

## Cullen Valley Mine

Cullen Bullen – Independent Environmental Audit



**FINAL**

**Prepared for:**  
Shoalhaven Coal Pty Limited

**Doc. Ref.** C2062-R-01

**Date** 04/03/2022

**Revision** v2



Contaminated  
Land Advisory



Project  
Management



Cost & Risk  
Advisory



Expert  
Reports



Safety

**Document Control**

Version	Date	Description of Revision	Prepared by	Reviewed by	Approved by
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v1	02/3/2022	Final Draft	AL	NS	LN
v2	04/03/2022	Final	AL	NS	LN





# 1 Executive Summary

Construction and Remediation Advisory Services Pty Ltd ('CARAS') was engaged by Shoalhaven Coal Pty Limited to undertake an independent environmental audit ('IEA') of the Cullen Valley Mine ('CVM') located approximately 30Klm north-west of Lithgow, New South Wales.

The primary purpose of this audit is to satisfy Condition 6, Schedule 6 of DA 200-5-2003 which requires that an IEA is undertaken within 2 years of the date of the development consent, and every 5 years thereafter. The last IEA<sup>1</sup> was completed for the period the up to 8<sup>th</sup> September 2016 and this audit should have been completed in late 2021. However, due to the Covid 19 pandemic event and by agreement with the DPIE, the submission of this audit report is extended to March 2022. This audit covers the period from 9<sup>th</sup> September 2016 to 9<sup>th</sup> September 2021.

The audit team ('AT') from CARAS includes Lin Ningthoujam (Lead Auditor), Noel Storan and Anda Lin (Assisting Auditor). The letter of endorsement from DPIE is provided in Appendix D.

CVM has been operating in care and maintenance mode since 2013 with no mining operations occurring during the audit period. Our understanding is that CVM intends to recommence open cut extractive mining activities in 2022. This will require a review and up-date of the management plans for the operational mine and approval from the Department.

The AT were informed during the site inspection that in the period from Sept 2021 to February 2022, updated management plans have been submitted and accepted by the Department, including an Addendum to the Care and Maintenance MOP. The updated MOP allows the mining of remnant coal until 2<sup>nd</sup> July 2022.

The Department is implementing an industry-wide amendment to the process of Mining Operations Plans (MOPs) and as of the 2<sup>nd</sup> of July 2022, a new system requiring a Rehabilitation Management Plan ('RMP') will replace the MOP system. Our understanding is that CVM are in the process of documenting an RMP for submission and approval by the Department prior to July 2022.

This audit has reviewed the following documents for compliance:

- ▼ Development Approval ('DA') 200-5-2003
- ▼ Environmental Protection Licence ('EPL') 10341
- ▼ Mining Lease 1455, 1488, 1556 and 1555
- ▼ Compliance to EIS Commitments

A summary of the audit findings is presented in Table 1 below:

Table 1: Audit Summary

Regulatory Approval	Compliance	Non-Compliance	Administrative Non-Compliance	Not Triggered
DA 200-5-2003	108	1	8	33
EPL 10341	37	1	1	32

<sup>1</sup> Cullen Valley Independent Environmental Audit (SLR -Nov 2016)



Regulatory Approval	Compliance	Non-Compliance	Administrative Non-Compliance	Not Triggered
ML 1455, 1488, 1556, 1557	38	0		18
EIS Commitments	5	0	0	5

A discussion of audit findings is included at Section 7 of this report. The Auditor has identified one (1) Non-compliance and nine (9) administrative non-compliances.

The Auditor has provided five (5) recommendations/ improvement opportunities, and these are discussed in Section 8 of this report.

Overall, compliance with approvals conditions of DA 200-5-2003 including the Compensatory Habitat Area during the audit period has been satisfactory.



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**Glossary of Terms/ Terminology**

Abbreviation	Description
AR	Annual Review
AT	Audit Team
CCC	Community Consultative Committee
CL	Coal Lease
CVM	Cullen Valley Mine
The Department	Department of Planning, Industry and Environment
DoI	Department of Industry, Water
DRG	Division of Resources and Geoscience, a division of the Department
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
ENM	Excavated Natural Materials as defined by the NSW EPA Exemption Order
EPA	NSW Environment Protection Authority Victoria
EPL	Environmental Protection Licence
ESCP	Erosion and Sediment Control Plan
GWMP	Groundwater Monitoring Program
Ha	Hectare
HMA	Habitat Management Area
IEA	Independent Environmental Audit
IO	Improvement Opportunity
ML	Mining Lease
MOP	Mining Operations Plan
NRAR	Natural Resources Access Regulator



Abbreviation	Description
NSW	New South Wales
OEHS	Office of Environment and Heritage
RAP	Regional Aboriginal Party
RMP	Rehabilitation Management Plan
RR	Resource Regulator
SANSW	Subsidence Advisory New South Wales
the Secretary	Secretary of the Department of Planning, Industry and Environment or delegate
SWB	Site Water Balance
SWMP	Surface Water Monitoring Program
VENM	Virgin Excavated Natural Materials as defined by the NSW EPA Exemption Order
WMP	Water Management Plan
Website	<a href="https://ccoal.com.au/">https://ccoal.com.au/</a>



## 2 Introduction

### 2.1 Background

Construction and Remediation Advisory Services Pty Ltd ('CARAS') was engaged by Shoalhaven Coal Pty Limited to undertake an independent environmental audit ('IEA') of the Cullen Valley Mine ('CVM') located approximately 30Klm north-west of Lithgow, New South Wales.

It is understood that, when operational Shoalhaven Coal is approved to extract up to one (1) Million tonnes of saleable coal a year from the development and transport up to 250, 000 tonnes (cumulative total) of coal a year by road.

Underground mining commenced at the Tyldesley Colliery around 1904 and continued up until the 1960's when the workings were abandoned. Open cut operations were conducted on the site between 1948 and 1953. Modern open cut operations began after 19 August 1999 when the Lithgow Coal Company was granted Mining Lease ('ML') 1455 by the Minister for Mineral Resources. Mining commenced on site in May 2000.

Following the identification of additional open cut coal reserves, a further Environmental Impact Statement ('EIS') and Development Application ('DA') was lodged for an extension of the mine in April 2003. The lease extension area lies along the western side of Tyldesley Hill adjacent to the main railway line. Approval of the DA was granted by the then Department of Planning on 19 August 2004.

CVM has historically supplied coal under contract to Mount Piper Power Station. However, with the failure of the mine to renew a supply contract in 2007, it was proposed to place the operation on a care and maintenance program until such time that sufficient contracts were awarded that would make the operation of the mine viable once again.

Coalpac Pty Ltd purchased the Lithgow Coal Company Pty Ltd, which owned the CVM, in January 2008 and the previous plans to place the mine on Care and Maintenance were discarded.

Recommencement of the open cut mining operations occurred in February 2008. Mining of the available approved area at CVM was completed in early December 2012. Any remaining stockpiled run of mine ('ROM') coal was transported to the Invincible Colliery during February 2013 and processed through the Invincible Coal Crushing Plant. CVM was then placed under care and maintenance.

Shoalhaven Coal purchased the mine from Coalpac administrators in May 2015 and CVM has been operating in care and maintenance mode since 2013 with no mining operations occurring during the audit period.

Our understanding is that CVM intend to recommence mining operation in 2022 and are preparing an updated mining operations plan and related management plans which will come into effect as mining operation commence.

The primary purpose of this audit is to satisfy Condition 6, Schedule 6 of DA 200-5-2003 which requires that an IEA is undertaken within 2 years of the date of the development consent, and every 5 years thereafter. The last IEA<sup>2</sup> was completed for the period the up to 8<sup>th</sup> September 2016 and this audit should have been completed in late 2021. However, due to the Covid 19 pandemic event and by agreement with the Department, the submission of this audit report is extended to March 2022. This audit covers the period from 9<sup>th</sup> September 2016 to 9<sup>th</sup> September 2021.

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<sup>2</sup> SLR -IEA Nov 2016





## 2.2 Audit Scope

The scope of the audit comprised the following:

### 2.2.1 Independent Environmental Audit

The audit has been completed to meet the requirements of Schedule 6, Conditions 6 and 7 of DA 200-5-2003. Conditions 6 and 7 state:

6. *Within 2 years of the date of this consent, and every 5 years thereafter, unless the Director- General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit. This audit must:*
  - a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;*
  - b) be consistent with ISO 10911:2002 – Guidelines for Quality and/or Environmental Systems Auditing, or updated version of this guideline;*
  - c) assess the environmental performance of the development, and its effects on the surrounding environment;*
  - d) assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;*
  - e) review the adequacy of the Applicant’s Environmental Management Strategy and Environmental Monitoring Program; and, if necessary,*
  - f) recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems.*
7. *Within 3 months of commissioning this audit, or as otherwise agreed by the Director General, the Applicant shall submit a copy of the audit report to the Director-General, with a detailed response to any of the recommendations contained in the audit report*

All conditions of the Development Consent were assessed; however, several conditions were ‘Not Triggered’ during the audit period with the site remaining on care and maintenance.

### 2.2.2 Compensatory Habitat Area Audit

This report also includes an assessment of the compensatory habitat area at Cullen Valley, with this review outlined within Section 6 of this report. The audit of the compensatory habitat area was completed as per Schedule 4 Condition 36:

36. *Within 2 years of the date of this consent, and every 5 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission, and pay the full cost of, an Independent Audit of the compensatory habitat proposal. This audit must:*
  - (a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been approved by the Director-General;*
  - (b) assess the performance of the compensatory habitat proposal;*



(c) review the adequacy of the Flora and Fauna Management Plan; and, if necessary;

(d) recommend actions or measures to improve the performance of the compensatory habitat proposal, and the adequacy of the Fauna and Flora Management Plan.

## 2.3 Weather

The site inspection was undertaken at the CVM on the 2<sup>nd</sup> February 2022. The weather was overcast, and the ground was wet following a period of heavy rain in the weeks preceding the site visit.

## 2.4 Audit Methodology

The requirements of the IEA are set out in the NSW Department of Planning, Industry and Environment, Compliance Reporting, Post Approval Requirements, May 2020 (DPIE, 2020). This IEA followed the Department guidance and includes the following methodology:

- ▼ Review of key documents provided by CVM prior to the audit;
- ▼ The review of any complaints, non-compliances or incidents that may have occurred during the audit period as well as any feedback or notices received from relevant agencies, stakeholders or community representatives relating to environmental performance of the development during the audit period.
- ▼ Liaison with the Department to determine if consultation with other agencies (NSW Resources Regulator, EPA, Lithgow City Council etc.) and/or community representatives (i.e., CCC) is required to refine the audit scope and identify any key issues.
- ▼ Introductory and close out meeting.
- ▼ Site inspection of CVM on the 2<sup>nd</sup> February 2022, including assessment of compliance of site equipment/activities, inspection of the Compensatory Habitat Area and interviews with site personnel.
- ▼ Photographs of CVM taken during the site inspection.
- ▼ Undertake review of available records/documentation (supplied) during site visit to CVM against relevant approvals and management plans during the audit period (9 September 2016 to 8<sup>th</sup> September 2022).

### 2.4.1 Introductory and Close Out Meetings

An introductory meeting was held via on-line Teams and a close out meetings was held following completion of the site inspection. At these meetings the current status of the site was discussed as well as a general discussion about compliance and areas for improvement. **Table 2** lists those present at these meetings.

Table 2: Meetings Attendees

Name	Role	Opening Meeting (12 January 2022)	Closing Meeting (2 February 2022)
Kenny Barry	Shoalhaven Coal Site Representative (SSG)	Present	Present
Luke Bettridge	Site Environmental Representative (Umwelt)	Present	Present
Almudena Bryce	Site Environmental Manager (CVM)	Absent	Present



Name	Role	Opening Meeting (12 January 2022)	Closing Meeting (2 February 2022)
Noel Storan	Auditor Team	Present	Present
Anda Lin	Audit Team	Absent	Present

## 2.5 Consultation Requirements

Section 4.2 of the Independent Environmental Audit Guidelines (DP&E, October 2015) requires the Lead Auditor to consult with relevant agencies and the Community. A summary of consultation for this audit is provided in table 3 below:

**Table 3: Stakeholder Consultation**

Regulatory Authority	Contact Details	Details of Consultation from CARAS	Response	CARAS comments
DPIE	<a href="mailto:compliance@planning.nse.gov.au">compliance@planning.nse.gov.au</a> Jennifer Rowe <a href="mailto:Jennifer.rowe@planning.nsw.gov.au">Jennifer.rowe@planning.nsw.gov.au</a> Katrina O'Reilly <a href="mailto:katrina.OReilly@planning.nsw.gov.au">katrina.OReilly@planning.nsw.gov.au</a>	Email requesting input	No response	
Lithgow Council	Jessica Ramsden (Development Planner) <a href="mailto:council@lithgow.nsw.gov.au">council@lithgow.nsw.gov.au</a>	Email to Lithgow Council	Email response from Council with no specific issue raised but requested a copy of finalised audit report.	Inform CVM of request from Lithgow Council for their action
NSW EPA	<a href="mailto:allan.adams@epa.nsw.gov.au">allan.adams@epa.nsw.gov.au</a>	Email requesting input	No response	
CCC	Greg Barton <a href="mailto:gbarton@konekt.com.au">gbarton@konekt.com.au</a>	E-mail requesting input	No response	Email bounced and tried text message but no response





### 3 Documents Reviewed

Documentation reviewed as part of the audit process includes:

- ▼ Environmental Impact Assessment - Feldmast Coal Project Cullen Bullen, dated February 1997, and prepared by International Environmental Consultants Pty Ltd;
- ▼ Development Consent (DA-200-5 2003);
- ▼ Environmental Management Strategy (2004);
- ▼ EIS titled Cullen Valley Mine Lease Extension Project, dated April 2003, and prepared by International Environmental Consultants Pty Ltd, as modified by correspondence from the Applicant dated 20 May 2004;
- ▼ Annual Environmental Management Report (AEMR) and Annual Reviews across the audit period;
- ▼ Environmental Monitoring Program (Dec 2009);
- ▼ Previous Independent Environmental Audit – GSS Environmental (February 2011);
- ▼ Environmental Management Plan (September 2012);
- ▼ Fire Management Plan (September 2012);
- ▼ Flora and Fauna Management Plan (September 2012);
- ▼ Environmental Monitoring Program (September 2012);
- ▼ Pollution Incident Response Management Plan (February 2016); and
- ▼ Water Management Plan (Aug 2017);
- ▼ Mining Leases (ML 1455, 1488, 1566, 1557);
- ▼ Environment Protection Licence (EPL 10341);
- ▼ Community Consultative Committee Meeting Minutes – across the audit period;
- ▼ Klenfelder – Annual Flora, Fauna and Rehabilitation Monitoring;
- ▼ Mining Lease Compliance Reports;
- ▼ Environmental Incident Reports;
- ▼ Blast notifications;
- ▼ Key consultation with government – including consultation and approval letters; and
- ▼ Environmental monitoring reports and data – air, blasting, noise, water



## 4 Assessment of Compliance

The terms used in the audit to describe the level of compliance of the site with the relevant approval documentation is outlined in **Table 4** and **Table 5**. These are requirements of the DP&E *Independent Environmental Audit Guidelines* (October 2015).

**Table 4: Compliance Assessment Criteria**

Assessment	Criteria
<b>Compliant</b>	Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit.
<b>Not verified</b>	Where the auditor has not been able to collect sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit. In the absence of sufficient verification the auditor may in some instances be able to verify by other means (visual inspection, personal communication, etc.) that a requirement has been met. In such a situation, the requirement should still be assessed as not verified. However, the auditor could note in the report that they have no reasons to believe that the operation is non-compliant with that requirement.
<b>Non-compliant</b>	Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent of one or more specific elements of the regulatory approval have not been complied with within the scope of the audit.
<b>Administrative non-compliance</b>	A technical non-compliance with a regulatory approval that would not impact on performance and that is considered minor in nature (e.g. report submitted but not on the due date, failed monitor or late monitoring session). This would not apply to performance-related aspects (e.g. exceedance of a noise limit) or where a requirement had not been met at all (e.g. noise management plan not prepared and submitted for approval).
<b>Not triggered</b>	A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection; therefore a determination of compliance could not be made.
<b>Observation</b>	Observations are recorded where the audit identified issues of concern which do not strictly relate to the scope of the audit or assessment of compliance. Further observations are considered to be indicators of potential non-compliances or areas where performance may be improved.
<b>Note</b>	A statement or fact, where no assessment of compliance is required.

**Table 5 – Risk Levels for Non-Compliances**

Risk level	Colour Code	Description
<b>High</b>		Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence.
<b>Medium</b>		Non-compliance with: <ul style="list-style-type: none"> <li>• potential for serious environmental consequences but is unlikely to occur; or</li> <li>• potential for moderate environmental consequences, but is likely to occur.</li> </ul>
<b>Low</b>		Non-compliance with: <ul style="list-style-type: none"> <li>• potential for moderate environmental consequences but is unlikely to occur; or</li> <li>• potential for low environmental consequences, but is likely to occur.</li> </ul>
<b>Administrative Non-Compliance</b>		Only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions)



## 5 Approvals and Documentation Assessed

### 5.1 Previous Audit Recommendations

The previous IEA completed by SLR in November 2016 was used as a reference document during this 2021 audit. The 2016 audit report made several recommendations and these recommendations have been reviewed by CARAS for this audit and included in the assessment discussed at Section 7: Audit Findings of this report.

It should be noted that CVM continued to operate on care and maintenance throughout the 2016 - 2021 audit period and many of the recommendations are not relevant to this mode of operation.

### 5.2 EIS

The impact predictions in the EIS's were for an operating site and were applicable to the site until 2013, when the site went on care and maintenance.

It is therefore difficult to compare EIS predictions to data for noise, dust and water during the audit period. Key proposed mitigation measures have been assessed by CARAS as part of the audit with zero non-compliances identified.

### 5.3 Development Consent

All conditions of the Development Consent were assessed; however, several conditions were 'Not Triggered' during the audit period with the site being on care and maintenance for all of the audit period. A summary of non-compliances and additional recommendations are outlined in Section 7 and 8.

### 5.4 Management Plans and Programs

The following management plans were updated during the audit period:

- ▼ Fauna and Flora Management Plan (June 2017)
- ▼ Species Management Plan (August 2017)
- ▼ Water Management Plan (August 2017)
- ▼ Care and Maintenance MOP (November 2020)
- ▼ Pollution Incident Response Management Plan (December 2020)

### 5.5 Environment Protection Licence

EPL 10341 is administered by the EPA. All conditions of this approval were assessed for the audit. A summary of non-compliances and additional recommendations are outlined in Sections 7 and 8.

### 5.6 Mining Leases

Mining Leases (ML 1455, 1488, 1566, 1557) were reviewed by CARAS as part of this audit. There were several 'Not Verified/ Not Triggered' conditions, but no non-compliances determined by the audit team.





## 6 Assessment of Compensatory Habitat

Schedule 4 Condition 36 and 37 of the Development Consent requires the completion of an Independent Environmental Audit of the compensatory habitat area every five years.

The 2004 Development Consent required that “at least 50 ha of land be conserved, managed and maintained on or adjacent to the site to compensate for the vegetation that would be removed by the extension”. The project and approval documentation provides little information about the property tenure or ecological attributes of the compensatory habitat areas; essentially it comprises several parcels located between the perimeter of the previously rehabilitated areas and Ben Bullen State Forest. The location of the conservation offset areas is shown in the Compensatory Habitat Management Plan.

The compensatory habitat contains a mixture of Sandstone Dry Ridgetop Woodland, Tablelands Sheltered Valley Forest, and Tablelands Dry Woodland.

This area is also adjacent to several *Rehabilitation Areas*. The habitat value of each of these areas was described in detail as part of the EIS process and is used as baseline data for existing habitat.

The most recent Annual Review (25 March 2021) reported growth in both fauna and flora communities as per the extracts copied below:

### Section 6.6.3.2 CVM Compensatory Habitat Areas

*Native vegetation within the Compensatory Habitat Areas was considered to be in good condition across all woodland and forest habitats however it was found to be affected by previous drought conditions. Monitoring in 2020 recorded a significant increase in the overall floristic composition and vegetation condition for most Compensatory Habitat Area monitoring locations compared to monitoring in 2019. Woodland and forest habitats demonstrated substantial increase in the vegetative cover throughout the ground stratum (Plate 6.2), whereas foliage cover in the canopy while the midstory strata was generally sparse and continues to recover following the drought. In 2020 bare earth was infrequently observed across all Compensatory Habitat Area monitoring locations. Where ground layer vegetation was present an increase in native species diversity was observed, compared to 2019. The vegetation of the Compensatory Habitat Areas demonstrates minimal degradation due to human influences with the exception of vehicle tracks, minor logging and rubbish dumping by others. Given the above information, no flora management activities are recommended at this time. While the 2020 monitoring observed increased cover and abundance of native species it should be noted that the cover and abundance of these species is expected to decrease slightly in subsequent monitoring events as is typical of native flora species following a period of increased growth after a drought.*

*Monitoring in 2020 recorded an increase in overall fauna species diversity throughout the Compensatory Habitat Areas with a total of 88 fauna species recorded compared to 55 species recorded during monitoring in 2019. Approximately 70% of the fauna diversity is represented by birds with 62 species recorded across all Compensatory Habitat Area monitoring sites. The remaining 26 fauna species recorded during 2020 monitoring consisting of 13 mammal species, nine reptile species and four frog species. While most fauna groups experienced an increase in the species diversity, the number of mammal species detected during monitoring increased from 11 species in 2019. Microbat monitoring in 2020 consisted of site stratification to decrease the number of sample sites and increase the detection period of the Anabat ultrasonic recording device from one hour to an entire night of recording. A total of three microbat species were confidently identified in 2020 based on call analysis compared to 10 species recorded in 2019 and two species recorded in 2018. The availability of diverse habitats structures, the proximity of the CHA to Ben Bullen State Forest and rural areas, is the likely reason that the CVM Compensatory Habitat Area retains*



*reasonably high degree of fauna species diversity and the occurrence of threatened species during severe environmental conditions.*

The Auditors expectation is that the wet conditions over the summer of 2021/ 2022, which have visibly enhanced the revegetation of the entire region, as observed during the audit visit in February 2022 will promote the growth and abundance of fauna and flora in the compensatory habitat area.

CVM informed the Auditor that the ecology monitoring team were attending the site during the week of the audit visit in February 2022. The results of this monitoring event will be provided in the Annual Review due in March 2022.

Selected photographs of the regeneration visible in February 2022 are included in Appendix A.



## 7 Summary of Audit Findings

CVM has been operating under care and maintenance for the full duration of the audit period, the audit findings are discussed in the following paragraphs.

### 7.1 Non-compliant

1. SSD-200-5-2003: Condition 27 and EPL 10341: Condition L6.1

The Auditor has identified one non-compliance regarding potentially offensive odour emissions from the Site. Area of the CVM site are subject to a subsurface heating phenomenon that results in the release of gases as vapour from fissures and cracks in the natural ground surface. The heating also damages the growth of flora in these areas which compound the problem through denuding of the natural surface vegetation.

Under prevailing weather conditions, the vapours dissipate into the atmosphere and do not create any nuisance odour event. However, our understanding is that on two to three occasions per annum when a thermal inversion occurs, the vapours are trapped in the near surface atmosphere and dissipate across the boundary to a neighbouring property.

On these occasions, there is a reported odour to the outdoor recreational use of the neighbouring property, there is no report of odour impacting on buildings or enclosed areas.

On 4 February 2020, the NSW Resource Regulator issued Shoalhaven Coal with a Section 240 notice, which was updated and reissued on 15 May 2020. Shoalhaven Coal received direction from the Section 240 notice to submit an updated MOP, including an updated Plan of Works for the containment and extinguishing of subsurface heating.

The updated MOP and Plan of Works were submitted to the NSW RR for approval on 13 November 2020 and was approved in February 2021. The approved MOP period covers 2021-2025 and provides a framework for the investigation and treatment of subsurface heating areas, continued rehabilitation of areas impacted by subsurface heating and management of erosion areas associated with subsurface heating impacts.

### 7.2 Administrative Non-compliance

The Auditor identified 9 administrative non-compliance events, where CVM failed to comply with the consent conditions for the reasons as discussed below:

1. DA 200-5-2003 – Condition 1

The applicant has generally implemented practicable measures to minimise harm to the environment. However, the Department has raised concerns in regard to a number of issues during the audit period. These can be summarised as follows

- ▼ Groundwater reporting
- ▼ Late submission of Annual Review
- ▼ Subsurface Heating
- ▼ Rehabilitation Works
- ▼ VENM/ ENM Importation

The issues identified are discussed in more detail in the following paragraphs.

2. DA 200-5-2003 – Condition 25



CVM has failed to comply with the requirements of the consent condition on the following occasions:

- 2018 AR – A power outage of the HVAS unit caused by thunderstorm resulted in a failure to monitor air quality in accordance with this condition.
- 2019 AR - The 30+/- 2 day monitoring period for depositional dust was exceeded on one occasion (Dec).
- 2020 AR - A mechanical fault with the HVAS unit resulted in a failure to monitor air quality in two occasions.

3 DA 200-5-2003 – Condition 31 a) and f)

The completion criteria for the compensatory habitat are not clearly distinguishable from the short- and medium-term objectives.

The criteria should be developed in tandem with short-, medium- and long-term objectives and reported in the AR.

4 DA 200-5-2003 – Condition 36 a)

CVM has failed to complete the IEA within the nominated time frame due to the Covid 19 Pandemic. The previous audit was completed in Nov 2016 by SLR Consulting Australia. An extension date was granted for the audit to March 2022.

5 DA 200-5-2003 – Condition 42

CVM has failed to comply with the monitoring requirements of the consent condition due to the impact of severe bush fires in 2019 and 2020.

6 DA 200-5-2003 – Condition 43, 44 and 45

In 2017, CVM issued a revised WMP to the Department for approval and this document addressed the identified gaps in the previous WMP. However, the Department is yet to confirm that the updated CVM is approved.

7 DA 200-5-2003 – Condition 59

CVM imported a small quantity of excess spoil from a major infrastructure project in the Sydney Metropolitan Region 2018 and 2019 to help with rehabilitation works. The spoil was characterised as VENM or ENM in accordance with the NSW EPA Waste Guidelines and therefore falls within the VENM and ENM Waste Exemption Orders.

However, upon further review CVM formed the view that SSD-2005-2003 did not contemplate the importation of waste spoil and ceased the importation activities.

8 DA 200-5-2003: Schedule 6: Condition 8

During 2018 CCC, it was agreed that one CCC meeting held annually while on care and maintenance. Only one CCC meeting were held per year in 2019 and 2020. DPIE noted this is a technical non-compliance.

9 EPL 10341: Condition L4.5

Meteorological data was sourced from the Bureau of Meteorology's Bathurst weather station in 2016 and 2017. This station is located 45km away and did not comply with the nominated distances in the approval.

However, a new monitoring system was installed on site in 2018 and carries out the requirements of this condition.



Table 6: Summary of Non-Compliance

Condition of Consent	Compliance Requirement	Evidence required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
<b>DA 200-5-2003</b>					
<b>SCHEDULE 3</b>					
1.	The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.	Site inspection Review of ARs DPIE notices Section 240 Notices	<p>The applicant has generally implemented practicable measures to minimise harm to the environment. However, several notices have been issued over the audit period. These can be summarised as follows</p> <ul style="list-style-type: none"> <li>• Groundwater reporting</li> <li>• Late submission of Annual Review</li> <li>• Subsurface Heating</li> <li>• Rehabilitation Works</li> <li>• VENM use</li> </ul> <p>The applicant should implement reasonable and practical measures to investigate anomalies in the readings even if no harm has</p>	Administrative Non - Compliance	Administrative Non - Compliance #1



Condition of Consent	Compliance Requirement	Evidence required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance																									
			been done to the environment.																											
SCHEDULE 4																														
25.	<p>The Applicant shall monitor the air quality impacts of the development at representative locations around the site, using the specified averaging period, frequency, and sampling method in Table 12 to the satisfaction of DEC and the Director-General.</p> <table><tr><th>Pollutant</th><th>Units of Measure</th><th>Averaging Period</th><th>Frequency</th><th>Sampling method<sup>1</sup></th></tr><tr><td>PM<sub>10</sub></td><td>µg/m<sup>3</sup></td><td>24 hour, annual</td><td>Continuous and 1 day in 6</td><td>AS3580.9.8 – 2001<sup>2</sup> AM-18</td></tr><tr><td>TSP</td><td>µg/m<sup>3</sup></td><td>24 hour, annual</td><td>1 day in 6</td><td>AM-15</td></tr><tr><td>Dust Deposition</td><td>g/m<sup>2</sup>/month</td><td>Month, annual</td><td>Continuous</td><td>AM-19</td></tr><tr><td>Siting</td><td>-</td><td>-</td><td>-</td><td>AM-1</td></tr></table> <p>Table 12: Air quality monitoring</p>	Pollutant	Units of Measure	Averaging Period	Frequency	Sampling method <sup>1</sup>	PM <sub>10</sub>	µg/m <sup>3</sup>	24 hour, annual	Continuous and 1 day in 6	AS3580.9.8 – 2001 <sup>2</sup> AM-18	TSP	µg/m <sup>3</sup>	24 hour, annual	1 day in 6	AM-15	Dust Deposition	g/m <sup>2</sup> /month	Month, annual	Continuous	AM-19	Siting	-	-	-	AM-1	Outlined in Section 6.3 of the ARs	<p>2016 and 2017, air quality monitoring was undertaken in accordance with Table 12.</p> <p>2018 AR – A power outage of the HVAS unit caused by thunderstorm resulted in a failure to monitor air quality in accordance with this condition.</p> <p>2019 AR - The 30+/- 2 day monitoring period for depositional dust was exceeded on one occasion (dec).</p> <p>2020 AR - A mechanical fault with the HVAS unit resulted in a failure to monitor air quality on two occasions.</p>	Administrative non-compliance	Administrative non-compliance #2
Pollutant	Units of Measure	Averaging Period	Frequency	Sampling method <sup>1</sup>																										
PM <sub>10</sub>	µg/m <sup>3</sup>	24 hour, annual	Continuous and 1 day in 6	AS3580.9.8 – 2001 <sup>2</sup> AM-18																										
TSP	µg/m <sup>3</sup>	24 hour, annual	1 day in 6	AM-15																										
Dust Deposition	g/m <sup>2</sup> /month	Month, annual	Continuous	AM-19																										
Siting	-	-	-	AM-1																										
27.	The Applicant shall not cause or permit the emission of offensive odour beyond the boundary of the site in accordance with section 129 of the Protection of the Environment Operations Act 1997.	Castlereagh Website	There have been odour complaints in every year of	Non – Compliance	Non-compliance 1																									





Condition of Consent	Compliance Requirement	Evidence required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
		<p>complaints register.</p> <p>2016 to 2020 ARs</p> <p>Plan of Works MOP Variation (30 Jan 2013)</p>	<p>the audit period regarding subsurface heating.</p> <p>2016- 4 complaints</p> <p>2017- 2 complaints</p> <p>2018- 3 complaints</p> <p>2019- 2 complaints</p> <p>2020- 2 complaints</p> <p>2021- 1 complaint</p> <p>Continue to monitor and implement current subsurface management plan. Consult and review if the situation worsens.</p>		
31. a)	describe the immediate and long-term compensatory habitat proposal, and demonstrate how this proposal would be integrated with the proposed rehabilitation of the site and surrounding areas of remnant vegetation;	<p>2012 Flora and Fauna Management Plan</p> <p>2016 to 2020 ARs</p>	<p>As stated by previous audit, there is no clear distinction between short- and long-term management of compensatory habitat areas.</p> <p>An explicit plan covering expected short, medium and</p>	Administrative non-compliance	Administrative non-compliance #3



Condition of Consent	Compliance Requirement	Evidence required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
			long-term should be summarised in the ARs.		
31. f)	set completion criteria for the compensatory habitat proposal.	Refer to 2016 to 2020 ARs	<p>No completion criteria were found for compensatory habitat.</p> <p>The criteria should be developed and reported in AR. Criteria should be developed in in tandem with short, medium and long-term goals.</p>	Non – Compliance	Administrative non-compliance #3
36. a)	be conducted by a suitably qualified, experienced, and independent person whose appointment has been approved by the Director-General;	Refer to Section 1.0 and 2.2 in AR	<p>Previous audit was completed on the 25 Nov 2016 by SLR Consulting Australia.</p> <p>An extension date was granted for this audit to March 2022.</p> <p>CARAS was endorsed on 15 December 2021 to conduct the current audit period.</p> <p>Date of this audit was 2 February 2022</p>	Non – Compliance	Administrative non-compliance #4



Condition of Consent	Compliance Requirement	Evidence required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance																												
42.	<p>For each monitoring/discharge point, the Applicant shall monitor (by sampling and obtaining results by analysis) the concentration of each pollutant in Table 15, using the specified units of measure, frequency, and sampling method.</p> <table><tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr><tr><td>Filtrable iron</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>Filtrable manganese</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>Oil and Grease</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>Salinity</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>Total suspended solids</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>pH</td><td>pH</td><td>Weekly during any discharge</td><td>Representative sample</td></tr></table> <p>Table 15: Monitoring parameters for discharge points</p> <p>Note: Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with:</p> <ul style="list-style-type: none"><li>the Approved Methods Publication; or if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol,</li><li>a method approved by the DEC in writing before any tests are conducted, unless otherwise expressly provided in the licence.</li></ul>	Pollutant	Units of measure	Frequency	Sampling Method	Filtrable iron	mg/L	Weekly during any discharge	Representative sample	Filtrable manganese	mg/L	Weekly during any discharge	Representative sample	Oil and Grease	mg/L	Weekly during any discharge	Representative sample	Salinity	mg/L	Weekly during any discharge	Representative sample	Total suspended solids	mg/L	Weekly during any discharge	Representative sample	pH	pH	Weekly during any discharge	Representative sample	<p>Section 6.4 and Appendix 3 of ARs</p> <p>2009 EMP Section 6</p>	<p>Monthly water quality monitoring is carried out at discharge points.</p> <p>Monitoring in 2019 and 2020 were affected due to bushfires.</p> <p>No discharge events occurred from 2016 to 2020.</p>	Non – Compliance	Administrative non-compliance #5
Pollutant	Units of measure	Frequency	Sampling Method																														
Filtrable iron	mg/L	Weekly during any discharge	Representative sample																														
Filtrable manganese	mg/L	Weekly during any discharge	Representative sample																														
Oil and Grease	mg/L	Weekly during any discharge	Representative sample																														
Salinity	mg/L	Weekly during any discharge	Representative sample																														
Total suspended solids	mg/L	Weekly during any discharge	Representative sample																														
pH	pH	Weekly during any discharge	Representative sample																														



Condition of Consent	Compliance Requirement	Evidence required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
43.	<p>Within 6 months of the date of this consent, the Applicant shall prepare (and then implement) a Site Water Management Plan for the development, in consultation with DEC and DPI, and to the satisfaction of the Director-General. This plan must include:</p> <p>(a) the predicted site water usage;</p> <p>(b) a Surface Water Monitoring Program; and</p> <p>(c) an Erosion and Sediment Control Plan.</p>	<p>2017b CVM Water Management Plan</p> <p>Section 6.4 and 7 of ARs</p>	<p>In 2017 a revised WMP has been sent to DPE for approval, however this is still pending.</p> <p>Monitoring and usage is outlined in ARs however they are very brief.</p> <p>Surface Water Monitoring program and Erosion and Sediment control plan are in place.</p>	Non - compliance	Administrative Non-Compliance #6
44.	<p>The Surface Water Monitoring Program shall include:</p> <p>(a) detailed baseline data on surface water flows and quality;</p> <p>(b) surface water impact assessment criteria;</p> <p>(c) a program to monitor surface water flows and quality; and</p> <p>(d) a program to monitor the effectiveness of the Erosion and Sediment Control Plan.</p>	<p>Surface water monitoring is covered in Section 4.7 in 2012 EMP</p> <p>Erosion and Sediment Control Plan is covered in Section 5</p>	<p>There is a Surface Water Monitoring Program in the EMP. However, it does not provide much detail on a) and b). Additional information is required.</p> <p>In 2017, a standalone water management plan that included a surface water monitoring program was issued to DPE for approval.</p>	Non - compliance	Administrative Non-Compliance #6



Condition of Consent	Compliance Requirement	Evidence required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
		Results of monitoring are outlined in ARs			
45.	<p>The Erosion and Sediment Control Plan shall:</p> <p>(a) comply with the requirements of the Department of Housing's Managing Urban Stormwater: Soils and Construction manual;</p> <p>(b) identify activities that could cause soil erosion or discharge sediment or water pollutants from the site;</p> <p>(c) describe the location, function and capacity of all erosion and sediment control structures, and nominate which, if any, of these structures would be used as water sources for the development; and</p> <p>(d) describe the measures to minimise soil erosion and the potential migration of sediments to downstream waters.</p>	<p>2012 EMP</p> <p>AR S6.8</p>	<p>There is no discussion of compliance with requirements set by Department of Housing's Managing Urban Stormwater.</p> <p>b) Activities that cause erosion are identified in Section 5.</p> <p>c) The locations of structures are outlined but not described in detail.</p> <p>d) Measure to minimise soil erosion are covered in Section 5</p>	Non - compliance	Administrative Non-Compliance #6
59.	The Applicant shall not cause, permit or allow any waste generated outside the mine to be received at the mine for storage, treatment, processing, reprocessing or disposal, or any waste generated at the mine to be disposed of at the mine, except as expressly permitted by a DEC licence.	<p>Refer to Section 6.11 and 6.14 in ARs</p> <p>Letter from Planning and</p>	VENM/ENM dirt have been received at CVM in 2018 and 2019 to help with rehabilitation works.	Non - compliance	Administrative non - compliance #7

25 | Environmental Audit



Condition of Consent	Compliance Requirement	Evidence required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
31. a)	describe the immediate and long-term compensatory habitat proposal, and demonstrate how this proposal would be integrated with the proposed rehabilitation of the site and surrounding areas of remnant vegetation;	2012 Flora and Fauna Management Plan  2016 to 2020 ARs	As stated by previous audit, there is no clear distinction between short- and long-term management of compensatory habitat areas.  An explicit plan covering expected short, medium and long-term should be summarised in the AR.	Administrative Non – Compliance	Administrative Non – Compliance #3
31. f)	set completion criteria for the compensatory habitat proposal.	Refer to ARs	No completion criteria were found for compensatory habitat.  The criteria should be developed and reported in the AR. Criteria should be developed in in tandem with short, medium and long-term goals.	Administrative Non – Compliance	Administrative Non – Compliance #3
<b>EPL 10341</b>					
L4.5	To determine compliance:  a) with the Leq(15 minute) noise limits in condition L4.1, the noise measurement equipment must be located:	Noise monitoring reports- 2016 to 2020	Meteorological data was sourced from the Bureau of Meteorology's Bathurst weather station in 2016 and 2017. This station is located 45km away and unlikely to	Administrative Non-compliance	Administrative non-compliance # 9



Condition of Consent	Compliance Requirement	Evidence required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	<p>i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or</p> <p>ii) within 30 metres of a dwelling façade, but not closer than 3 metres where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable</p> <p>iii) within approximately 50 metres of the boundary of a National Park or Nature Reserve</p> <p>b) with the LA1(1 minute) noise limits in condition L4.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.</p> <p>c) with the noise limits in condition L4.1, the noise measurement equipment must be located:</p> <p>i) at the most affected point at a location where there is no dwelling at the location; or</p> <p>ii) at the most affected point within an area at a location prescribed by conditions L4.5(a) or L4.5(b).</p>		<p>be representative of onsite weather conditions.</p> <p>However, a new monitoring system was installed on site in 2018 and carries out the requirements of this condition.</p>		
L6.1	<p>No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.</p> <p>Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the</p>	<p>Castlereagh Coal Website ARs</p>	<p>Complaints regarding odours has been made every year of the auditing period.</p>	Non - Compliance	Non - compliance 1





Condition of Consent	Compliance Requirement	Evidence required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	odour was emitted in accordance with the conditions of a licence directed at minimising odour.				



## 8 Recommendations

CVM has been operating under care and maintenance for the full duration of the audit period, our understanding is CVM intends to recommence mining activities in early 2022. We provide the following recommendations for consideration:

### 8.1 Update all Management Plans

CARAS recommend that after a prolonged period of care and maintenance, all management plans should be reviewed and updated prior to recommencement of active mining.

The AT were informed during the site inspection that in the period from Sept 2021 to February 2022, updated management plans have been submitted and accepted by the Department, including an Addendum to the Care and Maintenance MOP. The updated MOP allows the mining of remnant coal until 2<sup>nd</sup> July 2022.

The Department is implementing an industry-wide amendment to the process of Mining Operations Plans (MOPs) and as of the 2<sup>nd</sup> of July 2022, a new system requiring a Rehabilitation Management Plan ('RMP') will replace the MOP system. Our understanding is that CVM are in the process of documenting an RMP for submission and approval by the Department prior to July 2022.

The recommendations of this audit should, as applicable be included in the review and implementation of the updated RMP.

### 8.2 Sub-Surface Heating Response Management Plan

The Sub-Surface Heating Response Management Plan should be included in the updated management plans for the operation of CVM. This will address the concerns in regard to nuisance odour from the Site.

Our recommendation is that this plan will be implemented as part of the mine recommencement works.

### 8.3 Administrative Non-compliance

The Auditor identified nine (9) administrative non-compliance events, where CVM failed to comply with the consent conditions for the reasons as discussed in Section 7 of this report.

Our recommendation is that CVM should engage a dedicated Environmental Manager ('EM'), prior to recommencing of extractive mining operations to ensure the *implementation of all practicable measures to prevent and/or minimise any harm that may result from the construction, operation, or rehabilitation of the development*<sup>3</sup>.

The EM would be responsible to ensure compliance with the consent conditions including but not limited to the following elements:

- ▼ Noise management and reporting
- ▼ Blast and vibration management and reporting
- ▼ Air quality management and reporting
- ▼ Fauna and Flora / Compensatory Habitat management and reporting
- ▼ Submission of Annual Review
- ▼ Surface water management and reporting

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<sup>3</sup> DA 200-5-2003: Schedule 3: Condition 1



- ▼ Transport management and reporting
- ▼ Aboriginal Archaeology management and reporting
- ▼ Subsurface Heating management and reporting
- ▼ Rehabilitation management and reporting
- ▼ Greenhouse Gas monitoring and reporting
- ▼ Community Consultative Committee meetings

Our understanding is that, in the period that in the period from Sept 2021 to February 2022, CVM has appointed an EM, Almudena Bryce to commence in February 2022.

## 8.4 Compensatory Habitat

The auditor found that the completion criteria for the compensatory habitat are not clearly distinguishable from the short- and medium-term objectives.

Our recommendation is that CVM include an explicit plan for the short-, medium- and long-term management of the compensatory habitat in future AEMR reports.

## 8.5 Site Boundaries and Aboriginal Sites

The identification of the boundaries to Compensatory Habitat Areas and the locations of the Aboriginal Archaeology Sites (referenced in DA: Condition 55 and 56) may have become enveloped in regrowth during the care and maintenance period.

Our recommendation is that marking, and signage should be installed to clearly identify these nominated locations.



## 9 Conclusion

CVM has been operating in care and maintenance mode for the past nine years, included for the audit period of this report.

Compliance with approval conditions related to extractive mining activities have not been triggered and, as may be expected the overall compliance and performance regarding environmental conditions has been good.

Our understanding is that CVM intends to recommence open cut extractive mining activities in 2022. This will require a review and up-date of the management plans for the operational mine and approval from the Department.

The submission of this IEA for the audit period Sept 2016 to Sept 2021, has been delayed by agreement with the Department due to the Covid 19 pandemic. The AT notes that during the delayed site inspection (February 2021) and close out correspondence for this audit, CVM informed the AT that in the post-audit period updated management plans have been submitted for acceptance by the Department, including an Addendum to the Care and Maintenance MOP (approved 28<sup>th</sup> February 2022), to allow mining of remnant coal until 2<sup>nd</sup> July 2022.

The process of Mining Operations Plans ('MOPs') is ending on the 2<sup>nd</sup> of July this year, with a new system called a Rehabilitation Management Plan ('RMP'). The recommendations of this audit should, as applicable be included in the review and implementation of the updated RMP post 2<sup>nd</sup> July 2022.

The Annual Review documents note improving numbers of fauna in the Compensatory Habitat Areas, and whilst CVM has been operating in care and maintenance, the weeding and rehabilitation program has been actively pursued. The wet conditions over the summer of 2021/ 2022 have visibly enhanced the revegetation of the entire region and the ecology team was attending the site during the audit visit in February 2022. The results of this monitoring event will be provided in the AR due in March 2022.

The Auditor has identified one non-compliance regarding potentially offensive odour emissions from the Site. Areas of the CVM site are subject to a sub-surface heating within formerly rehabilitated landforms, the heat creates a release of gases as vapour from fissures and cracks in the natural ground surface. The heating also damages the growth of flora in these areas which compounds the problem through denuding of the natural surface vegetation.

CVM and the Department are aware of the heating phenomenon and CVM have developed an action plan in consultation with the Resources Regulator to control and monitor the sub-surface heating at the Site. Our understanding is that this action plan will be included in the updated RMP.

Overall, compliance with approvals conditions of DA 200-5-2003 including the Compensatory Habitat Area during the audit period has been satisfactory.



## Appendix A – Site Photographs



## Photos From Daily Log

### Description

Vegetation growth on rehabilitated batter slopes

### Taken Date

2/2/2022 at 11:53 am

### Upload Date

24/2/2022 at 08:30 am

### Uploaded By

Noel Storan

### File Name

[2022-02-02 11.53.05.jpg](#)



## Photos From Daily Log

### Description

Vegetation growth on rehabilitated batter slopes

### Taken Date

2/2/2022 at 11:52 am

### Upload Date

24/2/2022 at 08:29 am

### Uploaded By

Noel Storan

### File Name

[2022-02-02 11.52.46.jpg](#)





Unclassified

Description

Vegetation growth on rehabilitated batter slopes

Taken Date

2/2/2022 at 11:52 am

Upload Date

3/2/2022 at 09:03 am

Uploaded By

Anda Lin

File Name

[5EB5ED2F-1089-4CFD-A...](#)



Photos From Daily Log

Description

Vegetation growth on rehabilitated batter slopes

Taken Date

2/2/2022 at 11:52 am

Upload Date

24/2/2022 at 08:29 am

Uploaded By

Noel Storan

File Name

[2022-02-02 11.52.22.jpg](#)





Unclassified

Description  
Bunded Tank Pit

Taken Date  
2/2/2022 at 11:48 am

Upload Date  
3/2/2022 at 09:03 am

Uploaded By  
Anda Lin

File Name  
[861C7A98-1206-4238-8...](#)



Unclassified

Description  
Mobile and 110% bunded oil tank in place for mine recommencement

Taken Date  
2/2/2022 at 11:47 am

Upload Date  
3/2/2022 at 09:03 am

Uploaded By  
Anda Lin

File Name  
[AF8D81C4-ADEA-4E1A-A...](#)





Unclassified

Description  
Rehabilitation Area -  
seeding in November  
2003

Taken Date  
2/2/2022 at 11:45 am

Upload Date  
3/2/2022 at 09:03 am

Uploaded By  
Anda Lin

File Name  
[47F4D0CB-3FB5-4633-A...](#)



Unclassified

Description  
Surface water from recent  
rain events

Taken Date  
2/2/2022 at 11:43 am

Upload Date  
3/2/2022 at 09:04 am

Uploaded By  
Anda Lin

File Name  
[17AA7828-7A9E-414A-A...](#)





Unclassified

Description  
Energy dissipation  
provided in water channel

Taken Date  
2/2/2022 at 11:43 am

Upload Date  
3/2/2022 at 09:03 am

Uploaded By  
Anda Lin

File Name  
[1A16F50F-2BFE-4635-A...](#)



Unclassified

Description  
Water pump to recover  
waters for site reuse

Taken Date  
2/2/2022 at 11:36 am

Upload Date  
3/2/2022 at 09:04 am

Uploaded By  
Anda Lin

File Name  
[OCA64409-F141-4D9E-B...](#)





Unclassified

Description  
natural revegetation is  
starting to occur in barren  
areas

Taken Date  
2/2/2022 at 11:29 am

Upload Date  
3/2/2022 at 09:04 am

Uploaded By  
Anda Lin

File Name  
[31F80268-48B9-4078-9...](#)



Unclassified

Description  
Steep rock face - this area  
will be worked once the  
mine operations  
recommence

Taken Date  
2/2/2022 at 11:29 am

Upload Date  
3/2/2022 at 09:04 am

Uploaded By  
Anda Lin

File Name  
[3889946E-52E9-4C57-B...](#)





Unclassified

Description

Ponding water and revegetation in water channels

Taken Date

2/2/2022 at 11:22 am

Upload Date

3/2/2022 at 09:04 am

Uploaded By

Anda Lin

File Name

[E0B34B29-3B85-49EB-8...](#)



Photos From Daily Log

Description

Evidence of subsurface heating and vapour venting from ground

Taken Date

2/2/2022 at 11:18 am

Upload Date

24/2/2022 at 08:28 am

Uploaded By

Noel Storan

File Name

[2022-02-02 11.18.28.jpg](#)





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## Photos From Daily Log

### Description

Evidence of subsurface heating and vapour venting from ground

### Taken Date

2/2/2022 at 11:17 am

### Upload Date

24/2/2022 at 08:28 am

### Uploaded By

Noel Storan

### File Name

[2022-02-02 11.17.38.jpg](#)



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## Photos From Daily Log

### Description

Robust bushland immediately behind subsoil heating area

### Taken Date

2/2/2022 at 11:17 am

### Upload Date

24/2/2022 at 08:29 am

### Uploaded By

Noel Storan

### File Name

[2022-02-02 11.17.32.jpg](#)





## Photos From Daily Log

### Description

Subsurface heating  
denuded area

### Taken Date

2/2/2022 at 11:16 am

### Upload Date

24/2/2022 at 08:29 am

### Uploaded By

Noel Storan

### File Name

[2022-02-02 11.16.25.jpg](#)



## Unclassified

### Description

Natural growth adjacent to  
heating area

### Taken Date

2/2/2022 at 11:15 am

### Upload Date

3/2/2022 at 09:04 am

### Uploaded By

Anda Lin

### File Name

[B285573D-5B58-4E0F-A...](#)





Unclassified

Description  
Robust vegetation  
regrowth following wet  
summer

Taken Date  
2/2/2022 at 11:10 am

Upload Date  
3/2/2022 at 09:05 am

Uploaded By  
Anda Lin

File Name  
[55277472-3D3E-408B-B...](#)



Unclassified

Description  
Robust vegetation  
regrowth following wet  
summer

Taken Date  
2/2/2022 at 11:10 am

Upload Date  
3/2/2022 at 09:05 am

Uploaded By  
Anda Lin

File Name  
[F28D2067-9FEB-423B-8...](#)





Unclassified

Description

Water dam at bottom of  
site - final dam in system

Taken Date

2/2/2022 at 11:08 am

Upload Date

3/2/2022 at 09:05 am

Uploaded By

Anda Lin

File Name

[78079DB9-6F82-41C1-8...](#)



Unclassified

Description

Water dam at bottom of  
site - final dam in system

Taken Date

2/2/2022 at 11:08 am

Upload Date

3/2/2022 at 09:05 am

Uploaded By

Anda Lin

File Name

[37FCCDCF-D54A-4476-B...](#)





Unclassified

Description

Water dam at bottom of  
site - final dam in system

Taken Date

2/2/2022 at 11:08 am

Upload Date

3/2/2022 at 09:05 am

Uploaded By

Anda Lin

File Name

[36D43531-2EC4-4698-B...](#)



Unclassified

Description

laydown area awaiting  
recommencement  
activities to strat

Taken Date

2/2/2022 at 08:07 am

Upload Date

3/2/2022 at 09:05 am

Uploaded By

Anda Lin

File Name

[F84A9E23-BE3B-4472-9...](#)





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## Photos From Daily Log

### Description

Maintenance shed -  
awaiting  
recommencement

### Taken Date

2/2/2022 at 08:07 am

### Upload Date

24/2/2022 at 08:30 am

### Uploaded By

Noel Storan

### File Name

[2022-02-02 08.07.03.jpg](#)



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## Photos From Daily Log

### Description

Surface water channelled  
to former isolation bay

### Taken Date

2/2/2022 at 08:06 am

### Upload Date

24/2/2022 at 08:30 am

### Uploaded By

Noel Storan

### File Name

[2022-02-02 08.06.56.jpg](#)





Unclassified

Description  
Oil storage infrastructure  
-care and maintenance  
mode

Taken Date  
2/2/2022 at 08:05 am

Upload Date  
3/2/2022 at 09:05 am

Uploaded By  
Anda Lin

File Name  
[DCB743D9-8266-46D6-...](#)



Unclassified

Description  
Oil storage infrastructure  
-care and maintenance  
mode

Taken Date  
2/2/2022 at 08:04 am

Upload Date  
3/2/2022 at 09:05 am

Uploaded By  
Anda Lin

File Name  
[F4A2EC3D-8007-4DAE-B...](#)



## Photos From Daily Log

Description  
Preparation of office  
compound for  
recommencement

Taken Date  
2/2/2022 at 08:00 am

Upload Date  
24/2/2022 at 08:28 am

Uploaded By  
Noel Storan

File Name  
[2022-02-02 08.00.39.jpg](#)





# Appendix B – Compliance Spreadsheet





Table 1 – Compliance with Development Consent DA-200-5-2003					
Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
Schedule 3 Administrative Conditions					
Obligation to Minimise Harm to the Environment					
1.	The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.	Site inspection Review of ARs DPIE notices Section 240 Notices	The applicant has generally implemented practicable measures to minimise harm to the environment. However, several notices have been issued over the audit period. These can be summarised as follows <ul style="list-style-type: none"> <li>• Groundwater reporting</li> <li>• Late submission of Annual Review</li> <li>• Subsurface Heating</li> <li>• Rehabilitation Works</li> <li>• VENM use</li> </ul>	Administrative Non - Compliance	Administrative Non - Compliance #1



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
			The applicant should implement reasonable and practical measures to investigate anomalies in the readings even if no harm has been done to the environment.		
Terms of Approval					
2.	The Proponent shall carry out the project generally in accordance with the:			Note	
2. a)	DA-200-5-2003	ARs Site Inspect	Cullen Valley Mine has generally carried out operations in accordance with this condition	Compliant	
2. b)	EIS titled Feldmast Coal Project Cullen Bullen, dated February 1997, and prepared by International Environmental Consultants Pty Ltd;	Refer above	Refer above	Compliant	
2. c)	EIS titled Cullen Valley Mine Lease Extension Project, dated April 2003, and prepared by International Environmental Consultants Pty Ltd, as modified by correspondence from the Applicant dated 20 May 2004 (see Appendix 2); and	Refer above	Refer above	Compliant	
2. d)	conditions of this approval	Refer above	Refer above	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
3.	If there is any inconsistency between the above, the conditions of this consent shall prevail to the extent of the inconsistency.			Note	
4.	The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:			Note	
4. a)	any reports, plans or correspondence that are submitted in accordance with this consent; and	Refer to ARs	The applicant has actioned in regard to reports, plans and correspondence	Compliant	
4. b)	the implementation of any actions or measures contained in these reports, plans or correspondence.	Letter of approval from DPIE.	Recommendations from Annual Reports, plans or correspondence are generally implemented or actioned	Compliant	
Limits of Approval					
5	This consent lapses 21 years after the date it commences.	Operations are within the period.	Date of commencement in 2004. This falls within the current auditing period	Compliant	
6.	The Applicant shall not:			Note	





Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
6. a)	produce more than 1 million tonnes of saleable coal a year from the development; and	Reporting outlined in Section 4 of AR records - 2016 to 2020.	No production occurred during this audit period as CVM has been under care and maintenance.	Compliant	
6. b)	transport more than 250,000 tonnes (cumulative total) of coal a year by road to domestic destinations other than the Mount Piper Power Station.	Refer to above	Refer above	Compliant	
Surrender of Consent					
7.	Within 6 months of the date of this consent, the Applicant shall surrender its previous development consent for the Cullen Valley Mine to the satisfaction of the Director General, in accordance with clause 97 of the EP&A Regulation.	Previous audit stated Clause 97 of the EP&A Act was met.  Letter was sent to the DIPNR in April 2005.	Outside of audit period and covered by previous audits	Not triggered	
Structural Adequacy					
8.	The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.  Notes: <ul style="list-style-type: none"><li>Under Part 4A of the EP&amp;A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.</li></ul>	Copies of any management plans submitted to the Director – General.	No new buildings, structures or alterations to existing buildings were made during this audit period.	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	• Part 8 of the EP&A Regulation sets out the detailed requirements for the certification of development.	Check with site team.			
Demolition					
9.	The Applicant shall ensure that all demolition work is carried out in accordance with AS 2601-2001: The Demolition of Structures, or its latest version.	Check with site team.  Review of the AR states no demolition work carried under during care and maintenance.	No demolition works were carried out during this audit period.	Compliant	
Operation of Plant and Equipment					
10.	The Applicant shall ensure that all plant and equipment at the site, or used in connection with the development, are:			Note	
10. a)	maintained in a proper and efficient condition; and	Site inspection Plant and equipment register. Service and Maintenance reports.	Plant and equipment at site are maintained and operated in a proper condition	Compliant	
10. b)	operated in a proper and efficient manner.	Personnel Training records.	Refer above	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
<b>Schedule 4 Specific Environmental Conditions</b>					
<b>Identification of Boundaries</b>					
1.	Within 6 months of the date of this consent, the Applicant shall:			Note	
1.a)	engage a registered surveyor to mark out the boundaries of the approved limits of extraction;	Outside of audit period and covered by previous audits.  Copy of registered site plan.	Boundaries of approved limits of extraction are known and covered in previous audits.	Not triggered	
1.b)	submit a survey plan of these boundaries to the Director-General; and	See above	See above	Not triggered	
1.c)	ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.	See above	See above	Not triggered	
<b>Noise – Noise Limits</b>					
2.	The Applicant shall ensure that the noise generated by the development does not exceed the noise limits in Table 1 at any privately owned land:	Noise Monitoring Results outlined in Section 6.5 and Appendix of the ARs – 2016 to 2020	No exceedances of noise limits as per Table 1 occurred during the audit period.	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Table 1 – Compliance with Development Consent DA-200-5-2003																																					
Condition of Consent	Compliance Requirement				Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance																													
	<table><tr><th>Day</th><th>Evening</th><th>Night</th><th>Night</th><th rowspan="2">Land Descriptor</th></tr><tr><th colspan="3">L<sub>Aeq</sub>(15 minute)</th><th>L<sub>A1</sub>(1 minute)</th></tr><tr><td>43</td><td>38</td><td>35</td><td>45</td><td><ul style="list-style-type: none"><li>• Ryan</li><li>• Tesoriero</li><li>• Fitzgerald</li><li>• Tilley</li><li>• Red Springs (during mining to the west of the railway line)</li><li>• Hillcroft (during mining to the west of the railway line)</li><li>• Dobson</li><li>• Williams</li><li>• Northey</li></ul></td></tr><tr><td>40</td><td>40</td><td>38</td><td>45</td><td>Forest Lodge</td></tr><tr><td>37</td><td>35</td><td>35</td><td>45</td><td>Red Springs (during mining to the east of the railway)</td></tr><tr><td>35</td><td>35</td><td>35</td><td>45</td><td>Hillcroft (during mining east of the railway) and all other land (including vacant land)</td></tr></table> <p>Table 1: Noise limits dB(A)</p>				Day	Evening	Night	Night	Land Descriptor	L <sub>Aeq</sub> (15 minute)			L <sub>A1</sub> (1 minute)	43	38	35	45	<ul style="list-style-type: none"><li>• Ryan</li><li>• Tesoriero</li><li>• Fitzgerald</li><li>• Tilley</li><li>• Red Springs (during mining to the west of the railway line)</li><li>• Hillcroft (during mining to the west of the railway line)</li><li>• Dobson</li><li>• Williams</li><li>• Northey</li></ul>	40	40	38	45	Forest Lodge	37	35	35	45	Red Springs (during mining to the east of the railway)	35	35	35	45	Hillcroft (during mining east of the railway) and all other land (including vacant land)		Noise levels have been generally inaudible.		
Day	Evening	Night	Night	Land Descriptor																																	
L <sub>Aeq</sub> (15 minute)			L <sub>A1</sub> (1 minute)																																		
43	38	35	45	<ul style="list-style-type: none"><li>• Ryan</li><li>• Tesoriero</li><li>• Fitzgerald</li><li>• Tilley</li><li>• Red Springs (during mining to the west of the railway line)</li><li>• Hillcroft (during mining to the west of the railway line)</li><li>• Dobson</li><li>• Williams</li><li>• Northey</li></ul>																																	
40	40	38	45	Forest Lodge																																	
37	35	35	45	Red Springs (during mining to the east of the railway)																																	
35	35	35	45	Hillcroft (during mining east of the railway) and all other land (including vacant land)																																	
	<p>However, if the Applicant has a written noise agreement with any landowner, and a copy of this agreement has been forwarded to the Department and DEC, then the Applicant may exceed the noise limits in Table 1 for the landowner's land in accordance with the terms of the noise agreement.</p> <p>Note: For more information on the individually named properties in Table 1 see Appendix 3.</p>				<p>Check with site team.</p> <p>Section 6.5 ARs and Quarterly Noise Monitoring Reports</p>	Noise has generally been inaudible and under the limit set out in table 1.	Compliant																														
Additional Noise Mitigation - Forest Lodge																																					



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
3.	Upon receiving a written request from the landowner, the Applicant shall investigate (and subsequently implement) all reasonable and feasible measures to mitigate the noise impacts of the development on the residence identified as Forest Lodge in the map in Appendix 3, in consultation with the landowner, and to the satisfaction of the Director General.	2009 EMP outlines a noise management plan.  Castlereagh Coal website	There have been no complaints regarding noise according to the complaints register on website during the audit period.	Not triggered	
<b>Continuous Improvement</b>					
4.	The Applicant shall:			Note	
4. a)	investigate ways to reduce the noise generated by the development;	2016 to 2020 ARs.  EMP has a noise monitoring program in place.	Noise monitoring and management plan found within EMP.  These plans should be updated and reviewed prior to recommencement of mine operations.	Compliant	
4. b)	implement best practice noise mitigation measures at the development; and	See above	See above	Compliant	
4. c)	report on these investigations and the implementation of any new noise mitigation measures at the development in the AEMR.	See above	See above	Compliant	
<b>Land Acquisition Criteria</b>					



Table 1 – Compliance with Development Consent DA-200-5-2003

Table 1 – Compliance with Development Consent DA-200-5-2003																											
Condition of Consent	Compliance Requirement			Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance																				
5.	<p>If the noise generated by the development exceeds the criteria in Table 2, the Applicant shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in Conditions 3-5 of Schedule 5.</p> <table border="1"> <thead> <tr> <th>Day</th> <th>Evening</th> <th>Night</th> <th>Land Descriptor</th> </tr> </thead> <tbody> <tr> <td colspan="4">L<sub>Aeq</sub>(15 minutes)</td> </tr> <tr> <td>43</td> <td>40</td> <td>40</td> <td> <ul style="list-style-type: none"> <li>• Ryan</li> <li>• Tesoriero</li> <li>• Fitzgerald</li> <li>• Tilley</li> <li>• Red Springs (during mining to the west of railway line)</li> <li>• Hillcroft (during mining to the west of the railway line)</li> <li>• Dobson</li> <li>• Williams</li> <li>• Northey</li> </ul> </td> </tr> <tr> <td>42</td> <td>40</td> <td>40</td> <td>Red Springs (during mining to the east of the railway)</td> </tr> <tr> <td>40</td> <td>40</td> <td>40</td> <td>Hillcroft (during mining east of the railway) and all other land (including vacant land)</td> </tr> </tbody> </table> <p>Table 2: Land acquisition criteria dB(A)</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• For more information on the individually named properties in Table 2 see Appendix 3.</li> <li>• Noise from the development is to be measured at the most affected point or within the residential boundary or at the most affected point within 30m of the dwelling (rural situations) where the dwelling is more than 30m from the boundary to determine compliance with the LAeq(15 minute) noise limits in Table 1 and 2.</li> <li>• For the purpose of noise measures required for this condition, the LAeq (15 minute) noise level must be measured or computed at the nearest or most affected residence over a period of 15 minutes using “FAST” response on the sound level meter. For the</li> </ul>			Day	Evening	Night	Land Descriptor	L <sub>Aeq</sub> (15 minutes)				43	40	40	<ul style="list-style-type: none"> <li>• Ryan</li> <li>• Tesoriero</li> <li>• Fitzgerald</li> <li>• Tilley</li> <li>• Red Springs (during mining to the west of railway line)</li> <li>• Hillcroft (during mining to the west of the railway line)</li> <li>• Dobson</li> <li>• Williams</li> <li>• Northey</li> </ul>	42	40	40	Red Springs (during mining to the east of the railway)	40	40	40	Hillcroft (during mining east of the railway) and all other land (including vacant land)	<p>No noise limits were exceeded based on evidence within ARs.</p> <p>Acquisition criteria based off noise is outlined within EMP.</p>	<p>Generally, noise has been inaudible under care and maintenance operations thus far has not triggered this requirement.</p>	Not triggered	
Day	Evening	Night	Land Descriptor																								
L <sub>Aeq</sub> (15 minutes)																											
43	40	40	<ul style="list-style-type: none"> <li>• Ryan</li> <li>• Tesoriero</li> <li>• Fitzgerald</li> <li>• Tilley</li> <li>• Red Springs (during mining to the west of railway line)</li> <li>• Hillcroft (during mining to the west of the railway line)</li> <li>• Dobson</li> <li>• Williams</li> <li>• Northey</li> </ul>																								
42	40	40	Red Springs (during mining to the east of the railway)																								
40	40	40	Hillcroft (during mining east of the railway) and all other land (including vacant land)																								



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	<p>purpose of the noise criteria for this condition, 5dB(A) must be added to the measured level if the noise is substantially tonal or impulsive in character.</p> <ul style="list-style-type: none"> <li>• Where it can be demonstrated that direct measurement of noise from the development is impractical, the DEC may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.</li> <li>• The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.</li> <li>• Noise from the development is to be measured at 1m from the dwelling façade to determine compliance with the LA1(1minute) noise limits in Tables 1 and 2.</li> <li>• The noise emission limits identified in Condition 2 and 5 apply under meteorological conditions of: <ul style="list-style-type: none"> <li>o Wind speed up to 3m/s at 10 metres above ground level; or</li> <li>o Temperature inversion conditions of up to 3oC/100m and wind speed up to 2m/s at 10 metres above the ground in accordance with the definitions provided in the Industrial Noise Policy; and</li> <li>o Temperature inversion conditions do not apply in conditions 2 and 5 where the noise limits are assessed at 43 LAeq(15 minute).</li> </ul> </li> <li>• Construction noise is considered to be operational noise for the purposes of this consent.</li> </ul>				
Noise Monitoring					



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
6.	Within 3 months of the date of this consent, unless otherwise approved by the DEC, the Applicant shall establish a continuous noise monitoring system adjacent to the meteorological weather station required under this consent. This system must be capable of recording L <sub>Amax</sub> , L <sub>A1</sub> , L <sub>A90</sub> and L <sub>Aeq</sub> noise levels in 15-minute statistical intervals. Unless otherwise agreed, the results of this monitoring must be reported to the DEC on a monthly basis, and included in the AEMR.	Outside of audit period and covered by previous audits.  Previous auditors cited a letter from then Dept Environmental and Conservation (Aug 2005) to Coalpac indicating the removal of this condition.	The condition for continuous noise monitoring at weather station was removed as stated in the previous audit  Written advice should be sought after from DP&E regarding status of condition 6.	Not triggered	
7.	The Applicant shall undertake quarterly attended noise monitoring of the noise generated by the development at representative locations around the site to the satisfaction of the Director-General, and in general accordance with the NSW Industrial Noise Policy and AS1055-1997: Acoustics – Description and Measurement of Environmental, or its latest version.	Quarterly noise monitoring is outlined in Section 6.5 and Appendix in the ARs	Noise Monitoring has been conducted in all quarters regarding the audit period.	Compliant	
8.	Within 3 months of the date of this consent, the Applicant shall prepare (and then implement) a Noise Monitoring Program for the development in consultation with DEC, and to the satisfaction of the Director-General. This program must include a noise monitoring protocol for evaluating compliance with the criteria in Tables 1 and 2.	Noise monitoring and management plan found within 2009 EMP	Noise monitoring has not exceeded limits set out in Tables 1 and 2	Compliant	
BLASTING & VIBRATION					





Table 1 – Compliance with Development Consent DA-200-5-2003					
Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
Airblast Overpressure Limits					
9.	The Applicant shall ensure that the airblast overpressure level from blasting at the development does not exceed the criteria in Table 3 at any residence or sensitive receiver on privately owned land.	Review of 2016 to 2020 ARs.  2016 - Section 6.10  2017 to 2020 – Section 6.11	No blasting during this audit period.	Not triggered	
Ground Vibration Criteria					



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
10.	<p>The Applicant shall ensure that the peak vector sum from the development does not exceed the criteria in Table 4 at any residence or sensitive receiver on privately owned land:</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	See above	See above	Not triggered	
11.	<p>The Applicant shall ensure that the peak vector sum from blasting at the development does not exceed 2mm/s at the sandstone overhang/rock shelter site C-S-1 without the written approval of the Director-General.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• For more information on C-S-1 see Appendix 4.</li> <li>• Prior to seeking approval from the Director-General to exceed the 2mm/s peak particle velocity limit at the sandstone overhang/rock shelter site C-S-1, the Applicant shall undertake a structural assessment of the site C-S-1, in consultation with DPI and DEC to determine alternate limits for future operations.</li> <li>• If further archaeological studies confirm that C-S-1 does not have archaeological significance, this requirement shall cease to apply.</li> </ul>	See above	See above	Not triggered	
Blasting Hours					



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
12.	The Applicant shall only carry out blasting at the development between 9 am and 3 pm Monday to Friday inclusive. No blasting is allowed on public holidays or any other time without the written approval of DEC.	See above	See above	Not triggered	
Public Notice					
13.	During the life of the development, the Applicant shall:			Note	
13. a)	notify anyone who registers an interest in being notified about the blasting schedule at the development;	Review of 2016 to 2020 ARs.  2016 - Section 6.10  2017 to 2020 – Section 6.11  Monitoring and Management Plan on 2009 EMP	See above	Not triggered	
13. b)	operate a blasting hotline, or alternative system agreed to by the Director General, to enable the public to get up-to-date information on blasting operations at the development; and	Site contact details displayed at the front of site.	See above	Not triggered	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
		Website also have contact details on it.			
13. c)	publish a notice about this hotline or system in a local newspaper on at least a 6-monthly basis.	See above	See above	Not triggered	
<b>Blast Management Plan</b>					
14.	Within 3 months of the date of this consent, the Applicant shall prepare (and then implement) a Blast Management Plan for the development, in consultation with Rail Corporation, Council, and the landowners of the Hillcroft and Forest Lodge properties (see Appendix 3), and to the satisfaction of the Director-General. This plan must:			Note	
14. a)	describe what measures would be implemented to minimise the potential blasting impacts of the development on the Wallerawang-Gwabegar Railway Line, Red Springs Road, and the land on Hillcroft and Forest Lodge properties (see Appendix 3) that may be within 500 metres of any blasting carried out at the development;	Covered in Section 3 in the 2012 Blast Management Plan.	No blasting took place during this audit period.  The blast management plan should be reviewed prior to mine operations.	Not triggered	
14. b)	monitor the performance of these measures; and	Covered in Section 2.3 in 2012 Blast Management Plan	See above	Not triggered	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
14. c)	describe what procedures would be followed to address any blasting-related impacts.	Covered in Section 4 in the 20212 Blast Management Plan	See above	Not triggered	
<b>Blast Monitoring</b>					
15.	<p>The Applicant shall monitor the blasting impacts of the development at representative locations around the site, using the specified units of measure, frequency, sampling</p> <p>method, and location in Table 5.</p>	<p>Review of 2016 to 2020 ARs.</p> <p>2016 - Section 6.10</p> <p>2017 to 2020 – Section 6.11</p> <p>2009 EMP</p> <p>2012 Blast Management Plan</p>	<p>No blasting during this audit period.</p> <p>If operations were to recommence, blast monitoring should be established at required sites.</p>	Not triggered	
16.	<p>The Applicant shall monitor the ground vibration impacts at the sandstone overhang/rock shelter site C-S-1 (see Appendix 4) to the satisfaction of the Director-General.</p> <p>Note: If further archaeological studies confirm that C-S-1 (see Appendix 4) does not have archaeological significance, this requirement shall cease to apply.</p>	See above	See above	Not triggered	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
17.	<p>Within 3 months of the date of this consent, the Applicant shall prepare (and then implement) a Blast Monitoring Program for the development, in consultation with the DEC, and to the satisfaction of the Director-General.</p> <p>Note: This program must include provisions for reporting the date, time, PVS, dB (Lin Peak) and wave form trace for each blast.</p>	See above	See above	Not triggered	
<b>Property Inspection</b>					
18.	Prior to blasting within 2 km of any residence, the Applicant shall notify the landowner that they are entitled to a property inspection. If the Applicant receives a written request for a property inspection from any landowner within 2 km of the active mining area, the Applicant shall:	See above	See above	Not triggered	
18. a)	within 14 days of receiving the request, commission a suitably qualified person, whose appointment has been approved by the Director-General, to inspect the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and	See above	See above	Not triggered	
18. b)	give the landowner a copy of this property inspection report within 14 days of receiving the report.	See above	See above	Not triggered	
<b>Property Investigations</b>					
19.	If any landowner within a 2 km radius of the active mining area claims that his/her property has been damaged as a result of blasting at the development, the Applicant shall:			Note	





Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
19. a)	within 14 days of receiving this claim in writing, commission a suitably qualified person whose appointment has been approved by the Director-General to investigate the claim; and	Review of 2016 to 2020 ARs.  2016 - Section 6.10  2017 to 2020 – Section 6.11  2009 EMP  2012 Blast Management Plan	Not triggered as there has been no blasting during this audit period.  If operations were to recommence, blast monitoring should be established at required sites.	Not triggered	
19. b)	give the landowner a copy of the property investigation report within 14 days of receiving the report.  If this independent investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant shall repair the damages to the satisfaction of the Director-General.  If the Applicant or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution.	See above	See above	Not triggered	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (See Appendix 5).				
<b>AIR QUALITY</b>					
Impact Assessment Criteria					
20.	<p>The Applicant shall ensure that the air pollution generated by the development does not cause any additional exceedances of the criteria listed in Tables 6, 7, and 8 at any privately owned land.</p> <p>Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air -</p> <p>Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air -</p> <p>Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia,</p>	<p>Refer to Section 6.3 in ARs</p> <p>Complaints register</p>	<p>Exceedances were found in 2020, 2019, 2018. However, investigations were made, and these exceedances were influenced by extraordinary events (bushfire or dust event). These exceedances are not considered as non-compliance and considered 'exceptional events' according to NEPM.</p> <p>Generally, air quality limits were not exceeded.</p>	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	<p>20. The dust levels must be maintained at or below the following levels:</p> <p>Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.</p>		No dust complaints.		
Operating conditions					
21	Activities at the premises must be carried out in a manner that will minimise emissions of dust from the site.	Refer to Section 6.3 in ARs Site inspection did not determine	Dust monitoring levels have generally been low during care and maintenance.	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
		visible dust in large, uncovered areas.	It is unlikely for exceedances in dust emission unless exceptional events occur.		
22	The Applicant shall ensure that all loaded trucks leaving the site are covered at all times.	Outlined in Dust Management Plan	No loaded trucks left during audit period	Compliant	
Minimisation of Visible Dust					
23	The Applicant shall regularly monitor the development for visible dust; and if visible dust is being generated on-site, then the Applicant shall relocate, modify, and/or stop mining operations to minimise adverse dust impacts occurring on any privately-owned land.	Refer to Section 6.3 in ARs  Site inspection did not determine visible dust in large, uncovered areas.	Dust levels have generally been low during care and maintenance.  No dust complaints were filed in this audit period.	Compliant	
Land Acquisition Criteria					
Monitoring					



Table 1 – Compliance with Development Consent DA-200-5-2003

Table 1 – Compliance with Development Consent DA-200-5-2003																																	
Condition of Consent	Compliance Requirement				Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance																									
25.	The Applicant shall monitor the air quality impacts of the development at representative locations around the site, using the specified averaging period, frequency, and sampling method in Table 12 to the satisfaction of DEC and the Director-General.				Outlined in Section 6.3 of the ARs	2016 and 2017, air quality monitoring was undertaken in accordance with Table 12.  2018 AR – A power outage of the HVAS unit caused by thunderstorm resulted in a failure to monitor air quality in accordance with this condition.  2019 AR - The 30+/- 2 day monitoring period for depositional dust was exceeded on one occasion (dec).  2020 AR - A mechanical fault with the HVAS unit resulted in a failure	Administrative non-compliance	Administrative non-compliance #2																									
	<table><tr><th>Pollutant</th><th>Units of Measure</th><th>Averaging Period</th><th>Frequency</th><th>Sampling method<sup>1</sup></th></tr><tr><td>PM<sub>10</sub></td><td>µg/m³</td><td>24 hour, annual</td><td>Continuous and 1 day in 6</td><td>AS3580.9.8 – 2001<sup>2</sup> AM-18</td></tr><tr><td>TSP</td><td>µg/m³</td><td>24 hour, annual</td><td>1 day in 6</td><td>AM-15</td></tr><tr><td>Dust Deposition</td><td>g/m²/month</td><td>Month, annual</td><td>Continuous</td><td>AM-19</td></tr><tr><td>Siting</td><td>-</td><td>-</td><td>-</td><td>AM-1</td></tr></table>								Pollutant	Units of Measure	Averaging Period	Frequency	Sampling method <sup>1</sup>	PM <sub>10</sub>	µg/m³	24 hour, annual	Continuous and 1 day in 6	AS3580.9.8 – 2001 <sup>2</sup> AM-18	TSP	µg/m³	24 hour, annual	1 day in 6	AM-15	Dust Deposition	g/m²/month	Month, annual	Continuous	AM-19	Siting	-	-	-	AM-1
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	Dust Deposition	g/m²/month	Month, annual	Continuous					AM-19																								
Siting	-	-	-	AM-1																													
Table 12: Air quality monitoring																																	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
			to monitor air quality in two occasions.		
26.	<p>Within 3 months of the date of this consent, the Applicant shall prepare, and then implement, an Air Quality Monitoring Program for the development, in consultation with DEC, and to the satisfaction of the Director-General.</p> <p>1 NSW EPA, 2001, Approved Methods for the Sampling and Analysis of Air Pollutants in NSW.</p> <p>2 Standards Australia, 2001, AS3580.9.8-2002, Method for Sampling and Analysis of Ambient Air - Determination of Suspended Particulate Matter - PM10 Continuous Direct Mass Method using a Tapered Element Oscillating Microbalance Analyser, or any other method that is approved by the DEC and the Director-General.</p>	Refer to 2009 and 2012 CV EMP	<p>An air quality management and monitoring plan is outlined in the EMP.</p> <p>A review of management plans should be conducted prior to recommending of mine operations.</p>	Compliant	
OFFENSIVE ODOUR					
27.	The Applicant shall not cause or permit the emission of offensive odour beyond the boundary of the site in accordance with section 129 of the Protection of the Environment Operations Act 1997.	<p>Castlereagh Website complaints register.</p> <p>2016 to 2020 ARs</p> <p>Plan of Works MOP Variation (30 Jan 2013)</p>	<p>There have been odour complaints in every year of the audit period regarding subsurface heating.</p> <p>2016- 4 complaints</p> <p>2017- 2 complaints</p> <p>2018- 3 complaints</p>	Non – Compliance	Non-compliance #1



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
			2019- 2 complaints 2020- 2 complaints 2021- 1 complaint Continue to monitor and implement current subsurface management plan. Consult and review if the situation worsens.		
METEOROLOGICAL MONITORING					





Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
28.	<p>Within 3 months of the date of this consent, or as otherwise agreed, the Applicant shall establish a permanent meteorological station at a location approved by the DEC, and to the satisfaction of the Director-General, to monitor the parameters in Table 13, using the specified units of measure, averaging period, frequency, and sampling method.</p>	<p>Weather station located on site.</p> <p>Refer to Section 6.2 in ARs</p> <p>EMP</p>	<p>The AEMRs provide a summary of meteorological monitoring in Section 6.2. This includes monthly readings of rainfall, air temperature in accordance with Table 13 and humidity.</p> <p>Meteorological monitoring can also be found in the 2009 EMP</p>	Compliant	
FLORA AND FAUNA					
Compensatory Habitat					
29.	<p>Within the limits of best practice flora and fauna management, the Applicant shall conserve, manage and maintain at least 50 hectares of land on or adjacent to the site to the satisfaction of the Director-General to compensate for the vegetation that</p>	Site Inspection	Site inspection showed CHA to be in	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	would be removed by the development, in general accordance with the proposal contained in the Applicant's correspondence to the Department dated 20 May 2004 (see Appendix 2).	Refer to Section 6.7 and 6.8 in 2016 AR.  Sections 6.6 and 6.7 in 2017-2020 ARs.  Section 2 in 2012 Flora and Fauna Management plan	good condition in line with AR reports.  Section 2 of the Flora and Fauna Management plan outlines the monitoring and management of the compensatory habitat.		
Flora and Fauna Management Plan					
30.	Within 12 months of the date of this consent, the Applicant shall prepare, and then implement, a Flora and Fauna Management Plan for the development, in consultation with DPI, and to the satisfaction of the Director-General. This plan must include a:			Note	
30. a)	Compensatory Habitat Plan;	2012 Flora and Fauna Management Plan	Covered in Section 2	Compliant	
30. b)	Vegetation Clearance Protocol;	See above	Covered in Section 3	Compliant	
30. c)	Weed Management Strategy;	See above	Covered in Section 4	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
30. d)	Ecological Monitoring Program; and	See above	Covered in Section 5	Compliant	
30. e)	description of who would be responsible for monitoring, reviewing, and implementing the plan.	See above	Covered in section. Section 1.2 Responsibility of the Mine manager.	Compliant	
31.	The Compensatory Habitat Plan shall:			Note	
31. a)	describe the immediate and long-term compensatory habitat proposal, and demonstrate how this proposal would be integrated with the proposed rehabilitation of the site and surrounding areas of remnant vegetation;	2012 Flora and Fauna Management Plan  2016 to 2020 ARs	As stated by previous audit, there is no clear distinction between short- and long-term management of compensatory habitat areas.  An explicit plan covering expected short, medium and long-term should be summarised in the AR.	Administrative non-compliance	Administrative non-compliance #3
31. b)	identify strategies to protect areas excluded from open cut mining from disturbance	Covered in 2.2.3 in 2012 Flora and	Management strategies covers	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	during mining operations;	Fauna Management Plan	ways to minimise impacts from mine operations		
31. c)	identify options for the permanent protection of areas of compensatory habitat;	See above	Fencing and signage has been used where public access is possible	Compliant	
31. d)	provide baseline data on the existing flora and fauna in the proposed compensatory habitat areas;	Covered in Section 2.2.2 in Flora and Fauna Management Plan  Outlined in Section 6.6 in ARs	Habitat value of each of the areas described as part of the EIS process used as baseline.  Monitoring of overall fauna species and comparison of vegetation compared yearly.	Compliant	
31. e)	describe how the compensatory habitat proposal would be implemented; and	Covered in Section 2.2.3 in 2012 Flora and Fauna Management Plan	Surveys and inspections are covered annually to assess the status of the area. Remedial	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
			work is carried out as necessary.		
31. f)	set completion criteria for the compensatory habitat proposal.	Refer to ARs	No completion criteria were found for compensatory habitat.  The criteria should be developed and reported in the AR. Criteria should be developed in in tandem with short, medium and long-term goals.	Non – Compliance	Administrative non-compliance #3
32.	The Vegetation Clearance Protocol shall include:			Note	
32. a)	plans showing the vegetation communities in the area, highlighting important fauna habitat areas and threatened species locations; the areas to be cleared; and the proposed clearing program;	Covered in Section 2.2 and Figure 2 in 2012 Flora and Fauna Management Plan	Figure 2 illustrates CVM vegetation communities.	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
32. b)	procedures for progressive vegetation clearing and soil management;	2012 Flora and Fauna Management Plan	A plan for progressive vegetation clearance and soil management is covered in Section 3.1	Compliant	
32. c)	strategies for minimising vegetation clearance within the development area and protection of vegetated areas outside that area;	See above	See above	Compliant	
32. d)	identification of fauna management strategies;	See above	Section 3.1 details protocols for dealing with fauna when clearing trees	Compliant	
32. d)	collection of seed from the local area;	See above	Collection of seeds are covered in Section 3.1 and partially in Section 3.3 of the Flora and Fauna Management Plan.	Compliant	
32. f)	salvage and reuse of material from the site;	See above	The reuse of Hollow-bearing trees and topsoil are covered in Section 3.1.1 and 3.4 respectively.	Compliant	





Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
32. g)	a habitat tree management program, including fauna recovery procedures;	See above	Habitat tree management plan covered in Section 3.1	Compliant	
32. h)	potential for relocation of hollow bearing trees, compensatory management measures (such as replacement of lost hollows with nesting boxes); and	2012 Flora and Fauna Management Plan  AR	Covered in Section 3.1.1. Outlines attaching hollow trees to standing trees.  Nesting box have been implanted as seen in Plate 6.5 in the 2020 AR.	Compliant	
32. i)	where possible, strategies for re-using individuals or populations of any threatened plant species that would otherwise be destroyed by the development in rehabilitation works.	See above	Covered in Section 3.3. Outlines relocating juvenile seedings	Compliant	
33.	The Weed Management Strategy shall include:			Note	
33. a)	(a) weed identification;	2012 Flora and fauna management plan	Weed identification covered in Section 4.2 and Appendix B	Compliant	
33. b)	(b) weed eradication methods and protocols for the use of herbicides; and	See above	Covered in Section 4.3.3, 4.3.3.1 and	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
			4.3.3.2. Outlines treatment strategies and protocols involving herbicides use.		
33. c)	(c) methods to treat and re-use weed infested topsoil.	See above	Covered in 4.3.2.1. Weeds are to be removed prior to stripping of topsoil.	Compliant	
34.	34. The Ecological Monitoring Program shall include:			Note	
34. a)	a program to monitor revegetation of disturbance areas including: <ul style="list-style-type: none"> <li>• visual monitoring to determine the need for maintenance and/or contingency measures;</li> <li>• monitoring of the quality of rehabilitation using a systems based approach through the assessment of landscape function, vegetation dynamics and habitat complexity; and</li> </ul>	2012 Flora and fauna management plan	Covered in Section 5. Outlines maintenance and ecological monitoring. Monitoring reports are completed annually, and summary include in ARs.	Compliant	
34. b)	a program to monitor the effectiveness of rehabilitation.	See above	Covered in Section 5. The effectiveness of rehabilitation is	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
			based off an assessment of landscape function, vegetation dynamics and habitat complexity.		
Annual Review					
35.	The Applicant shall:			Note	
35. a)	review the performance of the Flora and Fauna Management Plan annually; and	Refer to 2016-2020 ARs	Covered in: 2016- Section 6.7 and 6.8 2017 to 2020 - Section 6.6 and 6.7	Compliant	
35. b)	revise the document as necessary to take into account any recommendations from the annual review, to the satisfaction of the Director-General.	See above	See above	Compliant	
Independent Audit					
36.	Within 2 years of the date of this consent, and every 5 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission, and pay the full cost of, an Independent Audit of the compensatory habitat proposal. This audit must:			Note	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
36. a)	be conducted by a suitably qualified, experienced, and independent person whose appointment has been approved by the Director-General;	Refer to Section 1.0 and 2.2 in ARs	Previous audit was completed on the 25 Nov 2016 by SLR Consulting Australia.  An extension date was granted for the audit to March 2022.  CARAS was endorsed on 15 December 2021 to conduct the current audit period.  Date of this audit was 2 February 2022	Non – Compliance	Administrative non-compliance #4
36. b)	assess the performance of the compensatory habitat proposal;	2012 Flora and Fauna Management Plan	Refer to Section 6.6.3. Outlines yearly trends and monitoring	Compliant	
36. c)	review the adequacy of the Flora and Fauna Management Plan; and, if necessary	See above	Covered in Section 1.2. Reviewed annually by qualified ecologist.	Compliant	





Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
36. d)	recommend actions or measures to improve the performance of the compensatory habitat proposal, and the adequacy of the Fauna and Flora Management Plan.	See above	The report has an assessment of management techniques implemented within the HCA. Mainly through monitoring of rehabilitation and compensatory habitat areas	Compliant	
37.	Within 3 months of commissioning this audit, the Applicant shall submit a copy of the audit report to the Director-General with a detailed response to any recommendations in the audit report.			Note	
SUBSIDENCE					
38.	Before carrying out any underground mining operations that will potentially lead to subsidence of the land surface, the Applicant shall prepare a Subsidence Management Plan for those operations in accordance with the following documents, or their latest version: <ul style="list-style-type: none"> <li>• New Approval Process for Management of Coal Mining Subsidence - Policy; and</li> <li>• Guideline for Applications for Subsidence Management Approvals, to the satisfaction of the Director-General of DPI.</li> </ul>	ARs	Not triggered as CVM is under care and maintenance.	Not triggered	
SURFACE WATER					



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
Pollution of Waters					
39.	Except as may be expressly provided by a DEC licence, the Applicant shall comply with section 120 of the Protection of the Environment Operations Act 1997 during the carrying out of the development.	Site Inspection  ARs  EPL 10341	Site inspection and annual reports indicated no major issues that breached Section 120 of the Protection of the Environment Operations Act 1997.	Compliant	
Discharge limits					
40.	Except as may be expressly provided by a DEC licence, the Applicant shall ensure that the discharges from any licenced discharge point comply with the limits in Table 14.	Section 6.4 of ARs  Monthly Environmental Monitoring Data	No discharge from EPL points LDP001 and LDP004 from 2016 to 2020.	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Table 1 – Compliance with Development Consent DA-200-5-2003																	
Condition of Consent	Compliance Requirement			Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance										
	<table><tr><th>Pollutant</th><th>Units of measure</th><th>100% concentration limit</th></tr><tr><td>Total suspended solids</td><td>mg/L</td><td>50</td></tr><tr><td>Oil and grease</td><td>mg/L</td><td>10</td></tr><tr><td>pH</td><td>pH units</td><td>6.5-8.5</td></tr></table> <p>Table 14: Discharge limits</p> <p>Note: To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.</p>	Pollutant	Units of measure	100% concentration limit	Total suspended solids	mg/L	50	Oil and grease	mg/L	10	pH	pH units	6.5-8.5				
Pollutant	Units of measure	100% concentration limit															
Total suspended solids	mg/L	50															
Oil and grease	mg/L	10															
pH	pH units	6.5-8.5															
Monitoring																	
41.	The Applicant shall:					Note											
41. a)	(a) measure: <ul style="list-style-type: none"><li>the volume of water discharged from the site; and</li><li>water use on the site; and</li></ul>			Section 6.4 of ARs	Discharge events are recorded in ARs. No discharge events in this audit period  Main use for dust suppression	Compliant											
41. b)	(b) monitor the quality of the surface water discharged from the license discharge point/s at the development.			Refer above	Quality of water is monitored with EPL guidelines	Compliant											
42.	For each monitoring/discharge point, the Applicant shall monitor (by sampling and obtaining results by analysis) the concentration of each pollutant in Table 15, using the specified units of measure, frequency, and sampling method.			Section 6.4 and Appendix 3 of ARs	Monthly water quality monitoring is	Non – Compliance	Administrative non-compliance #5										



Table 1 – Compliance with Development Consent DA-200-5-2003

Table 1 – Compliance with Development Consent DA-200-5-2003																																			
Condition of Consent	Compliance Requirement			Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance																												
	<table><thead><tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr></thead><tbody><tr><td>Filtrable iron</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>Filtrable manganese</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>Oil and Grease</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>Salinity</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>Total suspended solids</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>pH</td><td>pH</td><td>Weekly during any discharge</td><td>Representative sample</td></tr></tbody></table> <p>Table 15: Monitoring parameters for discharge points</p> <p>Note: Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with:</p> <ul style="list-style-type: none"><li>the Approved Methods Publication; or if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol,</li><li>a method approved by the DEC in writing before any tests are conducted, unless otherwise expressly provided in the licence.</li></ul>			Pollutant	Units of measure	Frequency	Sampling Method	Filtrable iron	mg/L	Weekly during any discharge	Representative sample	Filtrable manganese	mg/L	Weekly during any discharge	Representative sample	Oil and Grease	mg/L	Weekly during any discharge	Representative sample	Salinity	mg/L	Weekly during any discharge	Representative sample	Total suspended solids	mg/L	Weekly during any discharge	Representative sample	pH	pH	Weekly during any discharge	Representative sample	2009 EMP Section 6	carried out at discharge points.  Monitoring in 2019 and 2020 were affected due to bushfires.  No discharge events occurred from 2016 to 2020.		
Pollutant	Units of measure	Frequency	Sampling Method																																
Filtrable iron	mg/L	Weekly during any discharge	Representative sample																																
Filtrable manganese	mg/L	Weekly during any discharge	Representative sample																																
Oil and Grease	mg/L	Weekly during any discharge	Representative sample																																
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Total suspended solids	mg/L	Weekly during any discharge	Representative sample																																
pH	pH	Weekly during any discharge	Representative sample																																
Site Water Management Plan																																			
43.	Within 6 months of the date of this consent, the Applicant shall prepare (and then implement) a Site Water Management Plan for the development, in consultation with DEC and DPI, and to the satisfaction of the Director-General. This plan must include:			2017b CVM Water Management Plan	In 2017 a revised WMP has been sent to DPE for approval,	Non - compliance	Administrative Non-Compliance #6																												



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	(a) the predicted site water usage; (b) a Surface Water Monitoring Program; and (c) an Erosion and Sediment Control Plan.	Section 6.4 and 7 of ARs	however this is still pending.  Monitoring and usage is outlined in ARs however they are very brief.  Surface Water Monitoring program and Erosion and Sediment control plan are in place.		
44.	The Surface Water Monitoring Program shall include: (a) detailed baseline data on surface water flows and quality; (b) surface water impact assessment criteria; (c) a program to monitor surface water flows and quality; and (d) a program to monitor the effectiveness of the Erosion and Sediment Control Plan.	Surface water monitoring is covered in Section 4.7 in 2012 EMP  Erosion and Sediment Control Plan is covered in Section 5	There is a Surface Water Monitoring Program in the EMP. However, it does not provide much detail on a) and b). Additional information is required.  In 2017, a standalone water management plan that included a	Non - compliance	Administrative non - compliance #6





Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
		Results of monitoring are outlined in ARs	surface water monitoring program was issued to DPE for approval.		
45.	<p>The Erosion and Sediment Control Plan shall:</p> <p>(a) comply with the requirements of the Department of Housing's Managing Urban Stormwater: Soils and Construction manual;</p> <p>(b) identify activities that could cause soil erosion or discharge sediment or water pollutants from the site;</p> <p>(c) describe the location, function and capacity of all erosion and sediment control structures, and nominate which, if any, of these structures would be used as water sources for the development; and</p> <p>(d) describe the measures to minimise soil erosion and the potential migration of sediments to downstream waters.</p>	<p>2012 EMP</p> <p>AR S6.8</p>	<p>There is no discussion of compliance with requirements set by Department of Housing's Managing Urban Stormwater.</p> <p>b) Activities that cause erosion are identified in Section 5.</p> <p>c) The locations of structures are outlined but not described in detail.</p> <p>d) Measure to minimise soil erosion are covered in Section 5</p>	Non - compliance	Administrative non-compliance #6



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
<b>Bunding</b>					
46.	The Applicant shall ensure that impervious bunds are constructed around all fuel, oil and chemical storage areas in accordance with the requirements of DEC's Environment Protection Manual Technical Bulletin Bunding and Spill Management.	Site inspection check IEA 2016	Site inspection confirmed bunds comply with requirements.	Compliant	
<b>VISUAL IMPACT</b>					
<b>Visual Amenity</b>					
47.	The Applicant shall implement measures to mitigate the visual impacts of the development, including:  (a) designing and constructing development infrastructure in a manner that minimises visual contrasts;  (b) placing and maintaining visual screens around the development;  (c) revegetating the proposed noise bund along the western boundary of the development as soon as practicable following each stage of its progressive construction; and/or  (d) progressively rehabilitating the site as soon as practicable after active mining is completed, to the satisfaction of the Director-General.	Site inspection  ARs	a) Site inspection found minimal infrastructure visible from offsite.  b) Noise bunds acts as visual screens and buffer of sound.  c) Vegetation on existing rehabilitation areas have good growth after the wet season.  d) However, further works should be done to areas illustrated by	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
			rehabilitation plans and places affected by subsurface heating.		
48.	<p>If the landowner of the Hillcroft, Red Springs, and/or Forest Lodge properties (see Appendix 3) requests the Applicant in writing to investigate ways to minimise the visual impact of the development on his/her property, the Applicant shall:</p> <p>(a) within 14 days of receiving this request, commission a suitably qualified person whose appointment has been approved by the Director-General, to investigate reasonable and feasible measures to minimise the visual impacts of the development on the landowner's property; and</p> <p>(b) give the landowner a copy of the visual impact mitigation report within 14 days of receiving this report.</p> <p>If both parties agree on the measures that should be implemented to minimise the visual impact of the development, then the Applicant shall implement these measures to the satisfaction of the Director-General.</p> <p>If the Applicant and the landowner disagree on the measures that should be implemented to minimise the visual impact of the development, then either party may refer the matter to the Director-General for resolution.</p>	Confirmation with site personnel that no request made	No request has been made during the audit period in accordance with this condition.	Compliant	
Lighting Emissions					



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
49.	The Applicant shall ensure that all external lighting associated with the development complies with Australian Standard AS4282(INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version.	Site Inspection	Mine is under care and maintenance.	Compliant	
TRANSPORT					
Coal Haulage Limits					
50.	<p>The Applicant shall ensure that all coal haulage from the development:</p> <p>(a) uses the dedicated coal haulage route from the development to the Castlereagh Highway;</p> <p>(b) is not conveyed on any local road within the Lithgow local government area, except with the written approval of the Director-General;</p> <p>(c) occurs between 7.00 am and 5.30 pm Monday to Friday, between 7.00 am and 5.00 pm Saturdays, for no more than 30 days annually to the satisfaction of the DEC and Council, and at no time on Sundays and Public Holidays.</p> <p>Note: The hours of operation specified in this condition may be varied with the written consent of the DEC if it is satisfied that the amenity of the residents in the locality will not be adversely affected.</p>	Section 4.1 in ARs	The mine has been under care and maintenance during this audit period	Compliant	
Coal Haul Road					
51.	<p>The Applicant shall ensure that:</p> <p>(a) the use of the haul road does not restrict access to the Speedway and sports ground; and</p>	<p>Site inspection</p> <p>Complaints register</p>	No complaints regarding access to Speedway or sports ground.	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	(b) access to haul road is restricted when it is not in use, in accordance with the terms of the Cullen Bullen Recreational Trust agreement.		Coal Road only used by light vehicles during this audit period. A locked gate is place when not in use		
52.	Prior to 31 December 2004, the Applicant shall prepare and implement a Coal Haulage Vehicle Management Plan to reduce the impacts of coal haulage traffic from the development on public roads to the satisfaction of the Director-General.	2012 EMP  ARs	The previous audit stated that the Coal Haulage Vehicle Management Plan is not required since site has been under care and maintenance.	Compliant	
Road Closure					
53.	The Applicant shall not close any public roads without the approval of the relevant road authority.	Refer to ARs for operations	Unlikely for any road closures due to mine being under care and maintenance	Compliant	
Road Crossing					





Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
54.	The Applicant shall ensure that the road crossing of the mine haul road and Red Springs Road is undertaken in consultation with Council and to the satisfaction of the Director General.	N/A	The mine has been under care and maintenance during this audit period.	Compliant	
ABORIGINAL ARCHAEOLOGY					
55.	The Applicant shall protect the open campsite-stone artifact scatter site C-OS-1 (see Appendix 4) and the associated Potential Archaeological Deposit during the development, in consultation with local Aboriginal groups, and to the satisfaction of the Director-General.	Refer to section 6.13 in ARs	The mine has been under care and maintenance during this audit period. No blasting has occurred during this audit period.  Annual inspections confirm no damage.	Compliant	
56.	The Applicant shall  (a) ensure that a protective buffer zone of at least 50 metres (radius) is maintained around the site C-S-1 (see Appendix 4), and that the site is not impacted by mining operations or surface activities;  (b) the site C-S-1(see Appendix 4) is monitored in accordance with Condition 16, to the satisfaction of the Director-General.  Note: Under section 90(1) of the National Parks and Wildlife Act 1974, a person who, without first obtaining the consent of the Director-General, knowingly destroys, defaces or damages, or knowingly causes or permits the destruction or defacement of	Refer above	Refer above	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	or damage to, an Aboriginal object or Aboriginal place is guilty of an offence against this Act.				
<b>BUSHFIRE MANAGEMENT</b>					
57.	The Applicant shall: (a) ensure that the development is suitably equipped to respond to any fires on site; and (b) prepare a Fire Management Plan; to the satisfaction of DPI and the Rural Fire Service.	Fire Management Plan  Refer to Section 6.15 in ARs	A bushfire management plan is in place.  Large water tanks and fire trucks in place.	Compliant	
<b>WASTE MANAGEMENT</b>					
<b>Waste Minimisation</b>					
58.	The Applicant shall: (a) monitor the amount of waste generated by the development; (b) investigate ways to minimise waste generated by the development; (c) implement reasonable and feasible to minimise waste generated by the development; and (d) report on waste monitoring and minimisation in the AEMR, to the satisfaction of the Director-General.	Refer to:  Section 6.12 in 2016 AR  Section 6.11 in 2017 to 2020 ARs	Minimal amounts of waste generated due to mine being under care and maintenance	Compliant	
<b>Waste Disposal</b>					



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
59.	<p>The Applicant shall not cause, permit or allow any waste generated outside the mine to be received at the mine for storage, treatment, processing, reprocessing or disposal, or any waste generated at the mine to be disposed of at the mine, except as expressly permitted by a DEC licence.</p> <p>Note: This condition only applies to the storage, treatment, processing, reprocessing, or disposal of waste that requires a licence under the Protection of the Environment Operations Act 1997.</p>	<p>Refer to Section 6.11 and 6.14 in ARs</p> <p>Letter from Planning and Environment dated Feb 2019</p>	<p>VENM/ENM dirt have been received at CVM in 2018 and 2019 to help with rehabilitation works.</p> <p>DPE requires an approval and modification of current development consent.</p>	Non - compliance	Administrative non - compliance #7
Greenhouse Gas					
60.	<p>The Applicant shall:</p> <p>(a) monitor the greenhouse gas emissions generated by the development;</p> <p>(b) investigate ways to minimise greenhouse gas emissions generated by the development;</p> <p>(c) implement reasonable and feasible measures to minimise greenhouse gas emissions generated by the development; and</p> <p>(d) report on greenhouse gas monitoring and minimization in the AEMR, to the satisfaction of the Director-General.</p>	<p>Refer to Section: 6.15 of 2016 AR</p> <p>Section 6.14 of 2017 to 2020 ARs</p> <p>NGERs data 2016-2020</p>	<p>Greenhouse gas emissions are covered in NGERs reports.</p> <p>Thresholds were not triggered during care and maintenance.</p> <p>Additional information regarding ways to minimise greenhouse</p>	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003					
Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
			emission should be included in AEMRs		
SCHEDULE 5					
ADDITIONAL PROCEDURES FOR AIR QUALITY AND NOISE MANAGEMENT					
Notify Landowners					
1	If the results of the monitoring required in Schedule 4 identify exceedances of the air quality and/or noise limits/criteria in Schedule 4, then the Applicant shall notify the Director-General and relevant landowner/s in writing about these exceedances, and provide quarterly monitoring results to these parties until the monitoring results show that the development is complying with the relevant air quality and/or noise limits/criteria.	Refer to Section 6.3 of 2016-2020 ARs	No complaints or exceedances in noise limits during this audit period.  Air quality limit has been exceeded however these were due to exceptional events (bushfire and dust storms) and are not considered as a non-compliance.	Compliant	
Independent Review					
2.	If a landowner considers the development to be exceeding the relevant air quality and/or noise limits/criteria listed in Schedule 4 on his/her land, then he/she may ask the Applicant for an independent review of the air quality and/or noise impacts of the	Refer to 2016-2020 ARs	Not triggered as no landowners have requested independent reviews.	Not triggered	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	<p>development on his/her land. Within two weeks of receiving the request from a landowner, the Applicant shall advise the Director-General of the request.</p> <p>If the Director-General is satisfied that an independent review is warranted, the Applicant shall:</p> <p>(a) consult with the landowner to determine his/her concerns; and</p> <p>(b) commission a suitably qualified person – whose appointment has been approved by the Director-General – to conduct air quality and/or noise monitoring at the relevant property to determine whether the development is complying with the relevant impact assessment criteria, and identify the source(s) and scale of any air quality and/or noise impact at the property, and the development's contribution to this impact.</p> <p>Within 14 days of receiving the results of this independent review, the Applicant shall give a copy of these results to the Director-General and landowner.</p> <ul style="list-style-type: none"> <li>• If the independent review determines that the development is complying with the relevant air quality and/or noise limits/criteria at the property, then the Applicant may discontinue the independent review with the approval of the Director-General.</li> <li>• If the independent review determines that the development is not complying with the relevant air quality and/or noise limits/criteria at the property, then the Applicant shall:</li> </ul> <p>(a) take all practicable measures, in consultation with the landowner, to ensure that the development complies with the relevant limits/criteria; and</p>				



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	(b) conduct further air quality and/or noise monitoring at the property to determine whether these measures ensure compliance; or  (c) secure a written agreement with the landowner to allow exceedances of the air quality and/or noise limits/criteria, to the satisfaction of the Director-General.  • If the independent review determines that the development is not complying with the relevant air quality and/or noise land acquisition criteria at the property, and the Applicant cannot secure a written agreement with the landowner to allow these exceedances, then upon receiving a written request from the landowner, the Applicant shall acquire the landowner's property in accordance with the Department's land acquisition procedures.				
<b>Land Acquisition</b>					
3.	Within 6 months of receiving a written request from the landowner, the Applicant shall pay the landowner:  (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development the subject of the DA, having regard to the: • existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and • presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date;  (b) the reasonable costs associated with:	Not triggered no requests made.	No request had been made in accordance to this condition	Not triggered	





Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	<ul style="list-style-type: none"> <li>• relocating within the Lithgow local government area, or to any other local government area determined by the Director-General;</li> <li>• obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and</li> </ul> <p>(c) reasonable compensation for any disturbance caused by the land acquisition process. However, if within 6 months of receiving this written request, the Applicant and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Director-General for resolution.</p> <p>Upon receiving such a request, the Director-General shall request the President of the Australian Institute of Valuers and Land Economists to appoint a qualified independent valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.</p> <p>If either party disputes the independent valuer's determination, then the independent valuer must refer the matter back to the Director-General.</p> <p>Upon receiving such a referral, the Director-General shall appoint a panel to determine a fair and reasonable acquisition price for the land, and/or the terms upon which the land is to be acquired, comprising the:</p> <ul style="list-style-type: none"> <li>• appointed independent valuer,</li> <li>• Director-General or nominee, and</li> <li>• President of the Law Society of NSW or nominee.</li> </ul>				



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	Within 14 days of receiving the panel's determination, the Applicant shall make a written offer to purchase the land at a price not less than the panel's determination.  If the landowner refuses to accept this offer within 6 months of the date of the Applicant's offer, the Applicant's obligations to acquire the land shall cease, unless otherwise agreed by the Director-General.				
4.	The Applicant shall bear the costs of any valuation or survey assessment requested by the independent valuer, panel, or the Director-General and the costs of determination referred to in Condition 3.	Refer above	Refer above	Not triggered	
5.	If the Applicant and landowner agree that only part of the land should be acquired, then the Applicant shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision, and registration of the plan at the Office of the Registrar General.	Refer above	Refer above	Not triggered	
SCHEDULE 6					
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING & REPORTING					
ENVIRONMENTAL MANAGEMENT STRATEGY					
1.	Within 6 months of the date of this consent, the Applicant shall prepare (and then implement) an Environmental Management Strategy for the development to the satisfaction of the Director-General. This strategy must:  (a) provide the strategic context for environmental management of the development;  (b) identify the statutory requirements that apply to the development;	Castlereagh website  Refer to Environmental Management Plan	Mine operates under EMP which does not satisfy all the requirements in this condition.  The environmental management plan	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	(c) describe in general how the environmental performance of the development would be monitored and managed during the development; (d) describe the detailed procedures that would be implemented to: <ul style="list-style-type: none"> <li>• keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>• receive, handle, respond to, and record complaints;</li> <li>• report any environmental incidents;</li> <li>• resolve any disputes that may arise during the course of the development;</li> <li>• respond to any non-compliance;</li> <li>• manage cumulative impacts; and</li> <li>• respond to emergencies; and</li> </ul> (e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.		should be updated to satisfy the requirements of this condition		
2.	Within 14 days of the Director-General's approval, the Applicant shall: (a) send copies of the approved strategy to the relevant agencies, Council, and the CCC; and (b) ensure the approved strategy is publicly available during the development.	Not triggered as EMS was not updated during this audit period.	Not triggered	Not triggered	
ENVIRONMENTAL MONITORING PROGRAM					



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
3.	Within 6 months of the date of this consent, the Applicant shall prepare (and then implement) an Environmental Monitoring Program for the development in consultation with the relevant agencies, and the satisfaction of the Director-General.  This program must consolidate the various monitoring requirements in Schedule 4 of this consent into a single document.	Not triggered as the EMP was not updated this auditing period	Not triggered	Not triggered	
4.	The Applicant shall regularly review, and if necessary, update, this program to the satisfaction of the Director-General.	Refer above	Not triggered as EMP was not updated as mine has been under care and maintenance	Not triggered	
Annual Reporting					
5.	The Applicant shall submit an AEMR to the Director-General and relevant agencies. This report must:  (a) identify the standards and performance measures that apply to the development;  (b) include a detailed summary of the complaints received during the past year, and compare this to the complaints received in the previous 5 years;  (c) include a detailed summary of the monitoring results on the development during the past year;  (d) include a detailed analysis of these monitoring results against the relevant: <ul style="list-style-type: none"> <li>• impact assessment criteria/limits;</li> <li>• monitoring results from previous years; and</li> </ul>	Refer to 2016-2020 ARs  Castlereagh Coal Website for complaints  EIS predictions can be found in Section 6.1 of the respective ARs	Relevant standards and performances outlined within ARs  A historical list of complaints can be found in ARs and on the website.  Summary of monitoring results	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	<ul style="list-style-type: none"> <li>• predictions in the EIS;</li> <li>(e) identify any trends in the monitoring over the life of the development;</li> <li>(f) identify any non-compliance during the previous year; and</li> <li>(g) describe what actions were, or are being, taken to ensure compliance.</li> </ul> <p>Note: The report may be developed in conjunction with the AEMR provided to other agencies to avoid duplication of reporting requirements.</p>	<p>Previous years non-compliance is outlined in Section 1 of the ARs</p> <p>Section 12 details activities to be undertaken in the next reporting period</p>	<p>and analysis on development outlined in ARs</p> <p>Summary of performance against EIS prediction discussed in Section 6.1 of the ARs</p>		
6.	<p>Within 2 years of the date of this consent, and every 5 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit. This audit must:</p> <p>(a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;</p> <p>(b) be consistent with ISO 10911:2002 – Guidelines for Quality and/or Environmental Systems Auditing, or updated version of this guideline;</p> <p>(c) assess the environmental performance of the development, and its effects on the surrounding environment;</p> <p>(d) assess whether the development is complying with the relevant standards, performance measures, and statutory requirements</p> <p>(e) review the adequacy of the</p>	<p>Refer to ARs</p> <p>DPIE Approval of extension request letter</p>	<p>A letter of extension was issued to DPIE and approved. The new due date for the audit was extended to the 18<sup>th</sup> March 2022.</p> <p>The current audit commenced on the 2<sup>nd</sup> of February 2022.</p>	Compliant	



Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	Applicant's Environmental Management Strategy and Environmental Monitoring Program; and, if necessary,  (f) recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems.				
7.	Within 3 months of commissioning this audit, or as otherwise agreed by the Director General, the Applicant shall submit a copy of the audit report to the Director-General, with a detailed response to any of the recommendations contained in the audit report.	Refer to 2016-2020 ARs	Refer to Table 1 Condition 36a	Compliant	
<b>COMMUNITY CONSULTATIVE COMMITTEE</b>					
8.	The Applicant shall ensure that there is a Community Consultative Committee to oversee the environmental performance of the development. This committee shall:  (a) be comprised of: <ul style="list-style-type: none"> <li>• 2 representatives from the Applicant, including the person responsible for environmental management at the mine;</li> <li>• 1 representative from Council; and</li> <li>• 4 representatives from the local community,</li> </ul> whose appointment has been approved by the Director-General in consultation with the Council;  (b) be chaired by an independent person whose appointment has been endorsed by the Director-General;  (c) meet at least twice a year; and	Refer to ARs  Meeting Minutes on Castlereagh website  DPIE letter dated 14/04/2020	Only one CCC meeting were held per year in 2019 and 2020. DPIE noted this is a technical non-compliance.  During 2018 CCC, it was agreed that one CCC meeting held annually while on care and maintenance Table 1.3.  Intent to start biannual once mine	Non – Compliance	Administrative non-compliance #8





Table 1 – Compliance with Development Consent DA-200-5-2003

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	(d) review and provide advice on the environmental performance of the development, including any environmental management plans, monitoring results, audit reports, or complaints.		operations commence		
9.	<p>The Applicant shall, at its own expense:</p> <p>(a) ensure that 2 of its representatives attend the Committee's meetings;</p> <p>(b) provide the Committee with regular information on the environmental performance and management of the development;</p> <p>(c) provide meeting facilities for the Committee;</p> <p>(d) arrange site inspections for the Committee, if necessary;</p> <p>(e) arrange to take minutes of the Committee's meetings;</p> <p>(f) make these minutes available to the public for inspection within 14 days of the Committee meeting, or as agreed to by the Committee;</p> <p>(g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and</p> <p>(h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of the Committee meeting.</p>	<p>Refer to Section 9.1 of the ARs</p> <p>Castlereagh Website</p>	<p>S 9.1</p> <p>CCC meeting minutes detailed on Castlereagh Coal Website</p> <p>CCC meetings appear to cover conditions a-g. There is evidence on inspection occurring, provisions on website within 14 days.</p>	Compliant	





## EPL Conditions

Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
<b>1. Administrative Conditions</b>					
<b>A1 What the licence authorises and regulates</b>					
A1.1	<p>This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.</p> <p>Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p>	<p>Site inspection. Production records mentioned in the AR.  EPL 10341</p>	<p>Mine under care and maintenance during the audit period.</p>	Compliant	
<b>A2 Premises or plant to which this licence applies</b>					
A2.1	The licence applies to the following premises:	EPL 10341	EPL is applied to correct premise	Compliant	



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
<b>A3 Information supplied to the EPA</b>					
A3.1	<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <p>a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and</p> <p>b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</p>	EPL 10341	No evidence of the applicant not meeting the requirement of this condition.	Compliant	
<b>2. Discharges to Air and Water and Applications to Land</b>					



Table 2 – Compliance with EPL 10341 Conditions

Table 2 – Compliance with EPL 10341 Conditions					
Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
P1	Location of monitoring/discharge points and areas				
P1.1	<div>The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</div> <div></div>	Site inspection	There is a weather monitoring station with data summarised in ARs	Compliant	
P1.2	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.			Note	
P1.3	The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.	ARs	The mine has two discharge points that satisfy this condition	Note	



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
<b>3 Limit Conditions</b>					
<b>L1 Pollution of waters</b>					
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Section 6.4 of ARs  Monthly Environmental Monitoring Data	No discharge from EPL points LDP001 and LDP004 from 2016 to 2020.	Compliant	
<b>L2 Concentration limits</b>					
L2.1	For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	Monthly Environmental	Surface water monitoring results were compliant. No	Compliant	





Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
		Monitoring Data	discharge events during this audit period.		
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Monthly Environmental Monitoring Data  Section 6.4 and Appendix 3 of ARs  2009 EMP Section 6	No discharge events during this audit period.  The applicant should seek to get updated water management plan approved before mining operations recommence.	Compliant	
L2.3	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.			Note	
L2.4	Water and/or Land Concentration Limits.			Note	



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance																																																
	<p><b>POINT 1</b></p> <table> <tr> <th>Pollutant</th><th>Units of Measure</th><th>50 percentile concentration limit</th><th>90 percentile concentration limit</th><th>3DGM concentration limit</th><th>100 percentile concentration limit</th></tr> <tr> <td>Oil and Grease</td><td>milligrams per litre</td><td></td><td></td><td></td><td>10</td></tr> <tr> <td>pH</td><td>pH</td><td></td><td></td><td></td><td>6.5-8.5</td></tr> <tr> <td>Total suspended solids</td><td>milligrams per litre</td><td></td><td></td><td></td><td>50</td></tr> </table> <p><b>POINT 4</b></p> <table> <tr> <th>Pollutant</th><th>Units of Measure</th><th>50 percentile concentration limit</th><th>90 percentile concentration limit</th><th>3DGM concentration limit</th><th>100 percentile concentration limit</th></tr> <tr> <td>Oil and Grease</td><td>milligrams per litre</td><td></td><td></td><td></td><td>10</td></tr> <tr> <td>pH</td><td>pH</td><td></td><td></td><td></td><td>6.5-8.5</td></tr> <tr> <td>Total suspended solids</td><td>milligrams per litre</td><td></td><td></td><td></td><td>50</td></tr> </table>	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Oil and Grease	milligrams per litre				10	pH	pH				6.5-8.5	Total suspended solids	milligrams per litre				50	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Oil and Grease	milligrams per litre				10	pH	pH				6.5-8.5	Total suspended solids	milligrams per litre				50				
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<b>L3 Waste</b>																																																					
L3.1	The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled “Waste” and meeting the definition, if any, in the column titled “Description” in the table below.	Refer to ARs	VENM and ENM was received during the reporting period	Compliant																																																	



Table 2 – Compliance with EPL 10341 Conditions															
Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance										
	<p>Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled “Activity” in the table below.</p> <p>Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled “Other Limits” in the table below.</p> <p>This condition does not limit any other conditions in this licence.</p> <table><tr><th>Code</th><th>Waste</th><th>Description</th><th>Activity</th><th>Other Limits</th></tr><tr><td>NA</td><td colspan="3">General or Specific exempted waste</td><td>NA</td></tr></table>	Code	Waste	Description	Activity	Other Limits	NA	General or Specific exempted waste			NA		but are exempted waste		
Code	Waste	Description	Activity	Other Limits											
NA	General or Specific exempted waste			NA											
L4 Noise limits															



Table 2 – Compliance with EPL 10341 Conditions

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Condition of Consent	Compliance Requirement				Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance																														
L4.1	Noise generated at the premises must not exceed the noise limits presented in the table below. <table><tr><th>Locality and Location</th><th>Day - LAeq (15 minute)</th><th>Evening - LAeq (15 minute)</th><th>Night - LAeq (15 minute)</th><th>Night - LA1 (1 minute)</th></tr><tr><td>"Red Springs" (mining east of railway line)</td><td>35</td><td>35</td><td>35</td><td>45</td></tr><tr><td>"Red Springs" (mining west of railway line)</td><td>43</td><td>38</td><td>35</td><td>45</td></tr><tr><td>"Forest Lodge"</td><td>40</td><td>40</td><td>40</td><td>45</td></tr><tr><td>"Hillcroft" (mining east of railway line)</td><td>35</td><td>35</td><td>35</td><td>45</td></tr><tr><td>* "Red Springs" (mining west of railway line), "Hillcroft" (mining west of railway line), "Ryan", "Tesorio", "Fitzgerald", "Tilley", "Dobson", "Williams", "Northey"</td><td>43</td><td>38</td><td>35</td><td>45</td></tr></table>				Locality and Location	Day - LAeq (15 minute)	Evening - LAeq (15 minute)	Night - LAeq (15 minute)	Night - LA1 (1 minute)	"Red Springs" (mining east of railway line)	35	35	35	45	"Red Springs" (mining west of railway line)	43	38	35	45	"Forest Lodge"	40	40	40	45	"Hillcroft" (mining east of railway line)	35	35	35	45	* "Red Springs" (mining west of railway line), "Hillcroft" (mining west of railway line), "Ryan", "Tesorio", "Fitzgerald", "Tilley", "Dobson", "Williams", "Northey"	43	38	35	45	Noise monitoring reports – 2016 to 2021	Noise levels in this auditing period has not exceeded limits presented in the adjacent table	Compliant	
Locality and Location	Day - LAeq (15 minute)	Evening - LAeq (15 minute)	Night - LAeq (15 minute)	Night - LA1 (1 minute)																																		
"Red Springs" (mining east of railway line)	35	35	35	45																																		
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L4.2	Where LAeq means the equivalent continuous noise level - the level of noise equivalent to the energy-average of noise levels occurring over a measurement period, and where;  a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays;				Refer above	Mine has been under care and maintenance during this audit period. No	Compliant																															



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	<p>b) Evening is defined as the period 6pm to 10pm; and</p> <p>c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.</p> <p>Where the licensee has a written noise agreement with any landowner detailed above, the licensee may exceed the noise limits specified for the relevant location above in accordance with the terms of the noise agreement with that landowner.</p>		exceedances in noise limits.		
L4.3	<p>The noise limits set out in condition L4.1 apply under all meteorological conditions except for the following:</p> <p>a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or</p> <p>b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or</p> <p>c) Stability category G temperature inversion conditions.</p>	Refer above	AEMRs show no noise exceedances above set limits under the following conditions.	Compliant	
L4.4	<p>For the purpose of condition L4.3:</p> <p>a) Data recorded by the meteorological station identified as EPA Licence Point 5 must be used to determine meteorological conditions; and</p> <p>b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.</p>	<p>Noise monitoring reports- 2016 to 2020</p> <p>ARs</p>	<p>Quarterly monitoring reports are conducted. In 2016 and 2017, meteorological data was sourced from Bathurst.</p> <p>Installation of an onsite monitoring</p>	Compliant	



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
			station can determine temperature inversion events.		
L4.5	<p>To determine compliance:</p> <p>a) with the Leq(15 minute) noise limits in condition L4.1, the noise measurement equipment must be located:</p> <p>i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or</p> <p>ii) within 30 metres of a dwelling façade, but not closer than 3 metres where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable</p> <p>iii) within approximately 50 metres of the boundary of a National Park or Nature Reserve</p> <p>b) with the LA1(1 minute) noise limits in condition L4.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.</p> <p>c) with the noise limits in condition L4.1, the noise measurement equipment must be located:</p> <p>i) at the most affected point at a location where there is no dwelling at the location; or</p> <p>ii) at the most affected point within an area at a location prescribed by conditions L4.5(a) or L4.5(b).</p>	Noise monitoring reports- 2016 to 2020	<p>Meteorological data was sourced from the Bureau of Meteorology's Bathurst weather station in 2016 and 2017. This station is located 45km away and unlikely to be representative of onsite weather conditions.</p> <p>However, a new monitoring system was installed on site in 2018 and carries out the requirements of this condition.</p>	Non-compliance	Administrative non-compliance # 9





Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
L4.6	A non-compliance of L4.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:  a) at a location other than an area prescribed by condition L4.5(a) and L4.5(b); and/or  b) at a point other than the most affected point at a location.	Refer to ARs  Castlereagh Website	ARs show no noise exceedances above set limits under the following conditions.	Compliant	
L4.7	For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.	Refer above	Refer above	Compliant	
<b>L5 Blasting</b>					
L5.1	The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Refer to Section 6.10 in ARs	Mine under care and maintenance	Not triggered	
L5.2	The overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Refer above	Refer above	Not triggered	
L5.3	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Refer above	Refer above	Not triggered	



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
L5.4	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Refer above	Refer above	Not triggered	
L5.5	Blasting operations at the premises may only take place between 9:00am-3:00pm Monday to Friday. (Where compelling safety reasons exist, the Authority may permit a blast to occur outside the abovementioned hours. Prior written (or facsimile) notification of any such blast must be made to the Authority).	Refer above	Refer above	Not triggered	
<b>L6 Potentially offensive odour</b>					
L6.1	No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.  Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.	Castlereagh Coal Website  ARs	Complaints regarding odours has been made every year of the auditing period.	Non Compliance	Non compliance #1
<b>4 Operating Conditions</b>					



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
<b>O1 Activities must be carried out in a competent manner</b>					
01.1	Licensed activities must be carried out in a competent manner.  This includes:  a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and  b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Refer to ARs 2016 to 2020	Activities around the mine has generally been under care and maintenance during this audit period.	Compliant	
<b>O2 Maintenance of plant and equipment</b>					
02.1	All plant and equipment installed at the premises or used in connection with the licensed activity:  a) must be maintained in a proper and efficient condition; and  b) must be operated in a proper and efficient manner	Refer to Table 1 Condition 10a	Refer to Table 1 Condition 10a	Compliant	
<b>O3 Dust</b>					
03.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Section 6 in ARs	Dust is monitored and have been low under care and maintenance.	Compliant	



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
			Water cart is used to suppress dust emissions.		
O3.2	Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.	Site inspection	Site inspection found minimal generation of dust due to mine being under care and maintenance	Compliant	
O3.3	Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.	Outlined in Dust Management Plan	No loaded trucks left during audit period.  No complaints were received relating to uncovered loads.	Compliant	
5 Monitoring and Recording Conditions					
M1 Monitoring records					
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Refer to 2016 to 2020 ARs	Results are recorded in ARs	Compliant	



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Castlereagh Coal Website  Refer to 2016 to 2020 ARs	All monitoring records are found on the website.  Results and trends are found in ARs	Compliant	
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	Surface Water, Dispositional Dust, HVAS and meteorological monitoring reports	RCA Australia reports cover the requirements of this condition	Compliant	
<b>M2 Requirement to monitor concentration of pollutants discharged</b>					
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Refer to 2016 to 2020 ARs	Two discharge points are monitored for pollutants	Compliant	
M2.2	Water and/ or Land Monitoring Requirements	Refer to 2016 to 2020 ARs	The two discharge points measure the parameters	Compliant	



Table 2 – Compliance with EPL 10341 Conditions

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M3 Testing methods - concentration limits																																																															





Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
M3.1	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	Surface Water, Dispositional Dust, HVAS and meteorological monitoring reports	Monitoring of pollutants done by RCA Australia	Compliant	
<b>M4 Recording of pollution complaints</b>					
M4.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	Refer to ARs Castlereagh Website	Complaints are outlined in annual reports and online complaints register	Compliant	
M4.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	Castlereagh Coal Website  Refer to 2016 to 2020 ARs	Complaint's register shown a history of complaints made. They also cover all clauses set out by this condition	Compliant	



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
M4.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Refer above	Complaints of the audit period can be found on the website	Compliant	
M4.4	The record must be produced to any authorised officer of the EPA who asks to see them.			Note	
<b>M5 Telephone complaints line</b>					
M5.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	Castlereagh website	Contact details located on Castlereagh Coal Website	Compliant	
M5.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	Castlereagh website	Contact details including hotline number located on website	Compliant	
M5.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.			Note	
<b>M6 Blasting</b>					
M6.1	To determine compliance with condition(s) L5.1, L5.2, L5.3 and L5.4: a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at the nearest residence or sensitive location that is not owned by the licensee or subject to a private agreement - for all blasts carried out in or on the premises; and	Refer to 2016 to 2020 ARs	Blast management plan in place however no blasting occurred during this audit	Not triggered	



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.	Blast Management Plan	period as the mine has been under care and maintenance		
6 Reporting Conditions					
R1 Annual return documents					
R1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <p>a) a Statement of Compliance; and</p> <p>b) a Monitoring and Complaints Summary.</p> <p>At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.</p>	Refer to ARs 2016 to 2020	Cullen Valley has submitted an EPA annual return that satisfies the requirements of this condition annually in this audit period.	Compliant	
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below.			Note	
R1.3	<p>Where this licence is transferred from the licensee to a new licensee:</p> <p>a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and</p>	Refer to annual reports	Not triggered as licence was not transferred in this audit period	Not triggered	



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	<p>b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.</p> <p>Note: An application to transfer a licence must be made in the approved form for this purpose.</p>				
R1.4	<p>Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:</p> <p>a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or</p> <p>b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.</p>	Refer above	No surrender of licences	Not triggered	
R1.5	The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Refer to ARs 2016-2020	The 2020 Annual Return was not submitted on time. Official caution issued.	Compliant	
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	ARs	All ARs in the audit period supplied	Compliant	



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
R1.7	Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	ARs	ARs comply as per the requirement of this condition	Compliant	
R1.8	The results of the blast monitoring required by condition M6.1 must be submitted to the EPA within the Annual Return at the end of each reporting period.	ARs	No blasting occurred during this audit period. This was reported in AEMRs.	Compliant	
R1.9	The licensee must report any exceedence of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.	Refer above	Refer above	Compliant	
<b>R2 Notification of environmental harm</b>					
<b>Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.</b>					
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	Refer to ARs 2016 to 2020	No notifications relating to environmental harm have been	Not triggered	



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
			made during the auditing period		
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	Refer above	Refer above	Not triggered	
<b>R3 Written report</b>					
R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.		No evidence of EPA triggering this condition	Not triggered	
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.		Refer above	Not triggered	
R3.3	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;		Refer above	Not triggered	



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.				
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.		Refer above	Not triggered	
<b>7 General Conditions</b>					
<b>G1 Copy of licence kept at the premises or plant</b>					
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Site inspection	Provided on site	Compliant	
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.			Note	
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Site inspection	Licence kept on premises	Compliant	
<b>8 Pollution Studies and Reduction Programs</b>					
<b>U1 Coal Mine Particulate Matter Control Best Practice</b>					





Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
U1.1	The Licensee must conduct a site specific Best Management Practice (BMP) determination to identify the most practicable means to reduce particle emissions.	ARs	Mine is under care and maintenance during this auditing period.  Dust monitoring reports how site has been below air quality standards except for extraordinary events.	Not triggered	
U1.2	The Licensee must prepare a report which includes, but is not necessarily limited to, the following:  - identification, quantification and justification of existing measures that are being used to minimise particle emissions;  - identification, quantification and justification of best practice measures that could be used to minimise particle emissions;  - evaluation of the practicability of implementing these best practice measures; and  - a proposed timeframe for implementing all practicable best practice measures. In preparing the report, the Licensee must utilise the document entitled Coal Mine Particulate Matter Control Best Practice – Site Specific Determination Guideline – November 2011.	Refer above	Refer above	Not triggered	



Table 2 – Compliance with EPL 10341 Conditions

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
U1.3	All cost related information is to be included as Appendix 1 of the Report required by condition U1.2 above.	Refer above	Refer above	Not triggered	
U1.4	The report required by condition U1.2 must be submitted by the Licensee to the Environment Protection Authority's Regional Manager Bathurst, at PO Box 1388 BATHURST NSW 2795 by 29 June 2012.	Refer above	Refer above	Not triggered	
U1.5	The report required by condition U1.2 above, except for cost related information contained in Appendix 1 of the Report, must be made publicly available by the Licensee on the Licensee's website by 6 July 2012.	Refer above	Refer above	Not triggered	

## Mining Leases

Table 2 – Compliance with Mining Leases (ML 1455, 1488, 1557)

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
<b>1</b>	<b>Notice to Landholders</b>				
1.a	Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been granted/renewed and whether the lease includes the surface. A	Compliance reports	A renewal application for ML 1455 was most	Not triggered	



Table 2 – Compliance with Mining Leases (ML 1455, 1488, 1557)

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease are a must accompany the notice.		submitted on 13 August 2019. No determination has been made yet.		
1.b	If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition1(b), compliance with condition1(a) is not required.	Refer above	Refer above. No records of a notice being issued in accordance to this condition.	Not triggered	
<b>2</b>	<b>Rehabilitation</b>				
	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Section 6 of ARs	Rehabilitation works are still being carried out	Compliant	
<b>3.</b>	<b>Mining Operations Plan and Annual Rehabilitation Report</b>				
3.a	The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting.	MOPS C&M MOP 2015-2017  MOP extension to 29 Nov 2018	Various MOPs have been in effect throughout the audit period.  No mining operations have been undertaken	Compliant	



Table 2 – Compliance with Mining Leases (ML 1455, 1488, 1557)

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
		MOP extension to 30 June 2020 MOP extension to 29 Jan 2021 C&M MOP 2021-2025	during the audit period. Surface disturbance is limited to works pertaining to the treatment of subsurface heating.		
3.b	The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which:			Note	
i)	identifies areas that will be disturbed;	Section 7 of MOPs	Mine is under care and maintenance.	Compliant	
ii)	details the staging of specific mining operations, mining purposes and prospecting;	Section 7 of MOPs	Refer above	Compliant	
iii)	identifies how the mine will be managed and rehabilitated to achieve the post mining land use;	Section 4, 5 and 7	Outlines post mining land use and rehabilitation	Compliant	
iv)	identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and	Section 7 of MOPs	Mine under care and maintenance	Compliant	
v)	reflects the conditions of approval under: • the Environmental Planning and Assessment Act 1979;	Section 1.2 of MOPs	Document approved by NSR RR	Compliant	



Table 2 – Compliance with Mining Leases (ML 1455, 1488, 1557)

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	<ul style="list-style-type: none"> <li>the Protection of the Environment Operations Act 1997; and</li> <li>any other approvals relevant to the development including the conditions of this mining lease.</li> </ul>				
3.C	The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a>	MOPs	MOP prepared and approved as per guideline requirements	Compliant	
3.d	The lease holder may apply to the Minister to amend an approved MOP at any time.			Note	
3.e	It is not a breach of this condition if:			Note	
i)	the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Work Health and Safety Act 2011; and			Note	
ii)	the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.			Note	
3.f	The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister.			Note	



Table 2 – Compliance with Mining Leases (ML 1455, 1488, 1557)

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	The report must:				
i)	provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;	ARs	ARs contain details of the rehabilitation report	Compliant	
ii)	be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and	ARs	Rehabilitation reporting done annually	Compliant	
iii)	be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a> .  Note: The Rehabilitation Report replaces the Annual Environmental Management Report	ARs	Annual reporting have been completed under the guidelines from the Department's website.	Compliant	
<b>4.</b>	<b>Compliance Report</b>				
4.a	The lease holder must submit a Compliance Report to the satisfaction of the Minister. The report must be prepared in accordance with any relevant guidelines or requirements published by the Minister for compliance reporting.	Table 2 of Annual Environmental and Rehabilitation Compliance Report	Compliance reports are conducted annually. All compliance reports have a status on compliance.	Compliant	
4.b	The Compliance Report must include:			Note	



Table 2 – Compliance with Mining Leases (ML 1455, 1488, 1557)

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
i)	the extent to which the conditions of this mining lease or any provisions of the Act or the regulations applicable to activities under this mining lease, have or have not been complied with;	Refer to annual Environmental and Rehabilitation Compliance Reports  AEMRs	Compliance reports completed annually and include a statement of compliance.  There have been no reported non-compliances during this audit period.	Compliant	
ii)	particulars of any non-compliance with any such conditions or provisions;	Refer above	Refer above	Compliant	
iii)	the reasons for any such non-compliance;	Refer above	Refer above	Compliant	
iv)	any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance.	Refer above	Refer above	Compliant	
4.c	The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease.	Refer above	Refer above	Compliant	
4.d	In addition to annual lodgement under condition 4(c) above, a Compliance Report:	Refer above	Refer above	Compliant	
i)	must accompany any application to renew this mining lease under the Act;	Refer above	Refer above	Compliant	
ii)	must accompany any application to transfer this mining lease under the Act; and	Refer above	Refer above	Compliant	





Table 2 – Compliance with Mining Leases (ML 1455, 1488, 1557)

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
iii)	must accompany any application to cancel, or to partially cancel, this mining lease under the Act.	Refer above	Refer above	Compliant	
4.e	Despite the submission of any Compliance Report under (c) or (d) above, the titleholder must lodge a Compliance Report with the Department at any date or dates otherwise required by the Minister.	Refer above	Refer above	Compliant	
4.f	A Compliance Report must be submitted one month prior to the expiry of this mining lease, where the licence holder is not seeking to renew or cancel this mining lease.	Refer above	Refer above	Compliant	
<b>5.</b>	<b>Environmental Incident Report</b>				
5.a	The lease holder must notify the Department of all:			Note	
i)	breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and	Refer to ARs and Compliance Reports from 2016 to 2020	There have been no breaches to environment during the audit period. Mine is under care and maintenance.	Compliant	
ii)	breaches of environmental protection legislation causing or threatening material harm to the environment (as defined in the Protection of the Environment Operations Act 1997), arising in connection with significant surface disturbing activities, including mining operations, mining purposes and prospecting operations, under this mining lease. The notification must be given immediately after the lease holder becomes aware of the breach.	Refer above	Refer above	Compliant	



Table 2 – Compliance with Mining Leases (ML 1455, 1488, 1557)

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	Note. Refer to <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a> for notification contact details				
5.b	The lease holder must submit an Environmental Incident Report to the Department within seven (7) days of all breaches referred to in condition 5(a)(i) and (ii). The Environmental Incident Report must include:			note	
i)	the details of the mining lease;	Refer to ARs	The mine is under care and maintenance. Evidence of incidents can be found within AEMRs	Compliant	
ii)	contact details for the lease holder;	Refer above	Refer above	Compliant	
iii)	a map identifying the location of the incident and where material harm to the environment has or is likely to occur;	Refer above	Refer above	Compliant	
iv)	a description of the nature of the incident or breach, likely causes and consequences	Refer above	Refer above	Compliant	
v)	a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in 5(a).	Refer above	Refer above	Compliant	
vi)	a summary of all previous incidents or breaches which have occurred in the previous 12 months relating to significant surface disturbing activities, including mining operations, mining purposes and prospecting operations under this mining lease.	Refer above	Refer above	Compliant	



Table 2 – Compliance with Mining Leases (ML 1455, 1488, 1557)

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	Note. The lease holder should have regard to any relevant Director General's guidelines in the preparation of an Environmental Incident Report. Refer to <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a> for further details.				
5.c	In addition to the requirements set out in conditions 5(a) and (b), the lease holder must immediately advise the Department of any notification made under section 148 of the Protection of the Environment Operations Act 1997 arising in connection with significant surface disturbing activities including mining operations, mining purposes and prospecting operations, under this mining lease	Refer above	Refer above	Compliant	
<b>6</b>	<b>Extraction Plan</b>				
6.a	In this condition:			Note	
i)	approved Extraction Plan means a plan, being:		Mine under care and maintenance during this audit period	Not triggered	
A.	an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or	Refer to ARs 2016 to 2020	Refer above	Not triggered	
B.	a subsidence management plan relating to the mining operations subject to this lease:			Note	
	I. submitted to the Secretary on or before 31 December 2014; and	Refer above	Refer above	Not triggered	
	II. approved by the Secretary	Refer above	Refer above	Not triggered	



Table 2 – Compliance with Mining Leases (ML 1455, 1488, 1557)

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
ii)	relevant development consent means a development consent or project approval issued under the Environmental Planning & Assessment Act 1979 relating to the mining operations subject to this lease.	Refer above	Refer above	Not triggered	
6.b	The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.	Refer above	Refer above	Not triggered	
6.c	The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease.	Refer above	Refer above	Not triggered	
6.d	The lease holder must notify the Secretary within 48 hours of any:			Note	
i)	incident caused by subsidence which has a potential to expose any person to health and safety risks;	Refer above	Refer above	Not triggered	
ii)	significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or	Refer above	Refer above	Not triggered	
iii)	significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing:  A. built features;  B. public safety; or  C. subsidence monitoring	Refer above	Refer above	Not triggered	



Table 2 – Compliance with Mining Leases (ML 1455, 1488, 1557)

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
<b>7.</b>	<b>Resource Recovery</b>				
	The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible.	Refer to ARs 2016 to 2020	Mine under care and maintenance during this audit period	Not triggered	
<b>8.</b>	<b>Group Security</b>				
	<p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of a or any kind under the mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security has been assessed by the Minister at \$1,934,000.</p> <p>The leases covered by the group security include:</p> <p>Mining Lease 1455 (Act 1992), Mining Lease 1488 (Act 1992), Mining Lease 1556 (Act 1992) and Mining Lease 1557 (Act 1992).</p>	ML 1455 Letter from Regional NSW	<p>Required security deposit changed to \$2,460,000 from a</p> <p>Letter dated 11 March 2021 by Regional NSW</p>	Compliant	
<b>9.</b>	<b>Cooperation Agreement</b>				
	<p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s).</p> <p>The cooperation agreement should address but not be limited to issues such as:</p>	See ML 1455	There is not cooperation agreement with holders of overlapping titles	Not triggered	



Table 2 – Compliance with Mining Leases (ML 1455, 1488, 1557)

Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	<ul style="list-style-type: none"> <li>• access arrangements</li> <li>• operational interaction procedures</li> <li>• dispute resolution</li> <li>• information exchange</li> <li>• well location</li> <li>• timing of drilling</li> <li>• potential resource extraction conflicts; and</li> <li>• rehabilitation issues.</li> </ul>				
	<b>Exploration Reporting</b>				
	<p>Note: Exploration Reports (Geological and Geophysical)</p> <p>The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010.</p> <p>Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales (Department of Trade and Investment; Regional Infrastructure and Services 2010).</p>	Annual Geological/ Geophysical reports 2016-2020	Exploration reports are made in accordance with the required conditions set by the Mining Regulation 2010	Compliant	
	<b>SPECIAL CONDITIONS</b>				



Table 2 – Compliance with Mining Leases (ML 1455, 1488, 1557)					
Condition of Consent	Compliance Requirement	Evidence Required	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on non-compliance
	Note: The standard conditions apply to all mining leases. The Division of Resources & Energy (ORE) reserves the right to impose special conditions, based on individual circumstances, where appropriate			Note	





## Appendix C – Audit Certification Form

Independent Audit Certification Form	
Development Name	Cullen Valley Mine
Development Consent No.	DA - 200 - 5 - 2003
Description of Development	Underground Mine Currently on Care and Maintenance
Development Address	Cullen Valley Mine, Castlereagh Highway Cullen Bullen, NSW 2790
Operator	Shoalhaven Coal
Operator Address	Cullen Valley Mine, Castlereagh Highway Cullen Bullen, NSW 2790
Independent Audit	
Title of Audit	Cullen Valley 2021 Independent Environmental Audit
<p><i>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</i></p> <p><i>The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2014 and Post Approval Guidelines – Independent Audits</i></p> <p><i>The findings of the audit are reported truthfully, accurately and completely;</i></p> <p><i>I have exercised due diligence and professional judgement in conducting the audit;</i></p> <p><i>I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;</i></p> <p><i>I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;</i></p> <p><i>I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);</i></p> <p><i>Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and</i></p> <p><i>I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</i></p> <p><b>Note.</b></p> <p><i>The Independent Audit is an 'environmental audit' for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</i></p> <p><i>The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).</i></p>	



Signature	
Name of Lead / Principal Auditor	Lin Ningthoujam
Address	101 / 283 Alfred Street North, North Sydney, NSW 2060
Email Address	lin.ningthoujam@caras.com.au noel.storan@caras.com.au
Auditor Certification (if relevant)	Team Lead – Safety and Environmental Audits
Date:	2 March 2022



## Appendix D – Endorsement of CARAS



Planning,  
Industry &  
Environment

SHOALHAVEN COAL PTY LTD  
Attention: Mr Kevin Reed  
63 MAIN STREET  
LITHGOW NSW 2790  
15/12/2021

Dear Mr Reed

**Cullen Valley Coal – (DA200-5-2003)**

**Independent Environmental Audit Auditor Endorsement**

I refer to your letter submitted to the Department of Planning, Industry and Environment (the Department) on 14 December 2021, seeking the Secretary's endorsement for an audit team to undertake the Independent Environmental Audit (IEA) in accordance with Schedule 6 Condition 6 for the Cullen Valley Coal Project DA200-5-2003 (the Consent).

The Department has reviewed the nomination and information you have provided and is satisfied that the Construction and Remediation Advisory Services Pty Ltd (CARAS) team are suitably qualified and experienced. Consequently, in accordance with Schedule 6 Condition 6(a) of the Consent and the Independent Audit Post Approval Requirements, the Secretary has agreed to the following audit team below to undertake the IEA and prepare the IEA Report:

- Lin Ningthoujam – Lead Auditor
- Noel Storan – Auditor Assistant

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken and finalised in accordance with the Independent Audit Post Approval Requirements. Failure to meet these requirements will require revision and resubmission.

The Department reserves the right to request an alternate auditor or audit team for future audits.

Notwithstanding the agreement for the above listed audit team for this Project, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the Department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

Prior to submitting the IEA report, it is recommended that you review the report to ensure it complies with all relevant consent condition and the Independent Audit Post Approval Requirements

If you wish to discuss the matter further, please contact Jennifer Rowe on 0242471851.

Yours sincerely

Katrina O'Reilly  
Team Leader - Compliance  
Compliance  
As nominee of the Planning Secretary



**End**

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Construction and  
Remediation Advisory  
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