



**NSW  
Resources  
Regulator**

ARR0001099

# **BADGERYS CREEK QUARRY - PGH ANNUAL REHABILITATION REPORT**

Wednesday 4 May 2022 to Wednesday 3 May 2023

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## Summary table

DETAIL	
<b>Mine</b>	Badgerys Creek Quarry - PGH
<b>Reference</b>	ARR0001099
<b>Annual report period commencement date</b>	Wednesday 4 May 2022
<b>Annual report period end date</b>	Wednesday 3 May 2023
<b>Forward program</b>	FWP0001007
<b>Mining leases</b>	ML 1771 (1992)
<b>Lease holder(s)</b>	PGH Bricks & Pavers Pty Ltd
<b>Contact</b>	Sinead Kelly
<b>Date of submission</b>	Tuesday 1 August 2023

## Important

The department may make the information in your report and any supporting information 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 report to be confidential, please communicate this to the department via the message function on this submission within the NSW Resources Regulator Portal.

## Mine details

### Project description

The Badgerys Creek Clay/Shale Mine is located at 235 Martin Road, in the Liverpool City Council Government Area, Bradfield (Formerly Badgerys Creek) NSW. The site is approximately 17km SSE of Penrith). The site has received a modification of its existing project approval which includes the commencement of rehabilitation works on depleted quarry pits with the final land use being 'Enterprise Zone' under the aerotropolis zone. Mining will occur concurrently with the Phase 1 and 2 Rehabilitation works as described in the EIS. The site is permitted to extract 420,000 tonnes pa from the extraction of Pit 3 during Phase 1 & 2 of the project. Mod 5 allows mining to occur until 27th September 2031.

### Life of mine

8 years

### Current development consents, leases and licences

#### Development consents granted under the *Environmental Planning and Assessment Act 1979*

10-0014 (Mod 5)  
10-0014 (Mod 5)  
10-0014 (Mod 5)  
10-0014 (Mod 5)  
10-0014 (Mod 5)  
10-0014 (Mod 5)  
10-0014 (Mod 5)  
10-0014 (Mod 5)  
10-0014 (Mod 5)  
10-0014 (Mod 5)  
10-0014 (Mod 5)

#### Authorisations covering the mining area granted under the *Mining Act 1992*

ML 1771 (1992)

**Any other approvals, licences, or authorities issued by government agencies that are relevant to the progress of mining operation and rehabilitation activities**

**Summary of the scope and/or purpose of the new applications or modifications to existing approvals (if applicable)**

10-0014 (Mod 5 ) is the current development consent. With the high demand for fill material within the Sydney Metropolitan region due to the number of major infrastructure projects underway, Virgin Excavated Natural Material (VENM) was more scarce than originally anticipated. To allow some flexibility to continue with the project, modification 5 was submitted to allow importation of Excavated Natural Material (ENM) as fill, as well as VENM. The condition regarding receival storage and dispatch of brickmaking materials was also modified to remove the end date. This modification was approved in January 2022.

**Changes to land ownership and land use**

No changes during the reporting period.

# Surface disturbance and rehabilitation activities during the reporting period

## Surface disturbance and rehabilitation activities that were conducted and an analysis of the progress against the rehabilitation schedule

No new surface disturbance or rehabilitation activities occurred during the reporting period.

## Rehabilitation planning activities that were conducted, including any specialist studies

Cut/Fill designs of the proposed final landform are underway but not in final format to date.

## Overview of subsidence repair and/or remediation works undertaken

Not applicable.

## Overview of rehabilitation management and maintenance activities

During the March 2022 NSW floods Basin A, adjacent Pit 1, failed and required reconstruction. The capacity of Basin A was increased and a secondary treatment High Efficiency Basin (Basin B surcharge) was also constructed to provide additional surge capacity. These construction works were completed in October 2022.

## Details of any rehabilitation actions taken as required by any letters, notices or directions issued by government agencies, including the NSW Resources Regulator

No correspondence regarding rehabilitation was received during the reporting period.

## Details of any rehabilitation areas that have achieved the final land use

No areas of the mining lease have fulfilled their rehabilitation obligations to date.

**Key production milestones**

<b>MATERIAL</b>	<b>UNIT</b>	<b>FWP0001007 YEAR 1</b>	<b>THIS REPORT</b>
<b>Stripped topsoil</b> <small>(if applicable)</small>	(m <sup>3</sup> )	0	0
<b>Rock/overburden</b>	(m <sup>3</sup> )	25,000	0
<b>Ore</b>	(Mt)	0.21	0
<b>Reject material<sup>1</sup></b>	(Mt)	0	0
<b>Product</b>	(Mt)	0	0

<sup>1</sup> This includes coarse rejects, tailings and any other wastes resulting from beneficiation.

## Disturbance and rehabilitation statistics

### Current disturbance and rehabilitation progression

ELEMENT	UNIT	THIS REPORT
A Total surface disturbance footprint	(ha)	65.27
B Total active disturbance	(ha)	62.97
C Land prepared for rehabilitation	(ha)	0
D Ecosystem and land use establishment	(ha)	0
E Ecosystem and land use development	(ha)	2.3
F Rehabilitation completion	(ha)	0

### Rehabilitation key performance indicators (KPIs)

ELEMENT	UNIT	THIS REPORT
G Total new active disturbance area	(ha)	NA - this value will display after 2nd year ARR submission as calculation relies on comparison between sequential yearly ARR data
H New rehabilitation commenced during annual reporting period	(ha)	NA - this value will display after 2nd year ARR submission as calculation relies on comparison between sequential yearly ARR data
I Established rehabilitation	(ha)	2.3
J Annual rehabilitation to disturbance ratio	%	NA - this value will display after 2nd year ARR submission as calculation relies on comparison between sequential yearly ARR data
K Rehabilitated land to total mine footprint	%	3.52



## Progressive achievement of established rehabilitation

ELEMENT	UNIT	THIS REPORT
L Established rehabilitation - agricultural final land uses	%	0
M Established rehabilitation - native ecosystem final land uses	%	0
N Established rehabilitation - other/non-vegetated final land uses	%	100

## Variation to the rehabilitation schedule

### Identify the components of the most recent forward program that were not achieved

No rehabilitation was undertaken during the reporting period while the final landform is under discussion.

### Key factors that delayed progressive rehabilitation

The key factor is uncertainty of the final landform which effects scheduling of mining/rehabilitation from a planning perspective.

### Outline actions that will be included in the forward program and carried out to minimise disturbance and undertake progressive rehabilitation as far as reasonably practical

To be advised once final landform and schedule to develop final landform is formulated.

# Rehabilitation monitoring and research findings

## Rehabilitation monitoring

**The rehabilitation monitoring carried out in the annual reporting period**

No specific monitoring or specialist reporting was undertaken during the reporting period.

## Status of performance against rehabilitation objectives and rehabilitation completion criteria

**The monitoring program that has been implemented**

The Rehabilitation Objectives and Final Landform and Rehabilitation Plan have been re-submitted in July 2023 and will require review and acceptance. Once accepted and rehabilitation monitoring has commenced against these objectives, the next ARR will address the rehabilitation progress.

**Are all rehabilitation areas in Landform Establishment phase or higher represented in the monitoring program to assess performance against the rehabilitation objectives and approved or, if not yet approved rehabilitation completion criteria and final landform and rehabilitation plan?**

NO

**Year rehabilitation areas will be included as part of the monitoring program**

2025

**An appraisal of whether rehabilitation is moving towards achieving the proposed rehabilitation objectives, approved or, if not yet approved, rehabilitation completion criteria and final landform and rehabilitation plan as soon as reasonably practicable.**

The final landform is under discussion at the time of this report, and no rehabilitation was undertaken during the reporting period for this ARR. It is reasonable for little rehabilitation to have occurred while the final landform is still under discussion internally with the lease holders/operators.

**Appraisal description**

Rehabilitation is moving towards achieving the final land use as soon as reasonably practicable.

**Rehabilitation monitoring program findings**

No rehabilitation was undertaken during the reporting period while the final landform is under discussion.

**Performance issues and their causes including identification of any knowledge gaps that must be addressed**

Nil

## Outcomes of rehabilitation research and trials

RRT NUMBER	PROJECT/TRIAL NAME	OBJECTIVE OF TRIAL/PROJECT	METHODOLOGY	EXPECTED DATE OF COMPLETION	UPDATEDDATE OF COMPLETION	STATUS	ON TRACK?	ON TRACK UPDATE
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**Outcomes of completed trials and research**

N/A

## Attachment 1 – Reporting Definitions

REPORTING CATEGORY	DEFINITION
<p><b>A1</b> Total disturbance footprint – surface disturbance</p>	<p>All areas within a mining lease that either have at some point in time or continue to pose a rehabilitation liability due to surface disturbance activities.</p> <p>The total disturbance footprint is the sum of the total active disturbance, decommissioning, landform establishment, growth medium development, ecosystem and land use establishment, ecosystem and land use development and rehabilitation completion (see definitions below).</p> <p>Underground mining operations should not include the footprint of underground mining areas/subsidence management areas in the total disturbance footprint.</p>
<p><b>A2</b> Underground Mining Area</p>	<p>Underground mining operations areas/subsidence management areas.</p>
<p><b>B</b> Total active disturbance</p>	<p>Includes on-lease exploration areas, stripped areas ahead of mining, infrastructure areas, water management infrastructure, sewage treatment facilities, topsoil stockpile areas, access tracks and haul roads, active mining areas, waste rock emplacements (active/unshaped/in or out-of-pit), tailings dams (active/unshaped/uncapped) and temporary stabilised areas (e.g. areas sown with temporary cover crops for dust mitigation and temporary rehabilitation).</p>
<p><b>C</b> Rehabilitation – land preparation</p>	<p>Includes the sum of all disturbed land within a mining lease that have commenced any, or all, of the following phases of rehabilitation– decommissioning, landform establishment and growth medium development.</p> <p>Refer to the glossary of terms in this document for the definition of these phases of rehabilitation.</p>

REPORTING CATEGORY	DEFINITION
<p><b>D</b> Ecosystem and land use establishment</p>	<p>Includes the area which has been seeded/planted with the target vegetation species for the intended final land use. However, vegetation has not matured to a stage where it can be demonstrated that it will be sustainable for the long term and or require only a maintenance regime consistent with target reference/analogue sites.</p> <p>Typically, rehabilitation areas would be in this phase for at least two years (and usually more) before rehabilitation can be classified as being in the ecosystem and land use development phase. This phase does not apply to infrastructure areas that are being retained as part of final land use for the site.</p>
<p><b>E</b> Ecosystem and Land Use Development</p>	<p>Rehabilitation has matured to a level where target revegetation outcomes are on a trajectory towards meeting the final rehabilitation objectives and rehabilitation completion criteria (as verified by monitoring).</p> <p>This phase includes infrastructure areas that are to be retained for an approved post mining land use, following completion of all necessary measures to render the infrastructure fit for this purpose (for example structural integrity).</p>
<p><b>F</b> Rehabilitation Completion</p>	<p>The NSW Resources Regulator has determined in writing that the mining area has achieved the approved rehabilitation objectives and approved rehabilitation completion criteria and final landform and rehabilitation plan following the submission of <i>Form: ESF2 Rehabilitation completion and/or review of rehabilitation cost estimate and/or notification of mine or petroleum site closure</i>.</p>
<p><b>G</b> New active disturbance area</p>	<p>The area of any new active disturbance that has been created during the annual reporting period (definition A1 in Table 5).</p>
<p><b>H</b> New rehabilitation commenced during annual reporting period</p>	<p>The sum of any new rehabilitation commenced in the annual reporting period. These areas may be in the rehabilitation land preparation phase or the ecosystem &amp; land use establishment phase (definitions C and D in Table 5).</p>
<p><b>I</b> Established rehabilitation (hectares)</p>	<p>The total area of land that is verified to be within either the ecosystem and land use development phase or the rehabilitation completion phase (definitions E &amp; F in Table 5).</p>

REPORTING CATEGORY		DEFINITION
<b>J</b>	Annual rehabilitation to disturbance ratio	The rehabilitation to disturbance ratio (H/G) indicates how many hectares of new rehabilitation are undertaken for each hectare of land disturbed during the year. A ratio of 1/1 indicates that the area of new rehabilitation and disturbance in that year are the same.
<b>K</b>	% Rehabilitated land to total mine footprint	The proportion of the total mine footprint (area of land that has been disturbed by past or present surface disturbance activities) that has established rehabilitation ( $I/A1 \times 100$ ). For open cut mining, the proportion of the total mine footprint verified to be “established rehabilitation” should substantially increase as an operation progresses towards mine closure.
<b>L</b>	Established rehabilitation for agricultural final land uses (hectares)	The percentage of total area of land that is verified to be within either the ecosystem and land use development phase or the rehabilitation completion phase (definitions E & F in Table 5) that have been returned to an agricultural final land use.
<b>M</b>	Established rehabilitation for native ecosystem final land uses (hectares)	The percentage of total area of land that is verified to be within either the ecosystem and land use development phase or rehabilitation completion phase (definitions E & F in Table 5) that have been returned to native ecosystem final land use.
<b>N</b>	Established rehabilitation for other/non-vegetated final land uses (hectares)	The percentage of total area of land that is verified to be within either the ecosystem and land use development phase or the rehabilitation completion phase (definitions E & F in Table 5) that have been returned to other/non-vegetated final land use.



## Attachment 2 – Definitions

WORD	DEFINITION
<b>Active</b>	In the context of rehabilitation, land associated with mining domains is considered ‘active’ for the period following disturbance until the commencement of rehabilitation.
<b>Active mining phase of rehabilitation</b>	In the context of rehabilitation, the active mining phase of rehabilitation constitutes the rehabilitation activities undertaken during mining operations such as salvaging and managing soil resources, salvaging habitat resources, and native seed collection. This phase also includes management actions taken during operations to manage risks to rehabilitation and enhance rehabilitation outcomes such as selective handling of waste rock and management of tailings emplacements.
<b>Analogue site</b>	In the context of rehabilitation, an analogue site is a ‘reference site’ that represents an example of the defining characteristics (such as vegetation composition and structure or agricultural productivity) of the final land use. Characteristics of analogue sites can be assessed to develop the rehabilitation objectives and completion criteria for final land use domains.
<b>Annual rehabilitation report and forward program</b>	As described in the Mining Regulation 2016.
<b>Annual reporting period</b>	As defined in the Mining Regulation 2016.
<b>Closure</b>	A whole-of-mine-life process, which typically culminates in the relinquishment of the mining lease. It includes decommissioning and rehabilitation to achieve the approved final land use(s).
<b>Decommissioning</b>	The process of removing mining infrastructure and removing contaminants and hazardous materials.
<b>Decommissioning Phase of Rehabilitation</b>	Activities associated with the removal of mining infrastructure and removal and/or remediation of contaminants and hazardous materials. In the context of the rehabilitation management plan this phase of rehabilitation may also include studies and assessments associated with decommissioning and demolition of infrastructure or works carried out to make safe or ‘fit for purpose’ built infrastructure to be retained for future use(s) following lease relinquishment.

<b>WORD</b>	<b>DEFINITION</b>
<b>Department</b>	The Department of Regional NSW.
<b>Disturbance</b>	See Surface Disturbance.
<b>Disturbance area</b>	<p>An area that has been disturbed and that requires rehabilitation.</p> <p>This may include areas such as on-licence exploration areas, stripped areas ahead of mining, infrastructure areas, water management infrastructure, sewage treatment facilities, topsoil stockpile areas, access tracks and haul roads, active mining areas, waste emplacements (active/unshaped/in or out-of-pit), tailings dams (active/unshaped/uncapped), and areas requiring rehabilitation that are temporarily stabilised (i.e. managed to minimise dust generation and/or erosion).</p>
<b>Domain</b>	<p>An area (or areas) of the land that has been disturbed by mining and has a specific operational use (mining domain) or specific final land use (final land use domain). Land within a domain typically has similar geochemical and/or geophysical characteristics and therefore requires specific rehabilitation activities to achieve the associated final land use.</p>
<b>Ecosystem and Land Use Development</b>	<p>This phase of rehabilitation consists of the activities to manage maturing rehabilitation areas on a trajectory to achieving the approved rehabilitation objectives and completion criteria.</p> <p>For vegetated land uses this phase may include processes to develop characteristics of functional self-sustaining ecosystems, such as nutrient recycling, vegetation flowering and reproduction, and increasing habitat complexity, and development of a productive, self-sustaining soil profile.</p> <p>This phase of rehabilitation may include specific vegetation management strategies and maintenance such as tree thinning, supplementary plantings and weed management.</p>
<b>Ecosystem and Land Use Establishment</b>	<p>This phase of rehabilitation consists of the processes to establish the approved final land use following construction of the final landform.</p> <p>For vegetated land uses this rehabilitation phase includes establishing the desired vegetation community and implementing land management activities such as weed control. This phase of rehabilitation may also include habitat augmentation such as installation of nest boxes.</p>
<b>Exploration</b>	Has the same meaning as that term under the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

<b>WORD</b>	<b>DEFINITION</b>
<b>Final landform and rehabilitation plan</b>	As defined in the Mining Regulation 2016.
<b>Final land use</b>	As defined in the Mining Regulation 2016.
<b>Form and way</b>	Means the form and way approved by the Secretary. Approved form and way documents are available on the Department’s website.
<b>Growth Medium Development</b>	<p>This phase of rehabilitation consists of activities required to establish the physical, chemical and biological components of the substrate required to establish the desired vegetation community (including short lived pioneer species).</p> <p>This phase may include spreading the prepared landform with topsoil and/or subsoil and/or soil substitutes, applying soil ameliorants to enhance the physical, chemical and biological characteristics of the growth media, and actions to minimise loss of growth media due to erosion.</p>
<b>Habitat</b>	Has the same meaning as that term under the <i>Biodiversity Conservation Act 2016</i> and the <i>Fisheries Management Act 1994</i> (as relevant).
<b>Indicator</b>	An attribute of the biophysical environment (e.g. pH, topsoil depth, biomass) that can be used to approximate the progression of a biophysical process. It can be measured and audited to demonstrate (and track) the progress of an aspect of rehabilitation towards a desired completion criterion (i.e. defined end point). It may be aligned to an established protocol and used to evaluate changes in a system.
<b>Land</b>	As defined in the <i>Mining Act 1992</i> .
<b>Landform Establishment</b>	<p>This phase of rehabilitation consists of the processes and activities required to construct the final landform.</p> <p>In addition to profiling the surface of rehabilitation areas to the approved final landform profile this phase may include works to construct surface water drainage features, encapsulate problematic materials such as tailings, and prepare a substrate with the desired physical and chemical characteristics (e.g. rock raking or ameliorating sodic materials).</p>
<b>Large mine</b>	As defined in the Mining Regulation 2016.
<b>Lease holder</b>	The holder of a mining lease.

<b>WORD</b>	<b>DEFINITION</b>
<b>Life of mine</b>	The timeframe of how long a mine is approved to mine, from commencement to closure.
<b>Mine rehabilitation portal</b>	<p>Means the NSW Resources Regulator’s online portal that lease holders must use (via a registered account) to:</p> <ul style="list-style-type: none"> <li>■ upload rehabilitation geographical information system (GIS) spatial data</li> <li>■ develop rehabilitation GIS spatial data (using online tracing functions)</li> <li>■ generate rehabilitation plans and rehabilitation statistics using the map viewer and Rehabilitation Key Performance Indicator functionalities.</li> </ul> <p>Data submitted to the mine rehabilitation portal is collated in a centralised geodatabase for use by the NSW Resources Regulator to regulate rehabilitation performance of lease holders.</p>
<b>Mining area</b>	As defined in the <i>Mining Act 1992</i> .
<b>Mining domain</b>	A land management unit with a discrete operational function (e.g. overburden emplacement), and therefore similar geophysical characteristics, that will require specific rehabilitation treatments to achieve the final land use(s).
<b>Mining land</b>	As defined in the <i>Mining Act 1992</i> .
<b>Native vegetation</b>	Has the same meaning as that term under section 60B of the <i>Local Land Services Act 2013</i> .
<b>Overburden</b>	Material overlying coal or a mineral deposit.
<b>Performance indicator</b>	An attribute of the biophysical environment (for example pH, slope, topsoil depth, biomass) that can be used to demonstrate achievement of a rehabilitation objective. It can be measured and audited to demonstrate (and track) the progress of an aspect of rehabilitation towards a desired completion criterion, that is, a defined end point. It may be aligned to an established protocol and used to evaluate changes in a system.

<b>WORD</b>	<b>DEFINITION</b>
<b>Phases of rehabilitation</b>	<p>The stages and sequences of actions required to rehabilitate disturbed land to achieve the final land use. The phases of rehabilitation are:</p> <ul style="list-style-type: none"> <li>■ active mining</li> <li>■ decommissioning</li> <li>■ landform Establishment</li> <li>■ growth medium development</li> <li>■ ecosystem and land use establishment</li> <li>■ ecosystem and land use development.</li> </ul>
<b>Progressive rehabilitation</b>	<p>The progress of rehabilitation towards achieving the approved rehabilitation completion criteria. This may be described in terms of domains, phases, performance indicators and rehabilitation completion criteria.</p>
<b>Rehabilitation Completion</b>	<p>The final phase of rehabilitation when a rehabilitation area has achieved the approved rehabilitation objectives and rehabilitation completion criteria for the final land use. Rehabilitation areas may be classified as complete when the NSW Resources Regulator has determined in writing that the relevant rehabilitation obligations have been fulfilled following submission of <i>Form ESF2 Rehabilitation completion and/or review of rehabilitation cost estimate</i> application by the lease holder.</p>
<b>Rehabilitation Completion criteria</b>	<p>As defined in the Mining Regulation 2016.</p>
<b>Rehabilitation cost estimate</b>	<p>As defined in the Mining Regulation 2016.</p>
<b>Rehabilitation management plan</b>	<p>As defined in the Mining Regulation 2016.</p>
<b>Rehabilitation objectives</b>	<p>As defined in the Mining Regulation 2016.</p>
<b>Rehabilitation risk assessment</b>	<p>As defined in the Mining Regulation 2016.</p>
<b>Rehabilitation schedule</b>	<p>The defined timeframes for progressive rehabilitation set out in the forward program.</p>

WORD	DEFINITION
<b>Relevant stakeholders</b>	<p>Means any persons or bodies who may be affected by the mining operations, including rehabilitation, carried out on the lease land, and includes:</p> <ul style="list-style-type: none"> <li>■ the relevant development consent authority</li> <li>■ the local council</li> <li>■ the relevant landholder(s)</li> <li>■ community consultative committee (if required under the development consent) or equivalent consultative group</li> <li>■ affected land holder(s)</li> <li>■ government agencies relevant to the final land use</li> <li>■ affected infrastructure authorities (electricity, telecommunications, water, pipeline, road, rail authorities)</li> <li>■ local Aboriginal communities, and</li> <li>■ any other person or body determined by the Minister to be a relevant stakeholder in relation to a mining lease.</li> </ul>
<b>Risk</b>	The effect of uncertainty on objectives. It is measured in terms of consequences and likelihood (AS/NZS ISO 31000:2009).
<b>Secretary</b>	The Secretary of the Department.
<b>Security deposit</b>	An amount that a mining lease holder is required to provide and maintain under a mining lease condition, to secure funding for the fulfilment of obligations under the lease (including obligations that may arise in the future).
<b>Surface disturbance</b>	Includes activities that disturb the surface of the mining area, including mining operations, ancillary mining activities and exploration.
<b>Tailings</b>	A combination of the fine-grained solid material remaining after the recoverable metals and minerals have been extracted from the mined ore, and any process water <sup>2</sup> .
<b>Waste</b>	Has the same meaning as that term under the <i>Protection of the Environment Operations Act 1997</i> .

<sup>2</sup> Commonwealth of Australia (DITR), 2007. *Tailings Management*.

## Attachment 3 – Rehabilitation Complaints

DATE	COMPLAINANT	COMPLAINT DETAILS	RESPONSE DETAILS	STATUS OF RESPONSE	DATE RESPONSE COMPLETED (IF APPLICABLE)
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## Attachment 4 – Stakeholder consultation

DATE	STAKEHOLDER	CONSULTATION ACTIVITIES AND FORMS	MATTERS SUBJECT TO CONSULTATION	ACTIONS TAKEN
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## Attachment 5 – Plans

12519\_ARR 2022-2023\_Plan 1A.pdf

12519\_ARR 2022-2023\_Plan 1B.pdf

Annual Report (LARGE MINE) v1.6