



Dendrobium Mine Community Consultative Committee Terms of Reference

July 2020
Version 1.1

Last review of Terms of Reference document: May 2020

Document adopted into DCCC: July 2020

Version	Review	Authorised	Date
1.0	M Archer	-	03/07/2020
1.1	DCCC	DCCC	16/07/2020

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1. Background

The Dendrobium Community Consultative Committee (DCCC) is an advisory Committee established under the requirements of the Dendrobium Development Consent dated 20 November 2001 and is a mechanism to support communication processes and effective working relationships between Dendrobium Mine and the community, environmental groups and local councils.

The focus of the DCCC is on the immediate Pit Top area, mine operations, the catchment area above where mining takes place, impacts to the surface (such as subsidence issues, infrastructure placement etc), transport of materials, waste disposal, new construction activities and the overall management of the aspects of water, air, noise and waste.

Since its establishment in 2001, the DCCC continues to provide a community voice for many issues that have the potential to impact the local community and its surrounds, including environmental concerns such as noise and air quality, subsidence (and associated impacts to surface water sources), and traffic and transport impacts.

The role of the DCCC is to provide representation for the areas which have the potential to be impacted by Dendrobium Mine. The areas are defined as Mount Kembla, Kembla Heights, the communities along the rail corridor from Kemira Valley to Port Kembla and the surface areas located above current and potential mining areas.

Where not expressly covered by the DCCC Terms of Reference, the *Community Consultative Committee Guideline: State Significant Projects*, dated January 2019, available on the NSW Department of Planning, Industry and Environment (DPIE) website¹ shall apply. These *Guidelines* also support the principles under which this Terms of Reference operates.

2. Purpose

The purpose of the DCCC is to facilitate a forum for open discussion between representatives of Illawarra Metallurgical Coal (IMC) Dendrobium Mine, the community, the relevant councils and other stakeholders on issues directly relating to the mine's operations, environmental performance and community relations, and to attempt to keep all stakeholders informed on these matters.

The DCCC provides a forum to:

- establish a productive relationship between the company, the community and other stakeholders in relation to Dendrobium Mine;
- provide information and facilitate discussion on Dendrobium's mining operations and environmental performance;
- discuss community concerns and review the resolution of community complaints;
- discuss communication of relevant information on the mine, including the results of environmental monitoring, environmental management, end of panel reports and audit results;

¹ www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Community-Consultative-Committees

- provide relevant key business updates regarding South32 and IMC;
- discuss contributions made to the local community through the IMC sponsorship program and Dendrobium Community Enhancement Committee; and
- work collaboratively and deliver outcomes that benefit immediate neighbours, local and regional communities and the mining operation.

2.1. Formation of Working Group

Members of the committee may also be invited to form a Working Group to discuss major approvals relevant to Dendrobium Mine (for example, State Significant Developments). This would be an extension of the obligations of members of the regular Dendrobium Community Consultative Committee.

The purpose of the Working Group would be to:

- discuss IMC's plans for major approvals classified as a State Significant Development by the NSW Government Department of Planning, Industry and Environment;
- provide an opportunity for regular consultation and feedback on the relevant development application;
- participate in any forums or research panels to support social and/or environmental assessments, as required for the relevant development applications;
- disseminate approved information on the relevant development application with the local community; and
- engage with members of the Working Group (including the Chairperson, IMC representative and council representatives) on local views, key issues or matters of importance to the community with regard to the relevant development application.

Members of the Working Group shall act in accordance with the DCCC Terms of Reference and the *Community Consultative Committee Guideline: State Significant Projects*.

2.1.1 Confidentiality

Members of the Working Group may be asked to participate in activities as part of any social and environmental assessments. Any information provided to the Working Group, including the findings and/or recommendations of the assessment prior to its publication, must be treated as Commercial in Confidence.

3. Membership of the Committee

3.1 Committee Composition

Members of the DCCC represent the broader community, with membership consisting of representatives from the local area.

The membership of the DCCC shall comprise:

- an Independent Chairperson;
- up to seven (7) members of the local community [including members representing local or regional environmental groups];
- one (1) representative from each of the local/affected Councils;
- Dendrobium Mine General Manager [or delegate];

- Dendrobium Mine Environment representative; and
- IMC Community/ External Affairs representative.

Members will act in accordance with these *Terms of Reference* and the relevant Codes of Conduct as outlined in the *Community Consultative Committee Guidelines for State Significant Project, January 2019*.

Guests may be invited to the meeting on request. Requests are to be submitted in writing to the Independent Chairperson three weeks prior to the intended meeting. The Independent Chairperson may seek the advice of the DCCC prior to responding to the request. The attendance of guests is at the discretion of the Independent Chairperson.

3.1.1 Other representation

Other representatives of Dendrobium Mine and IMC will attend meetings as guests or as delegates as required by members of the DCCC. This will largely be based on the subject matter of the discussion.

Wollongong City Council, Wingecarribee Shire Council and Wollondilly Shire Council are invited to provide representation at DCCC meetings. Only one (1) representative per Council may attend unless prior approval is sought from the Independent Chairperson. If the appointed Council representative is unable to attend a meeting, they are to notify the Independent Chairperson as soon as practicable and shall send an alternate.

State Government agencies or other interested parties shall be invited to attend meetings based on members' requests through the Chairperson.

3.1.2 Apologies

Apologies are to be submitted to the Independent Chairperson and IMC representative (for minute taking and catering considerations) prior to the meeting. As mentioned in Section 3.1.1, in the event a Council representative submits an apology, an alternate may be sent in their place.

In the event that the Independent Chairperson tables an apology:

- where the unavailability is planned/known ahead of time, attempts shall be made by IMC to seek an alternate date, in consideration of the DCCC committee members' availability and any other scheduled meetings (i.e. Dendrobium Community Enhancement Committee regular meetings). If an alternate date is unavailable, attempts shall be made by the Independent Chairperson and in consultation with IMC representative, to organise an alternative Independent Chairperson from the Talent Pool as listed on the Department website ; or
- in the instance where the Independent Chairperson becomes unavailable (unplanned and/or emergency), then a representative of the DCCC membership will be nominated as the Acting Chairperson for the meeting, supported by a representative from IMC.

3.2 Engagement of Committee Members

3.2.1 Expectations of Community Members

The term 'Community Member' is applied to a committee representative who is appointed to the CCC by approval from the NSW Department of Planning, Industry and Environment (DPIE).

The person would have an interest in the local community and/or be representing a specific interest group, such as an environmental group.

The expectations for Community Members are best described by the selection criteria, outlined in the *Community Consultative Committee Guideline: State Significant Projects*, and include:

- the ability to constructively represent and convey the interests of residents and/or local/regional interest groups;
- maintaining a demonstrated interest in and awareness of local and other current issues related to Dendrobium Mine;
- having experience and ability to provide feedback to the community and stakeholder groups;
- residing in the geographic area or having an active interest in the area that may be affected by works associated with the Dendrobium Mine;
- maintaining links with the wider community; and
- a willingness to be identified as a contact person for the wider community.

3.2.2 Membership Terms

Community members of the DCCC are appointed under a 'rolling membership' term, with each term nominally set as three years.

The purpose of implementing a nominal membership period is to achieve a balance between longevity of service for DCCC Members with the opportunity for new people to join the Committee. It also serves as an opportunity for incumbent DCCC members to reassess their commitment to the DCCC based on other professional or personal matters that may compete for their time.

The review of a member would involve a discussion between the Independent Chairperson, a representative from IMC and the committee member.

The intention of a 'rolling membership' term review is to reach an outcome that either the member continues with the Committee; or agreement reached that the position on the DCCC would be vacated (in this outcome, the advertised application process would then be implemented to call for new members). Other matters relating to the DCCC process may also be discussed at this time.

The outcome of the review of members would be communicated to the NSW Department of Planning, Industry and Environment (DPIE) by the Independent Chairperson.

In establishing this provision for a 'rolling membership' term, other provisions relating to resignations, termination of membership or Codes of Conduct (as covered elsewhere in this *Terms of Reference* and the *Community Consultative Committee Guideline: State Significant Projects*) still apply.

3.2.3 Committee vacancies

If a Community Member ceases their membership of the DCCC, a call for applications will be made in the local area near Dendrobium Mine (as defined in Section 1) and to representatives of relevant stakeholder groups. This may include a letter box drop, advertising in relevant local newspapers and Company publications, and/or via a targeted selection process by members of the DCCC.

An application form will be provided to interested persons that will address the selection criteria noted in Section 3.2.1.

As part of this process, persons interested in joining the DCCC will be sent a copy of the *Terms of Reference*. The contact details of a nominated community representative within the DCCC shall also be provided to the person should they have any questions.

The process for applications shall be as follows:

- applications are to be sent to the Independent Chairperson and IMC Community representative;
- DCCC members will be advised of applications received;
- applications will be discussed at the next available meeting. Where multiple persons have applied, a decision shall be made on whether to shortlist applicants, or proceed with recommending multiple appointments;
- shortlisted applicants will be notified of their shortlisting, and will be contacted by the Independent Chairperson or the IMC representative in relation to their application;
- the details relating to the applications, and any recommendation made by the Chairperson, will be forwarded to the NSW Department of Planning, Industry and Environment (DPIE);
- the formal appointment of Community Members is made by the Secretary of the NSW Department of Planning, Industry and Environment (or their delegate); and
- the newly appointed members will be notified and invited to join the DCCC. Existing members shall also be notified of the appointment.

In accepting membership, new members will be required to attend an induction meeting with representatives from IMC prior to attending their first meeting as a DCCC member. This meeting would provide an overview of Dendrobium operations, allow an opportunity to see the Dendrobium pit top site, meet with key personnel (subject to availability), and update the new member on current issues and discussions raised by existing members of the DCCC. New members would also be required to complete the necessary documentation, including a Declaration of Pecuniary Interests.

3.2.4 Company and Local Government representatives

Vacancies created by the cessation of employment (Council or IMC employees) or end of office term (Councillors at local Councils), would be filled either through the organisation's employee recruitment process for the position vacated or reallocation of the responsibility to participate in CCCs, or via confirmation of the Local Government election process and subsequent allocation of Councillors to community groups.

Both IMC and local government may also change their representatives on the basis of the organisational structure or changes to the roles and responsibilities held by the person(s) in attendance.

3.3 Member Responsibilities

The responsibilities of the members of the DCCC are to:

- agree to, and abide by, the DCCC *Terms of Reference*;
- attend a minimum number of meetings (as described in Section 3.4);
- follow the processes for information dissemination;
- contribute constructively to achieving the purpose of the DCCC;
- assist in the selection of new DCCC members (when required); and
- respect and abide by Commercial in Confidence material.

3.4 Meeting Attendance

The minimum number of meetings to be attended by a member of the DCCC is four (4) within a twelve-month period.

It is recognised that Community Members willingly volunteer their own time to participate in the DCCC, and that other work, home or family commitments may interrupt member's participation from time to time. However, if a member's participation is interrupted on an ongoing basis, the Independent Chairperson may speak to the member concerned to ascertain their ability to remain committed to the DCCC.

3.5 Termination of Membership

3.5.1 Forced termination by Chairperson

If a total of two (2) consecutive meetings are missed by a member without tabling an apology prior to the meeting, the Independent Chairperson is required to contact the DCCC member and discuss the reasons they have been unable to attend the meetings. If there is no valid explanation for their non-attendance, then it will be deemed that their membership of the DCCC has been terminated and membership will cease. This determination is made by the Independent Chairperson.

3.5.2 Resignation by member

A DCCC member resigning from the committee is required to notify the Independent Chairperson of their decision in writing one (1) month prior to the next meeting. Resignation will be tabled at the following DCCC meeting. The Independent Chairperson will notify the Department of Planning, Industry and Environment representative of the resignation accordingly.

4. Meeting Protocols

4.1 Timing and Location

Unless advised otherwise, meetings of the DCCC are held every two (2) months, and generally on the third Thursday of every second month starting in February of each calendar year.

Unless otherwise determined and notified, meetings are held at the Dendrobium Mine Conference Room commencing at 5:30pm.

An extraordinary meeting may be convened to discuss any matter warranting urgent consideration. Requests are to be made to the Independent Chairperson who will determine whether an extraordinary meeting is warranted, and also determine a suitable time for the meeting in consultation with the committee members.

4.1.1 Site Security

Dendrobium Mine has strict site entry requirements in place. Members are required to sign in on arrival and sign out on departure. As a condition of entry, all visitors to the mine are required to meet the minimum clothing and personal protective equipment requirements. At a minimum, visitors must wear enclosed footwear and only walk on designated footpaths and marked road crossings. All visitors must remain with their site contact (escort) at all times.

4.1.2 Remote Meetings

In some circumstances, such as the requirement for social distancing and/or restrictions on public gatherings, a DCCC meeting may be unable to be held in person. In this event, the meeting may be held via tele and/or video conferencing. This will be facilitated by Illawarra Metallurgical Coal and an electronic copy of any relevant materials (i.e. agenda, minutes from previous meeting, presentation, relevant reports) will be provided to committee members prior to the meeting.

Any electronic information provided is commercial in confidence and is not to be distributed by community members unless approved in writing by the Independent Chairperson.

4.1.3 Attendance via tele and/or video-conference

In the event a member of the committee is unable to attend a meeting in person, provisions will be made to facilitate an opportunity for the committee member to dial into the meeting via telephone or video-conferencing. Notification of the DCCC member's intent to attend via telephone or video-conferencing must be completed at least one (1) week prior to the committee meeting.

4.2 Meeting Agendas

A draft agenda shall be distributed to DCCC members two (2) weeks prior to the scheduled meeting. This will also include a request for any questions on notice, and any apologies.

The final agenda will be distributed to members of the DCCC in the same week as the meeting.

A typical agenda may expect to include (but not be limited to):

- declaration of pecuniary interests;
- business arising from previous meetings;
- update on Dendrobium approvals;
- update on Dendrobium operational matters;
- update on Dendrobium environmental matters;
- update on Dendrobium community matters, including an overview on complaints and community investment initiatives; and

- general business, including any questions on notice.

Any items raised during the meeting not included on the agenda may be deferred to the following meeting if information needs to be obtained or those present are unable to provide an informed response.

On occasions, and only in consultation with members, agenda items may vary according to specific issues.

4.3 Meeting Minutes

Minutes are to be recorded for all meetings of the DCCC, and are to provide a summary of the material presented, issues raised, pertinent comments made and questions answered during meeting proceedings. The minutes will be recorded by an IMC representative.

The Independent Chairperson is to endorse the draft DCCC meeting minutes prior to distribution and public display.

The DCCC meeting minutes (marked 'Draft') will be made available in the following ways:

- distribution (via email) to DCCC members and representatives of local Councils within 7 days of the meeting occurring; and
- upload to South32's Regulatory Information webpage²) within 28 days of the meeting occurring.

Information regarding proceedings of the DCCC, including availability of meeting minutes, will be published in IMC's publications (for example, community newsletters).

The draft minutes from the previous meeting will be tabled for acceptance at the next meeting, and any edits or points of clarification to the minutes discussed during "Business Arising" at that next meeting will be recorded. A copy of the accepted minutes marked 'final' will be placed on the South32 Regulatory Information webpage within 14 days of the meeting occurring.

4.3.1 Names and comments attribution

The following is to provide clarity on where committee members shall be named in relation to comments made within the meeting:

- With respect to questions on notice, off-the-cuff questions and comments made by members, the names of those members will be withheld in the minutes of the meeting unless there is a request by the member for their comment to be attributed.
- With respect to a member tabling correspondence, the name of the person shall be attributed to the particular correspondence, and a copy of the correspondence attached to the minutes, unless it is requested that details be withheld
- With respect to IMC and Council representatives, names of these representatives shall be attributed to comments where the person has the assigned authority to make comment on behalf of their organisation.

² www.south32.net/our-business/australia/illawarra-metallurgical-coal/documents

- With respect to correspondence or an enquiry received by IMC or the Independent Chairperson from a member of the community or organisation, to be tabled at a committee meeting, the authors details will be withheld from the minutes.
- Where applicable, the person's initials will be used in the meeting minutes.

4.3.2 Questions on Notice

Members are encouraged to submit questions on notice to IMC or the Independent Chairperson relating to Dendrobium's current or future operations. Generally, IMC will follow these principles in responding:

1. When a question is asked during a DCCC Meeting, IMC representatives will endeavour to respond at the time.
However, any items raised during the meeting not included on the agenda may be deferred to the following meeting if information needs to be obtained or those present are unable to provide an informed response.
2. IMC would then intend to respond no later than the next DCCC meeting, unless additional time is required.
3. Members may also submit questions to Illawarra Metallurgical Coal in advance of the DCCC meeting. In this instance, the Illawarra Metallurgical Coal representative will endeavour to respond at the meeting and/or request the subject matter expert to attend. Illawarra Metallurgical Coal would appreciate as much time as possible in advance of the meeting to prepare a response and/or to schedule the relevant subject matter expert to attend. If a response is unable to be provided at the next meeting, a proposed date for providing a response will be nominated.

4.4 Funding requests

Condition 10 of Schedule 8 of the Consent, relating to the Dendrobium CCC, states that a trust fund (or funding arrangement) is established and maintained for the CCC.

Condition 10(b) states that the fund must be "used only if required for the engagement of technical consultants to interpret technical information and the like". The value of funding available to the Committee is set at \$8,000 per annum with indexation to CPI (as required by Condition 10 (c)). A record of any money spent is recorded in the minutes.

Condition 10(d) states that any money unspent during each year will be returned to applicant (i.e. IMC). *Note: the funds do not accrue year on year.*

If the committee sought to engage a consultant to provide a service, it is recommended the following process would be followed:

1. Identification of the specific technical information where further interpretation is sought.
2. Preparation of a brief outlining the scope of works that is accepted by all members of the DCCC.
3. Seek quotes from subject matter experts (whilst not a mandatory requirement, it is recommended the DCCC seek the advice of a subject matter expert who is not currently engaged by IMC).
4. Acceptance of the quote and engagement of the consultant.

5. Payment of final invoice to be recommended by the Independent Chairperson, and to be administered by IMC.

This above process may be amended pending discussion within the DCCC meetings. Due to IMC financial processes, the use of a 'funding arrangement' (rather than establishing a trust fund) has proven successful and shall continue to be used³.

Any reports or presentation material submitted under scope of work sought within these funding requests shall remain the property of the Dendrobium Community Consultative Committee.

Requests to share the reports or presentation material submitted must be tabled with the Independent Chairperson, who will administer these requests. Such requests will be noted in DCCC Meeting Minutes. Copies of the information files will be stored in Illawarra Metallurgical Coal's information management systems for reference.

5. Site Inspections

The purpose of site visits is to provide Committee members with an opportunity to visually inspect operational areas and areas of impact and support their understanding of Dendrobium Mine's operations.

5.1 Timing and Location

Site inspections will be planned, subject to committee member's areas of interest, operational requirements/constraints and in consideration of relevant health and safety requirements. Site visits may include the following areas:

- Dendrobium Pit Top and Kemira Valley Coal Loading Facility;
- Kemira Valley Rail Line;
- Other surface facilities (e.g. Dendrobium Coal Processing Plant);
- Underground operations; or
- Surface areas (e.g. water catchment areas).

Inspections will be undertaken in accordance with IMC's safety policies and procedures and maybe postponed or rescheduled due to health and safety, weather or operational constraints.

5.1.1 Site visit information

The following applies to all DCCC Members in relation to site visits:

- Site visits will be undertaken as part of the function of the DCCC. Any material recorded or provided is deemed part of Committee business and shall be treated as Commercial in Confidence.

³ the DCCC has implemented a funding arrangement to handle previous funding requests. This arrangement shall continue in future should funds be requested. As funds are not handed over to the Independent Chairperson to administer, it negates the requirement to "return any unspent funds" to the Company. Instead, the maximum level of funds available for the engagement is as stated in the Condition of Consent (\$8,000 plus CPI adjustment).

- On this basis, the overarching principle applied to information acquired from the site visit is that authority is required from the Independent Chairperson to disseminate such information external to Committee members.
- Photographs may be taken as a personal record / reflection of the visit and may be tabled for use within Committee proceedings.

Photographic material may not be used in any public avenue or forum (including external presentations, print/electronic/social media) unless authority has been given by the Independent Chairperson, and where applicable, the subjects of the photograph and landowners where the photograph has occurred.

- AV recordings (video footage, audio recordings) of site visits are not permitted. This is in recognition that site visit hosts are not authorised public spokespersons for IMC or the DCCC.
- Any background information provided to the site visit (such as walking maps) is provided for the information of the site visit participants and is not to be distributed beyond the Committee members.

Section 6.1 also discusses public information relating to the DCCC.

Should members have media obtained from the site visit and is proposing to seek authority to use such media, please note that any information relating to IMC will need the Company's permission as well as the Independent Chairperson. (For example, an employee may be in the photograph, or a walking map may feature the Company logo).

5.2 Responsibilities of DCCC Members during site inspections

As site inspections may occur in areas with low light or unfamiliar and rugged terrain, it is required that DCCC members:

- complete any relevant documentation prior to the visit (e.g. online safety inductions);
- wear appropriate clothing and sturdy footwear for surface visits (in the event of an underground visit, personal protective equipment and clothing will be provided for members);
- follow the directions of the IMC personnel or delegated site escort;
- advise IMC personnel of any medical or safety concerns which may be relevant to the safe conduct of the inspection; and
- take due care to minimise risk to themselves and other DCCC members.

5.3 Responsibilities of IMC representatives

IMC personnel will:

- advise DCCC members of any safety considerations and provide the required documentation (i.e. health and safety questionnaires or inductions⁴) prior to the site inspection;

⁴ Any health or medical information will be treated confidentially as per IMC standards and procedures.

- assess the risks associated with the inspection and implement controls to minimise these risks;
- provide personal protective equipment where required;
- provide water and food where appropriate; and
- follow procedures to maintain contact with the appropriate control room or site office for safety, transport and weather (surface only) considerations.

It may not be possible to take DCCC members to all areas requested for inspection if IMC considers the risk to DCCC members unacceptable, in consideration of the available controls.

IMC reserves the right to cease a site visit at any time should an unplanned or uncontrolled event arise that may lead to a safety or operational concern (for example, weather change brings rainfall during a visit to surface areas and facilities).

6. External Communications

6.1 Public information

The Independent Chairperson is the designated spokesperson for the DCCC and is the only Committee Member permitted to speak publicly (to media and/or presentation engagements) on behalf of the DCCC.

Should the DCCC wish to make a public statement or representation, then agreement by all Committee members as a collective is required. This includes community members, Illawarra Metallurgical Coal, Council representatives and the Independent Chairperson.

DCCC members are encouraged to disseminate information about Dendrobium Mine with the community, and may do so via informal, private discussions. The purpose of these discussions is to understand and convey matters of interest or concern for residents or key interest groups. Any discussion regarding site visits should consider the requirement for confidentiality (Section 5.1.1). If unsure, committee members will seek advice and/or approval from the Independent Chairperson.

Individual committee members may make comments to the media or in public forums on behalf of themselves or the stakeholders that they represent, but not on behalf of the DCCC. If speaking with media or in a public forum, members of the committee shall explicitly state that they are not speaking on behalf of the DCCC. If the issue is indirectly linked to matters of the DCCC, please consider advising fellow Committee members so that awareness of such issues can be noted with the Committee.

While information presented in the DCCC meeting is available to the community through the DCCC meeting minutes and IMC publications, any member of the DCCC may request that particular information be kept confidential to the DCCC.

To seek clarity on whether information is deemed public or private, Committee Members shall seek the advice of the Independent Chairperson in the first instance.. Information relating to site visits is also part of this discussion on public information (see Section 5.1.1).

6.1.1 Information dissemination

The following mechanisms are available for external communications:

- IMC publications, such as the Dendrobium Community Newsletter (print).
- The DCCC meeting minutes provide a summary of discussions at the DCCC meeting.

6.1.2 Social Media

Social media accounts are not permitted to be linked to the DCCC. This includes personal social media profiles or pages linked to committee members. Any discussion on social media shall be undertaken in consideration of the requirements described in Section 6.1.

IMC reserves the right to request the Independent Chairperson seek to have information removed from social media, posted by a committee member, if it is deemed to be in breach of DCCC Terms of Reference or the *Community Consultative Committee Guideline: State Significant Developments*.

7. Dispute Resolution

In the event that an issue arises which is unable to be adequately resolved by negotiation within the meeting, the Independent Chairperson may approach the Department of Planning, Industry and Environment on behalf of the DCCC to seek an opinion on the issue.

The *Community Consultative Committee Guideline: State Significant Developments* also outlines the mechanism for resolving disputes between committee members (Company, Council, Community, Chairperson).

8. Terms of Reference Review

The DCCC Terms of Reference will be reviewed as required and at most every three (3) years. The next review will occur by April 2025.