243:

**ML 1609:**

Borehole NC619C was sealed and secured.

**Suspension of EL 6243:**

Actions undertaken by the licence holders to address the Mining Act Suspension Notice for EL 6243 have included:

- (a) engaged an independent third party auditor to undertake a review of:
  - (1) the licence holders' systems and processes for meeting its compliance obligations under the Mining Act 1992 for EL 6243; and
  - (2) the management systems applying to the approval of work to be undertaken at EL 6243 (activity approvals); and
- (b) as a result of those audits, undertook the following rectifications:
  - (1) developed an environmental compliance management standard including the following:
    - (A) the scope of approvals and compliance commitments;
    - (B) the process for updating revised requirements;
    - (C) compliance assessments and responsibility for sign-off;
    - (D) monitoring of compliance requirements; and
    - (E) the process for reporting of non-compliances;
  - (2) reviewed the compliance management system to ensure the following requirements are identified:
    - (A) statutory requirements;
    - (B) compliance requirements within activity approvals;
    - (C) EL 6243 licence conditions;
  - (3) developed an assurance program which reviews the status of compliance on an ongoing basis;
  - (4) updated the permit to work procedure to include:
    - (A) a REF summary table setting out the requirements;
    - (B) guidance as to how exploration activities within EL 6243 are to be planned, statutory approvals and compliance requirements;
    - (C) a requirement that the Narrabri environmental team signs off on all controls required to be implemented as part of the permit to work; and
    - (D) a requirement to confirm that all works in the proposed permit to work are consistent with those included in the approved REF for the works;
  - (5) improved staff handover processes and appropriate transition of roles; and

(6) conducted environmental training detailing the requirements for compliance management. The regulator revoked the suspension on 10 August 2020 with immediate effect.

#### Compliance Concerns:

Actions undertaken by the licence holders to address the allegations of non-compliances set out in section 3 above:

<b>Allegation #</b>	<b>Tenement</b>	<b>Allegation</b>	<b>Rectification Undertaken</b>
1	EL 6243	An access track was cleared between drill pads E318 and E319 in contravention of the approved 2018 REF.	Rehabilitation works have been completed.
2	EL 6243	An access track was cleared for access to drill pad E307 in a location different to that approved under the 2018 REF.	Rehabilitation works have been completed
3	EL 6243	An access track was cleared for access to drill pad E309 in a location different to that approved under the 2018 REF.	Rehabilitation works have been completed
4	EL 6243	That two bore holes have been drilled on drill pad E259 in a manner inconsistent with the 2016 REF and in contravention of the 2016 Activity Approval.	Rehabilitation works have been completed
5	EL 6243	That an open borehole at drill pad E259 was left in an unsafe manner by leaving the borehole with only a star picket across the exposed hole.	Rehabilitation works have been completed
6	EL 6243	Drill pad E266 not rehabilitated in accordance with the 2016 REF and in contravention of the 2016 Activity Approval.	Rehabilitation works have been completed
7	EL 6243	That exploration activities have been conducted on two site locations in a manner inconsistent with the 2016 REF and in contravention of the 2016 Activity Approval. Borehole E291, also identified as NC798, was drilled at E775757.5 N6615271 when the approved location is E774544 N6615479.	Rehabilitation works have been completed

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<b>8</b>	EL 6243	That exploration activities have been conducted on two site locations in a manner inconsistent with the 2016 REF and in contravention of the 2016 Activity Approval. Borehole E292, also identified as NC799, was drilled at E775810 N6614783 when the approved location is E774544 N6615032.	Rehabilitation works have been completed
<b>9</b>	EL 6243	A site rehabilitation plan was not prepared as required by the 2018 REF.	A site rehabilitation plan was prepared and submitted to the regulator.
<b>10</b>	ML 1609	That borehole NC619C was drilled in February 2015 had not been sealed or secured in accordance with the relevant guidelines.	Sealing and securing of borehole NC619C have been completed

All the disturbed sites have been rehabilitated at a cost of approximately \$37,650. The rehabilitation of the disturbed sites does not form part of this enforceable undertaking.

**Ongoing compliance management improvements:**

In addition to the rectification actions outlined above, strategies to improve the capacity for effective environmental compliance management of the site, that will form part of the ongoing normal operations include:

- (a) significant structural changes within the Environmental Department:
    - (1) elevated the position of Environmental Superintendent to report directly to the site General Manager. The Environmental Superintendent now forms part of the site senior leadership team, which allows for an appropriate forum for regular discussion of environmental compliance matters affecting the operation.
    - (2) obtained internal financial approval for a new permanent position for the site Environmental team. The Environmental Compliance Officer position has been successfully filled. This role reports to the Environmental Superintendent and has responsibility for administering the updated compliance management systems at the mine.
  - (b) development of a comprehensive environmental training packages to cover all facets of environmental management of the operation. This training has been delivered to relevant existing personnel, and now forms part of the Generic Induction required to be completed by all new employees and contractors commencing work at the mine. The costs incurred in the development of this training is approximately \$24,000, and does not form part of this enforceable undertaking.
6. an acknowledgement that the undertaking and reasons for decision will be published and publicised

NCPL and NCO acknowledge that the undertaking and reasons for decision will be published on the regulator's website and may be referenced in NSW Resources Regulator material.

NCPL and NCO acknowledge that this enforceable undertaking may be publicised in newspapers or other publications (where applicable, as specified in Section B – enforceable terms).

7. a statement of ability to comply with the terms of the undertaking

NCPL and NCO have the resources and financial ability to comply with the terms of this enforceable undertaking and have provided evidence with this undertaking to support this declaration.

**Contact person:**

NCPL and NCO nominate Brent Baker as the contact officer who will be responsible for monitoring and complying with this enforceable undertaking. The contact officer will report to the Department in accordance with the reporting requirements of this enforceable undertaking.

The contact officer's contact details are:

- (a) mobile: 0488 002 205
- (b) email: brentbaker@whitehavencoal.com.au

NCPL and NCO will notify the department in writing within 7 days of a change of contact officer responsible for monitoring this enforceable undertaking.

**Compliance:**

NCPL and NCO fully understand they are jointly liable to the terms of this enforceable undertaking and that NCO is authorised to manage compliance with this enforceable undertaking.

NCPL and NCO understand that a failure of NCO to adhere to the terms of this enforceable undertaking may result in additional enforcement action against each of the participants of this enforceable undertaking.

8. statement regarding relations with beneficiaries

NCPL and NCO acknowledge that there are no known current relationships with any of the beneficiaries outlined in the enforceable undertaking.

9. intellectual property licence

NCPL and NCO grant the regulator a permanent, irrevocable, royalty-free, world-wide, non-exclusive licence to use, reproduce, publish, distribute, electronically transmit, electronically distribute, adapt and modify materials developed as a result of this enforceable undertaking.

10. a commitment to participate constructively in all compliance monitoring activities of the undertaking

NCPL and NCO acknowledge that responsibility for demonstrating compliance with this enforceable undertaking rests with each of the companies who have given this enforceable undertaking. Evidence to demonstrate compliance with the terms will be provided to the regulator by the due date for the term.

NCPL and NCO acknowledge that the regulator may undertake other compliance monitoring activities to verify the evidence that is provided and compliance with the relevant terms of this enforceable undertaking. The evidence provided to demonstrate compliance with the enforceable undertaking will be retained on secure file servers by NCO until advised by the regulator that the enforceable undertaking has been completely discharged.

NCPL and NCO acknowledge that the regulator may initiate additional compliance monitoring activities of compliance with the terms of the enforceable undertaking, such as inspections, as considered necessary at NCPL's and NCO's expense.

11. a commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur

NCPL and NCO jointly and severally commit that the behaviour that led to the alleged contravention has ceased and will not reoccur.

The activities undertaken by NCPL and NCO as set out in section 5 above have been undertaken to ensure the activities that gave rise to the alleged contraventions will not reoccur.



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12. acknowledgement of enforceable undertaking guidelines

NCPL and NCO have read and understood:

*NSW Resources Regulator Enforceable Undertaking Guidelines version August 2020*

## Section B – enforceable terms

Pursuant to Division 4B of Part 17 of the *Mining Act 1992*, NCPL and NCO have committed to the following enforceable terms.

### 1. Publication of information about the undertaking

NCPL and NCO must, within 30 days of receiving notification from the regulator of the acceptance of the enforceable undertaking, cause a public notice to be published in the Northern Daily Leader and Sydney Morning Herald which will be drafted using the script provided in Attachment A.

NCPL and NCO must, within 14 days after the publication of the notices, provide to the regulator copies of the published notices.

### 2. A commitment to disseminate information about the undertaking to workers, and other relevant parties (which may include work health and safety representatives)

NCPL and NCO must jointly disseminate information by implementing the following:

- (a) within 30 days of receiving notification from the regulator of the acceptance of the enforceable undertaking, issue a written communication to all Whitehaven Coal workers Australia-wide in relation to the enforceable undertaking. The written communication will provide information about the enforceable undertaking and the initiatives;
- (b) display a summary of the enforceable undertaking on all mine, mine office and contractor notice boards at the Mine for a period of at least 30 days commencing within 30 days of receiving notification from the regulator of the acceptance of the enforceable undertaking;
- (c) review the implementation and progress of the enforceable undertaking each month at the Site Leadership Team meeting.

The reviews in paragraph (c) must continue throughout the life of the enforceable undertaking.

With respect to paragraphs (a) and (b), NCPL and NCO must, within 14 days after the completion of the respective communications, provide the regulator with evidence of the communications.

With respect to paragraph (c), NCPL and NCO must, every 6 months for the duration of this enforceable undertaking, provide the regulator with redacted versions of the minutes of the Site Leadership Team meeting.

### 3. Strategies that will deliver benefits in relation to the management of the title

NCPL's and NCO's commitment to deliver an integrated remote sensing GIS system as described below goes beyond their compliance obligation and reporting requirements (including those included in the proposed Mining Amendment Rehabilitation Regulation), as it provides a better analytical capability by:

- (a) not focusing on the required static reporting of planned disturbance/rehabilitation/final landform areas, rather it fosters the creative application of remote sensing technology and analytical thinking to interpret the results to enable targeted and rapid response to emerging trends in environmental spatial data, with a focus on improving environmental performance; and
- (b) multispectral imagery which will be captured at an increased frequency, whereas the current obligations only requires annual imagery.

As a result of the incident and the reviews undertaken NCPL and NCO have identified areas for improvement with respect to the management of spatial data associated with the site environmental management. It is therefore proposed by NCPL and NCO as part of this enforceable undertaking to invest in the tools and training required to build a sustainable, effective and innovative Geographic Information System (GIS). NCPL and NCO will work with the industry experts in this field, ESRI Australia, to ensure the relevant NCPL and NCO team members are appropriately trained, and that the site geodatabase is established to best practice industry standards; this first step is critical to ensure the process and tools form the foundation for success in further innovation.

Following the establishment of the foundation GIS systems and skills, NCPL and NCO will investigate and implement innovative GIS capture and analytical tools. This will be achieved through the application of unmanned aerial vehicles (UAV's) coupled with remote sensing technology to capture imagery and data for analysis within the site GIS database.

The high-resolution imagery captured by the UAV multispectral sensors has the potential for application across a number of key environmental risk areas, including;

- (a) Measure the health of rehabilitation and catch early indicators of disease, pests, and weeds through analysis of NDVI (normalized difference vegetation index) captured using multi-spectral sensors.
- (b) Identifying water flows, discharges or subsidence induced ponding via thermal infrared sensors.
- (c) Increase efficiencies and reduce hazards to personnel through the remote inspection of areas of interest (such as Cultural Heritage sites or areas of forest rehabilitation where timber has been respread across access tracks).

NCPL and NCO currently engage external consultants to undertake the environmental monitoring and analysis of GIS data required under site approvals, which is generally completed on a seasonal basis and for some elements only once per year. Utilising this enforceable undertaking to invest in the tools and training to build a sustainable, effective and innovative site GIS platform will allow for improvements in environmental performance outcomes. This will be achieved through the application of innovative remote sensing environmental monitoring technology at increased scale and frequency, enabling early intervention where unfavourable emerging trends are identified in environmental data (i.e. revegetation performance). The UAV and remote sensing technology when coupled with advanced analytical skills will deliver environmental monitoring results over and above what is required by the site approvals. The processes developed by the site team in delivering this component of the enforceable undertaking are likely to continue to foster collaborative and innovative application of remote sensing technology, which may have the potential to benefit other Whitehaven Coal operations.

It is therefore proposed by NCPL and NCO an innovative GIS to be managed by the Environmental department.

NCPL and NCO will:

- (a) Train staff members of the Narrabri Mine's Environment Department in the effective application of ESRI ArcGIS software via a learning pathway developed with ESRI Australia, within 12 months after the date this enforceable undertaking has been accepted by the regulator.  
*The minimum cost of the above training is to be \$30,000*
- (b) Engage ESRI Learning and Services Unit (i.e. professional GIS consultant) for a minimum of 80 hours on-site at the Narrabri Mine to develop the framework for a comprehensive and sustainable geodatabase within 12 months after the date this enforceable undertaking has been accepted by the regulator.  
*The cost of the above services is \$19,000 (ex GST)*
- (c) Source and commission the UAV and remote sensing equipment within 12 months after the date this enforceable undertaking has been accepted by the regulator.  
*The cost of the necessary equipment is estimated at \$40,000 (ex GST)*
- (d) Within 13 months after the date this enforceable undertaking has been accepted by the regulator provide the regulator with a report detailing:
  - (1) the content, training date(s), attendee details and invoices for the training required to be undertaken in accordance with paragraph (a);
  - (2) invoices associated with the provision of services in accordance with paragraph (b); and
  - (3) invoices associated with the acquisition of equipment in accordance with paragraph (c).

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- (e) Within 18 months after the date this enforceable undertaking has been accepted by the regulator provide the regulator with a report detailing the remote sensing applications implemented and how they have improved the potential for environmental performance outcomes.

### 4. Strategies that will deliver industry benefits

The NSW Minerals Council (NSWMC) provides a united voice for mineral explorers, producers, operators and associated service providers in NSW. In 2013 the NSWMC released a handbook (*NSW Minerals Industry Exploration Handbook: Leading Practice for NSW explorers*) to help companies understand their environmental and community responsibilities, and to provide an overview of the factors that need to be considered when planning, conducting, monitoring, rehabilitating and reporting on exploration activities.

NCPL and NCO have undertaken consultation with NSWMC on potential initiatives to deliver benefits to industry that could be delivered through this enforceable undertaking.

The NSWMC has agreed to utilise the funding to be provided as part of this enforceable undertaking towards project works that will provide the industry with further guidance on leading practice in exploration.

The final scope of that guidance will be determined by an Industry Working Group which will include a representative of NCPL/NCO.

Despite NCPL's/NCO's involvement in the Industry Working Group, NCPL's and NCO's obligation under this enforceable undertaking is to provide \$50,000 in funding to the NSWMC for it to provide further guidance on leading practice in exploration to the industry.

NCPL and NCO will provide the funding to the NSWMC within 3 months after the date this enforceable undertaking has been accepted by the regulator.

NCPL and NCO must, within 14 days after the respective payment has been made, provide the regulator with evidence of the payment.

### 5. Strategies that will deliver community benefits

- (a) In 1992, Gunnedah was declared the Koala Capital of the World, due to the population density of the koala, however since then the koala population has declined dramatically. The Gunnedah Koala Park is an initiative to create a focal point for the community and provide the region with critical Koala care, conservation, education and community engagement that is necessary and currently absent. Estimates have shown the koala park is likely to attract about 70,000 visitors each year and inject millions into the local economy.

The Gunnedah Koala Park project has secured funding through the NSW Government's Regional Social Benefit Infrastructure Fund. The preferred location for the project has been approved and the park site and infrastructure will be owned by Gunnedah Shire Council. Council have signed a memorandum of understanding with an experienced operator in CaPTA Group, and following establishment it is envisaged the park will operate through a lease with a non-profit organisation made up of the appointed operator and local representatives. The project will proceed when sufficient long-term sponsors are available to ensure operational sustainability. NCO wish to contribute to this important community initiative via the Enforceable Undertaking. NCO will, within 6 months after the date this enforceable undertaking has been accepted by the regulator, contribute \$150,000 to the Gunnedah Shire Council to be held in trust until required to assist with the park operational costs. If the project does not proceed within 12 months after the date this enforceable undertaking has been accepted by the regulator, the funds provided will be available for the Gunnedah Shire Council to use on other environmental projects at its discretion.

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- (b) The Narrabri Mine is located in close proximity to the Pilliga Scrub, a forest that spans more than half a million hectares and features 2,000km of public access trails. NCO have consulted with groups operating within the Pilliga on opportunities for financial contributions that can aid in improving environmental outcomes within the Pilliga, and wish to use this Enforceable Undertaking to deliver the following community initiative. NCO will, within 3 months after the date this enforceable undertaking has been accepted by the regulator, contribute \$50,000 to the Australian Wildlife Conservancy in support of its Endangered Mammal Reintroduction Program in the Pilliga. The funds will be applied towards the planning and construction of an Operations Base. This essential infrastructure is necessary to enable the field team to deliver a nationally significant reintroduction program that will see nationally threatened, regionally extinct mammal species (including the Greater Bilby and Bridled Nail Tail Wallaby) restored to the Pilliga.

The above commitments are over and above NCPL's and NCO's compliance obligation in that it is not essential for the exploration activities conducted under the tenement.

NCPL and NCO must, within 14 days after each of the above payments have been made, provide the regulator with evidence of the payment.

### 6. Reimbursement of the regulator's agreed costs associated with this enforceable undertaking

NCPL and NCO must pay the regulators recoverable costs associated with this enforceable undertaking, as itemised below, and acknowledges that payment is due 30 days after receipt of the regulator's invoice.

\$203,500 (ex GST)

NCPL and NCO must, within 14 days after the payment has been made, provide the regulator with evidence of the payment.

### 7. Minimum spend

NCPL and NCO jointly must spend a minimum of \$542,500, excluding GST, in carrying out their undertakings in this enforceable undertaking, inclusive of the regulator's recoverable costs.

NCPL and NCO jointly and severally acknowledge the minimum spend comprises of:

Activities to deliver	Total estimated cost, excluding GST
Benefits in relation to the management of the title	\$89,000
Benefits to industry	\$50,000
Benefits to community	\$200,000
Regulator recoverable costs	\$203,500
<b>Estimated total value of the undertaking</b>	<b>\$542,500</b>

NCPL and NCO will jointly fund the financial contributions in this enforceable undertaking.

### 8. Project of undertaking

Where a project or projects are proposed to deliver benefits in relation to the management of the title, industry and community NCPL and NCO offer and commit to carry out the projects set out above.

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9. Timeframe for delivery

The activities to deliver the benefits of this enforceable undertaking must be completed on or before 18 months following acceptance of this enforceable undertaking by the regulator.

Strategy	Timeframe for completion
<p>Train staff members of the NCO Environment Department in the effective application of ESRI ArcGIS software via a learning pathway developed with ESRI Australia, to a minimum spend of \$30,000.</p>	<p>12 months after the enforceable undertaking has been accepted by the regulator.</p>
<p>Engage ESRI Learning and Services Unit (i.e. professional GIS consultant) for a minimum of 80 hours on-site at the Narrabri Mine to develop the framework for a comprehensive and sustainable geodatabase.</p>	<p>12 months after the enforceable undertaking has been accepted by the regulator.</p>
<p>Source and commission the UAV and remote sensing equipment.</p>	<p>12 months after the enforceable undertaking has been accepted by the regulator.</p>
<p>Provide the regulator with a report detailing:</p> <ol style="list-style-type: none"> <li>(1) the content, training date(s), attendee details and invoices for the training;</li> <li>(2) invoices associated with the provision of services described above; and</li> <li>(3) invoices associated with the acquisition of equipment described above.</li> </ol>	<p>13 months after the enforceable undertaking has been accepted by the regulator.</p>
<p>Provide the regulator with a report detailing the remote sensing applications implemented and how they have improved the potential for environmental performance outcomes.</p>	<p>18 months after the enforceable undertaking has been accepted by the regulator.</p>
<p>Provide \$50,000 in funding to the NSW Minerals Council for the purpose of providing further guidance on leading practice in exploration to the industry.</p> <p>Evidence of the payment to be provided within 14 days after the payment has been made.</p>	<p>3 months after the enforceable undertaking has been accepted by the regulator.</p>
<p>Contribute \$150,000 to the Gunnedah Shire Council, to be held in trust until required to assist with the Koala Park's operational costs.</p> <p>Evidence of the payment to be provided within 14 days after the payment has been made.</p> <p>If the project does not proceed within 12 months after the date this enforceable undertaking has been accepted by the regulator, the funds provided will be available for the Gunnedah Shire Council to use on other environmental projects at its discretion.</p>	<p>6 months after the enforceable undertaking has been accepted by the regulator.</p>

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Contribute \$50,000 to the Australian Wildlife Conservancy in support of its Endangered Mammal Reintroduction Program in the Pilliga.

Evidence of the payment to be provided within 14 days after the payment has been made.

3 months after the enforceable undertaking has been accepted by the regulator.

Section C - Offer of undertaking

**BY A CORPORATION**

As a duly appointed and authorised officer or agent of

Narrabri Coal Pty Limited (ACN 107 813 963)

I offer this undertaking and commit

Narrabri Coal Pty Limited (ACN 107 813 963)

to the terms herein.

Signed: 

[Director]

Name: GENARO LINOS  
[Print name]

Position: Director

Dated at NARRABRI this

29<sup>th</sup> day of OCTOBER, 2020

Signed: 

[Director or company secretary]

Name: IAN HUMPHRIS  
[Print name]

Position: DIRECTOR

Dated at BOGGABRI this

29 day of OCTOBER, 2020

**BY A CORPORATION**

As a duly appointed and authorised officer or agent of

Narrabri Coal Operations Pty Limited (ACN 129 850 139)

I offer this undertaking and commit

Narrabri Coal Operations Pty Limited (ACN 129 850 139)

to the terms herein.

Signed: 

[Director]

Name: GENARO LINOS  
[Print name]

Position: Director

Dated at NARRABRI this

29<sup>th</sup> day of OCTOBER, 2020

Signed: 

[Director or company secretary]

Name: IAN HUMPHRIS  
[Print name]

Position: DIRECTOR

Dated at BOGGABRI this

29 day of OCTOBER, 2020



**Section D – Regulator’s acceptance of undertaking**

I accept this undertaking as an enforceable undertaking under section 378ZFB of the *Mining Act 1992*.

Signed: .....

Position: ..... delegate of the Secretary, Regional NSW

Dated at .....this .....day of ..... 20.....

## Attachment A

(This attachment is incorporated in and considered part of the enforceable undertaking given by NCPL and NCO for the purposes stated herein, and are enforceable terms given under section B of the enforceable undertaking by NCPL and NCO)

### Public Notice of regulator's acceptance of Enforceable Undertaking

#### Notice of acceptance of an enforceable undertaking under Part 17A of the Mining Act 1992

Narrabri Coal Pty Limited (**NCPL**) is one of a number of licence holders of mining lease (**ML**) 1609 and exploration lease (**EL**) 6243.

The licence holders of ML 1609 and EL 6243 have engaged Narrabri Coal Operations Pty Limited (**NCO**) to have possession and control of the Narrabri Coal Mine comprising ML 1609 and the exploration project comprising EL 6243.

The NSW Resources Regulator (a division of Regional NSW) investigated a number of alleged contraventions of the activity approvals granted under ML 1609 and EL 6243 and has alleged NCPL and NCO have breached s 378D of the Mining Act 1992 (the **Mining Act**) by failing to comply with the activity approvals.

NCPL and NCO have jointly entered into an enforceable undertaking with Regional NSW in relation to the alleged contraventions (**Enforceable Undertaking**).

This notice has been published under the terms of the Enforceable Undertaking and acknowledges acceptance of an undertaking, which is enforceable under the Mining Act.

The Enforceable Undertaking requires the following actions:

- (a) Implement major improvements to the geographical information system (**GIS**) capabilities of the Environment team in order to maximise the potential for innovative applications that modern integrated GIS platforms can offer.
- (b) Provide funding to the NSW Minerals Council's towards project works to provide further guidance to the industry on leading practice in exploration.
- (c) Contribute funding towards a Gunnedah Koala Park.
- (d) Contribute funding to the Australian Wildlife Conservancy in support of its Endangered Mammal Reintroduction Program in the Pilliga.

The total value of the Enforceable Undertaking is \$542,500.

The full Enforceable Undertaking and general information about undertakings is available at [www.resourcesregulator.nsw.gov.au](http://www.resourcesregulator.nsw.gov.au).