



Independent Environmental Audit

Invincible Colliery

Shoalhaven Coal Pty Ltd (Castlereagh Coal)

Castlereagh Highway, Cullen Bullen, NSW 2790

Prepared by:

SLR Consulting Australia

SLR Project No.: 630.031463.00001

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Revision Record

Revision	Date	Prepared By	Checked By	Authorised By
1.0	12 November 2024	S Shoesmith A Cochrane	A Cochrane	Draft
0.2	13 November 2024	A Cochrane	S Shoesmith	Draft
1.0	14 November 2024	S Shoesmith A Cochrane	T Melville S Shoesmith A Cochrane	A Cochrane

Basis of Report

This report has been prepared by SLR Consulting Australia (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with Shoalhaven Coal Pty Ltd (Castlereagh Coal) (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of the Client. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR.

SLR disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.



Executive Summary

Shoalhaven Coal Pty Ltd (Castlereagh Coal)'s Invincible Colliery is located approximately 25 kilometres (km) north-west of Lithgow and is owned and operated by Castlereagh Coal. The mine was on care and maintenance between 2012 and 2018 and has recommenced operations in July 2023.

Castlereagh Coal engaged SLR Consulting Australia Pty Ltd (SLR) to undertake the 2024 IEA in accordance with Schedule 5, Conditions 11 and 12 of the Project Approval.

The IEA was conducted in accordance with Project Approval 07_0127 (MOD 5), the New South Wales (NSW) Government *Post-approval requirements for State significant developments* (October 2015) and AS/NZS ISO 19011:2014 Australian/New Zealand Standard: *Guidelines for quality and/or environmental management systems auditing*.

The audit was undertaken by the endorsed audit team with Anna Cochrane as Lead Auditor, Stephen Shoemsmith and Samuel MacDonald as Assistant Auditors. The site component of the audit was undertaken on 2, 3 and 4 October 2024 by Anna Cochrane and Stephen Shoemsmith.

The audit assessed compliance against:

- Project Approval (PA) MP07_0127.
- Environment Protection Licence (EPL) 1095.
- Mining Leases (ML 1635, ML 1638, ML 1844 and ML 1860) – Standard Mining Lease Conditions.
- WAL 36485 (10BL602586).
- Environmental Management Plans.
- 2016 IEA Audit Actions.

A detailed review of the facility's performance against each of the conditions of the Audit Criteria is presented in the compliance spreadsheets in Appendix C and summarised below.

Table 1: Summary of Performance against Audit Criteria

Compliance Status	MP07_0127 MOD5	EPL 1095	RMP ML	WAL 36485	Total	% of Total conditions	% of assessed conditions	Overall Compliance
Compliant	32	30	4	0	66	33.85%	49.25%	81 (60.45%)
Compliant with Observation	11	3	1	0	15	7.69%	11.19%	
Not verified	7	3	1	2	14	7.18%	10.45%	14 (10.45%)
Non-compliant - High Risk	0	0	0	0	0	0.00%	0.00%	39 (29.1%)
Non-compliant - Medium Risk	6	0	3	0	9	4.62%	6.72%	
Non-compliant - Low Risk	8	7	8	0	23	11.79%	17.16%	
Administrative Non-Compliance	7	0	0	0	7	3.59%	5.22%	



SLR has identified recommendations to address non-compliances, criteria not verified, as well as opportunities for improvement regarding environmental performance. In addition to Observations made against Audit Criteria, one (1) additional Not-Verified audit finding was raised for follow up (**NV15**). A further eleven (11) additional Observations have been made where opportunities for further improvement to Environmental Management Plans and overall environmental performance have been identified (**OBS18 to OBS28**). These additional actions are outlined in Table 12.

Key strengths were noted by the audit team, including:

- Engagement of Castlereagh Coal management team in environmental performance and the audit.
- Employment of dedicated environmental resources.
- ESC and Rehabilitation Inspections.
- Introduction of the Environmental Obligations spreadsheet.
- Some areas of rehabilitation are progressing positively. During the site inspection Superb lyrebird (*Menura novaehollandiae*) were observed and heard.

It is noted that Castlereagh Coal acquired Invincible Coal Mine without a direct handover from its previous owner whilst on care and maintenance, a range of different persons / companies have been engaged since recommencement of operations to manage environmental performance, a dedicated Environmental Superintendent has been employed in September 2024 and tools for managing compliance have been introduced recently. Importantly, the team at Invincible Colliery expressed a positive enthusiasm for implementing actions associated with environmental management and compliance into the future.



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Acronyms and Abbreviations

ACH	Aboriginal Cultural Heritage
ACHMP	Aboriginal Cultural Heritage Management Plan
AQMP	Air Quality Management Plan
ANZECC	Australia & New Zealand Environment Conservation Council
BlastMP	Blast Management Plan
BMP	Biodiversity Management Plan
CC	Castlereagh Coal
CCC	Community Consultative Committee
DPHI	Department of Planning, Housing and Infrastructure
DPIE	Department of Planning, Infrastructure and Environment (former, now DPHI)
EIS	Environmental Impact Statement
EMP	Environment Management Plan
EMS	Environmental Management System
EPA	Environment Protection Authority
EPL	Environment Protection Licence
ESC	Erosion and Sediment Control
IEA	Independent Environmental Audits
ML	Mining Lease
Mtpa	Mega tonnes per annum
NC	Non-Compliant
NMP	Noise Management Plan
NSW	New South Wales
NV	Not Verified
OBS	Observation
PA	Project approval
PIRMP	Pollution Incident Response Management Plan
PESCP	Progressive Erosion and Sediment Control Plan
RMP	Rehabilitation Management Plan
RS	Rehabilitation Strategy
SDS	Safety Data Sheet
SEA	Southern Extension Area
SLR	SLR Consulting Australia Pty Ltd
TMP	Transport Management Plan
UST	Underground Storage Tank
WAL	Water Access Licence
WMP	Water Management Plan



1.0 Introduction

1.1 Project Background

Shoalhaven Coal Pty Ltd (Castlereagh Coal)'s Invincible Colliery is located approximately 25 kilometres (km) north-west of Lithgow and is owned and operated by Castlereagh Coal. The mine was on care and maintenance between 2012 and 2018 and has recommenced operations in July 2023.

Castlereagh Coal operates under a modified Project Approval 07_0127 (MOD 5), which authorises:

- The recommencement of mining operations including an extension to the life of mine by 8 years.
- Extending the open cut mining area to mine down to and including the Lithgow Seam to the south of the existing Southern Extension Area (SEA).
- Up to 1.2 Mtpa of product coal to be extracted or transported from the site.
- Hours of mining operations (7am to 6pm Monday to Saturday, and 8am to 6pm on Sunday and Public Holidays) with coal transport and processing operations undertaken to 10pm and maintenance activities anytime.
- Product coal transport arrangements (with coal to be transported from the site by road truck to either Mount Piper Power Station or Shoalhaven Starches Plant).
- Use of existing voids and former underground workings for temporary water storage.
- Use of existing coal processing and surface infrastructure with minor upgrades.
- Rehabilitation of the southern extension area and all existing disturbed areas on-site.

The previous Independent Environmental Audit (IEA) for the mine was undertaken in 2016, with an audit period of 1 May 2013 and 28 January 2016 (date of the site inspection conducted for the audit).



Castlereagh Coal engaged SLR Consulting Australia Pty Ltd (SLR) to undertake the 2024 IEA in accordance with Schedule 5, Conditions 11 and 12 of the Project Approval. The IEA will be conducted in accordance with Project Approval 07_0127 (MOD 5), the New South Wales (NSW) Government *Post-approval requirements for State significant developments* (October 2015) and AS/NZS ISO 19011:2014 Australian/New Zealand Standard: *Guidelines for quality and/or environmental management systems auditing*.

1.2 Audit Team

The audit was undertaken by the audit team presented in Table 2 below. The Lead Auditor, Anna Cochrane, is certified as a Lead Environmental Auditor by Exemplar Global (Certification No. C-427136, expires 17 Mar 2025). Assistant Auditor Stephen Shoemsmith is certified as a Lead Environmental Auditor by Exemplar Global (Certification No. C 478261 Exp: July 2025).



Table 2: Audit Team

Name & Position	Qualifications	Experience
<p>Anna Cochrane Principal Consultant - Environmental Management, Permitting and Compliance</p> <p>Lead Auditor / Project Manager</p>	<p>Master of Occupational Health, Safety & Environmental Management, (50% complete)</p> <p>Certificate IV (Workplace Assessment & Training)</p> <p>Graduate Diploma in Soil Science</p> <p>Bachelor of Science (Geology)</p> <p>Lead Auditor (ISO 14001:2015 Environment; Certificate No. C-427136, expires 17 Mar 2025)</p> <p>Internal Auditor (ISO 9001 Quality), ISO 22000 Food Safety, ISO 31000 Risk, ISO 45001 OH&S, ISO 55001 Asset)</p> <p>Accredited Environmental Auditor (Victorian Desalination Project)</p> <p>Lead ICAM Incident Investigator)</p> <p>Level 1 Incident Controller – AIIMS</p> 	<p>Anna is an environmental, safety and systems manager with almost 30 years' experience in contaminated sites, industrial facilities, water treatment (desalination), infrastructure and waste management matters across a wide range of major project, operational and green/brownfield facilities, including senior environmental manager / specialist roles for the following:</p> <p>Victorian Desalination Project</p> <p>North East Link Project</p> <p>Airservices Australia</p> <p>Transpacific Industries Group Ltd (now Cleanaway)</p> <p>Aggreko Generator Rentals</p> <p>Honda Australia</p> <p>Environment Protection Authority, Victoria</p> <p>Consulting - various</p> <p>Anna is an Exemplar Global Certified Lead Auditor - Environmental (C-427136, expires 17 March 2025), holds Certificate IV (Workplace Assessment and Training, AIIMS Level 1 Incident Controller and ICAM Lead Incident Investigator. Anna has been accepted by NSW DPHI as Environmental Auditor for conduct of Independent Environmental Audits of major project approvals in NSW.</p> <p>Anna's experience includes environmental assessment, remediation, compliance, due diligence, licensing, incident response, Integrated Management Systems (IMS), auditing, and certification management. Anna has particular interest in supporting operational HSEQ compliance and performance within complex regulatory, contractual compliance and asset management frameworks. Anna was awarded runner-up in Suez Australia 2021 Innovation Awards, for development and implementation of innovative waste reduction and recycling initiatives.</p>
<p>Stephen Shoemsmith Principal Consultant - Environmental Management, Permitting and Compliance</p> <p>Project Director / Assistant Auditor</p>	<p>Lead Auditor in Environmental Management Systems (Exemplar Global: C 478261 Exp: July 2025)</p> <p>Master of Integrated Environmental Management</p> <p>Bachelor of Environmental Science</p> 	<p>Stephen is a Principal Consultant in the SLR Environmental Assessment & Management team and has demonstrated environmental management, impact assessment and policy experience.</p> <p>Stephen has significant site and corporate experience in environmental management, project management, environmental impact assessment, land restoration, decommissioning and closure planning, risk assessment as well as facilitation and preparation of Management Plans.</p> <p>Stephen has also worked as a regulator within the Department of Planning, Industry and Environment, which included post approval reviews, Policy reforms and Major Project Assessments.</p>



Name & Position	Qualifications	Experience
<p>Samuel McDonald Associate Consultant Assistant Auditor & Project Support</p>	<p>Bachelor Environmental Science and Management Certificate III Surveying and Spatial Information</p>	<p>Sam is an Associate Consultant in SLR's Environmental Assessment and Management division of the Environmental Management, Planning and Approvals team. Sam has over 8 years of experience in consultancies working in a Land Management Team with Kleinfelder and as a project consultant with SLR over the last six years. Sam graduated with a Bachelor of Environmental Science (majoring in Environmental Sustainability) from the University of Newcastle in 2015.</p> <p>Sam has experience in project management, report writing and auditing. Project experience includes mining, quarrying, infrastructure, and intensive agriculture. Sam also has experience in mine closure, environmental impact assessments, environmental management programs, environmental management strategies, management plans, compliance, environmental risk assessments.</p>

1.3 Audit Objectives

The purpose of this Independent Environmental Audit is to assess compliance with conditions of the Project Approval, the environmental performance of operations activities allowed by the Project Approval, and their effects on the surrounding environment.

Audit objectives align with Schedule 5, Conditions 11 and 12 of the Project Approval, and the Audit Guidelines. The condition requires an audit to be conducted within 1 year of recommending operations, and every 3 years thereafter and include:

- Undertake an independent environmental audit as required by the conditions of the Project Approval.
- Undertake consultation with agencies.
- Assess the environmental performance of the facility activities against the conditions of the Project Approval, EPL and MLs and any applicable post approval compliance documents prepared to satisfy the conditions of the Approval.
- Review the adequacy of the environmental management system and controls to provide for sustainable management of the operations.
- Provide recommendations to improve environmental performance.

1.4 Audit Scope

The scope for the audit is determined as outlined in Section 2.2, and includes the following:

- Assess compliance with the following regulatory approvals and plans:
 - Schedule 5, Conditions 11 and 12 of the Project Approval set out project-specific audit requirements.
 - *Independent Audit Guideline – Post Approval Requirements for state significant mining developments* (NSW Government, Department of Planning, Industry, and Environment (DPIE), October 2015) ('the Audit Guidelines'), which set out the minimum requirements to be met when undertaking Independent Audits in accordance with conditions of consent, and which apply to State significant



mining projects where an Independent Audit is required by the conditions of consent.

- AS/NZS ISO 19011-2014: *Guidelines for Auditing Management Systems* (Standards Australia, 2014).
- Review the environmental performance of the development.
- Review the status of implementation of previous IEA recommendations.
- Assess the adequacy of the management plans.
- Any other matters considered relevant by the Department or the auditor.

1.5 Audit Period

The 2024 IEA (this audit) covers the period 13 July 2023 to 13 July 2024.

Site inspection, onsite interviews and onsite document review was conducted on 2, 3 and 4 October 2024. Some information requested by the Audit Team was not available onsite at the time of the site inspection and was subsequently provided to the Audit Team for review.

1.6 Audit Criteria

The audit criteria were determined in accordance with the following:

- Schedule 5, Conditions 11 and 12 of the Project Approval MP07_0127 MOD5.
- Project Approval (PA) MP07_0127.
- Environment Protection Licence (EPL) 1095.
- Mining Leases (ML 1635, ML 1638, ML 1844 and ML 1860) – Standard Mining Lease Conditions.
- WAL 36485 (10BL602586).



2.0 Audit Methodology

The methodology for the audit was determined in alignment with Project Approval requirements, the audit criteria and adopted best practices for auditing, and included the following:

- Undertake the audit utilising current auditing best practice and protocols, including guidelines issued by DPIE *Independent Audit Guideline – Post Approval Requirements for state significant mining developments* and AS/NZS ISO 19011:2014 *Guidelines for quality and/or environmental management systems auditing*.
- Desktop audit.
- Site verification.
- Interviews with key personnel.
- Site walkover inspection by Audit Team.
- Assessment of compliance status of the project operations against applicable legal and other WHS requirements including approvals and licences for operational activities carried out at the facilities to be audited.
- Summary audit report including an evaluation of performance and suggestions for continuous improvement.
- Audit scoring to indicate compliance status for each of the respective projects to be audited.
- Quality control and technical assurance to ensure reliability and accuracy.

2.1 Selection and Approval of the Audit Team

SLR confirm that the audit team is independent of the development as defined under Section 3.3 of the Post-approval requirements for State significant developments October 2015 (NSW Government, 2015), as per DPHI Auditor Approval presented in Appendix A and Independent Audit Certification presented in Appendix E.

The audit team was approved by the Department of Planning, Housing and Infrastructure (DPHI) on 2 June 2024 as per the approval letter presented in Appendix A.

2.2 Audit Scope Development

The audit scope was determined in consultation with the lead regulator DPHI and other agencies and interested parties as required by DPHI. Refer to Section 2.5 for details of comments received during consultation.

In developing the scope for the audit, consideration was given to:

- The conditions of all relevant approvals.
- Management plan requirements.
- The requirements of relevant regulatory agencies.
- The status of the operation.
- The key regulatory risks, including past or future risks.
- The predictions of environmental impact assessments.
- The performance of the operation.



- Results from previous audits.
- Any incidents or community complaints.
- Feedback received from other regulatory agencies on the performance of the operation.
- Feedback received from the community / community consultative committee on the performance of the operation.
- Agency policy or other focus areas.

The physical boundary of the audit is defined by the Project Approval Boundary including the Southern Extension Area, as presented in Figure 1 of Project Approval 07_0127 (MOD 5). Consideration was also given to potential offsite environmental impacts associated with site activities and conditions.

The time period covered by the audit is as outlined in Section 1.5.

The audit scope includes an assessment of all organisational units, activities and processes being undertaken by Castlereagh Coal in relation to the approved mining operations and associated activities approved under Project Approval 07_0127 (MOD 5).

The audit compliance tables presented in Appendix C were prepared to document all conditions to be assessed as part of this audit.

2.3 Compliance Evaluation

The audit was undertaken on site by Anna Cochrane (Lead Auditor) and Stephen Shoesmith (Assistant Auditor) of SLR, with the site component completed on 2nd – 4th October 2024.

Information was provided by Castlereagh Coal prior, during and following the audit.

Introductory and close out meetings.

Consultation with relevant government agencies as per the audit requirements prior to the site component.

Reviewing key documents provided by Castlereagh Coal prior to the audit.

Site component of the audit between 2nd – 4th October 2024 – including inspections and discussions representatives of Castlereagh Coal and their environmental consultant, Atlantech, as outlined in Table 3 in Section 2.1.

Review of additional relevant documentation provided by Castlereagh Coal after the site inspection.

Client review and comment on the draft audit report.

Photographs taken during the site inspections are included in Appendix D. A large amount of evidence was viewed and collected as part of the audit, including reports and correspondence. While this key evidence has been referenced in the Compliance Tables in Appendix C, it has not been attached to this audit report.

Information was provided by Castlereagh Coal prior to, during and following the audit. The Audit Team also sourced information from websites including Castlereagh Coal, DPHI and NSW Government legislation websites.

A large amount of information was made available and/or accessed by the Audit Team and considered as audit evidence during the audit process, including project approvals, plans, key project documents, monitoring records, reports, correspondence, and other lines of evidence. While this key evidence has been listed in the Compliance spreadsheets in Appendix C, it has not been attached to this audit report.



2.4 Site Interviews and Inspections

2.4.1 Audit Participants

Key personnel at the site involved in the audit are provided in Table 3.

Table 3: Audit Participants

Name	Position / Role	Audit Role & Attendance
Anna Cochrane	Lead Auditor, SLR	Lead the audit program. Convened the audit opening & closing meetings, site visit, audit interviews, onsite document review, site inspection. Lead the audit considerations and reporting.
Stephen Shoesmith	Assistant Auditor, SLR	Attended throughout the audit. Present at audit opening & closing meetings, onsite document review and site inspection, audit record keeping. Assisted with audit considerations and reporting.
Samuel MacDonald	Assistant Auditor, SLR	Provided audit data & support.
Tim Haig	General Manager, Castlereagh Coal	Present at audit opening & closing meetings. Attended site interviews as required. Provided audit data & support.
William Olson	Environmental Superintendent,	Client Key Audit Contact. Attended throughout the audit. Present at audit opening & closing meetings. Provided audit data & support.
Dean Woods	Senior Environmental Consultant, Atlantech	Client Environmental Support specialist Attended throughout the audit. Present at audit opening meeting. Provided audit data & support.
Jason Bennett	Maintenance Superintendent, Castlereagh Coal	Attended site visit as required Attended site interviews as required. Provided audit data & support.
Kim Nguyen	Chief Executive Officer, Castlereagh Coal	Attended site interviews as required. Provided audit data & support.



2.4.2 Audit Opening and Closing Meetings

An opening meeting was undertaken onsite on 2nd October 2024 prior to the site component of the audit. The opening meeting provided the opportunity to outline the audit process, methodology and scope, review the schedule and introduce key personnel responsible for environmental management at the site. Castlereagh Coal provided an overview of the site, history, operations and incidents during the audit period.

An audit closing meeting was held on 13 November 2024 via Microsoft Teams, following the site visit to discuss initial observations and recommendations as well as the process for completion and submission of the audit. The attendees of the meetings are listed in Table 3.

2.4.3 Site Inspection and Interviews

Site interviews were conducted during the site inspection with follow up as required following the audit. The site inspection was also attended by the personnel listed in Table 3 (in Section 2.1).

Information obtained during the interviews conducted, whilst on site at the facility, were directly recorded as evidence. The auditor also used the interviews as an opportunity to gain an appreciation of the extent to which the measures in place to manage environmental impacts from site operations were understood and implemented.

Table 4 outlines information obtained during the interviews conducted whilst on site and has been directly recorded as evidence.

2.5 Consultation

2.5.1 Summary of Consultation

Consultation with agencies and the Community Consultative Committee (CCC) was completed as part of the audit, including:

- Department of Planning, Housing & Infrastructure.
- Environment Protection Authority.
- NSW Resources Regulator.
- Department of Climate Change, Energy, the Environment and Water.
- Office of Environment and Heritage, part of the Department of Climate Change, Energy, the Environment and Water.
- Lithgow City Council.
- CCC.

Copies of the consultation provided by the above parties is presented in Appendix B.

Each of the matters raised by the above parties during the pre-audit consultation was addressed during the audit, as outlined in the Consultation Summary provided in Appendix B.



2.6 Compliance Status Descriptors

In accordance with the compliance assessment criteria and risk levels for non-compliances as outlined in the Audit Guidelines (DPIE 2015), the terms adopted in the audit to describe compliance of the site with the relevant approval documentation are outlined in Table 4.

Table 4: Compliance Status Descriptors

Assessment Status	Description
Compliant	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.
Compliant with Observation (Observation)	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.
Not Verified	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.
Non-Compliant – High Risk	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.
Non-Compliant – Medium Risk	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.
Non-Compliant – Low Risk	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.
Administrative Non-Compliance	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).
Not Triggered	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.
Note	A statement or fact, where no assessment of compliance is required.



3.0 Audit Findings

3.1 Approvals and Documents Reviewed

Key approvals and documentation reviewed during the audit include:

- Project Approval (PA) MP07_0127.
- Environment Protection Licence (EPL) 1095.
- Mining Leases (ML 1635, ML 1638, ML 1844 and ML 1860) – Standard Mining Lease Conditions.
- WAL 36485 (10BL602586).
- Annual Review 2023.
- Environmental Management Plans – as per approval conditions.
- Annual Returns – across the Audit period.
- Independent Environmental Audit 2016.
- Complaints log.
- Incident Register.
- CCC Meeting Minutes.
- Key consultation with government – including consultation and approval letters.
- Forward Program.
- Annual Rehabilitation Report.
- Other documentation and records were presented for review during the audit, as noted in the Compliance Spreadsheets presented in Appendix C.

3.2 Site Activities

Site activities observed during the audit site inspection included active coal extraction, operational maintenance and environmental management activities, including, for example:

- Fixed and mobile plant mechanical maintenance and overhauls of trucks, loaders, coal handling and equipment.
- Maintenance workshop area.
- Tailings Drying Area.
- Vegetation clearing in Southern Extension project area.
- Overburden excavation & load-out in Southern Extension project area.
- Coal extraction from Southern Extension project area.
- Coal crushing and load-out.
- Dust suppression including water truck activity.
- Haul road maintenance.
- Waste storage and management.
- Water management infrastructure (dams and sediment dams).
- Final Voids (Eastern, Southern and Northern).



- Rehabilitation areas (west pit and areas between the northern and eastern voids).
- Drop structures, contour banks, drainage channels.
- Environmental monitoring equipment.
- Heritage Sites.
- Biodiversity (translocation areas).
- Seepage Dams (EPL PRP U1).
- Access Road and Castlereagh Highway.
- Water Discharge channel (complaint).

The observed site activities were verified against relevant compliance criteria, as detailed in the compliance checklists in Appendix C.

3.3 Summary of Compliance Performance

A detailed review of the facility's performance against each of the conditions of the Audit Criteria is presented in the compliance spreadsheets in Appendix C and summarised in Table 5, Figure 1 and the discussion below.

Table 5: Independent Audit Compliance Summary

Compliance Status	MP07_0127 MOD5	EPL 1095	RMP ML	WAL 36485	Total	% of Total conditions	% of assessed conditions	Overall Compliance
Compliant	32	30	4	0	66	33.85%	49.25%	81 (60.45%)
Compliant with Observation	11	3	1	0	15	7.69%	11.19%	
Not verified	7	3	1	2	14	7.18%	10.45%	14 (10.45%)
Non-compliant - High Risk	0	0	0	0	0	0.00%	0.00%	39 (29.1%)
Non-compliant - Medium Risk	6	0	3	0	9	4.62%	6.72%	
Non-compliant - Low Risk	8	7	8	0	23	11.79%	17.16%	
Administrative Non-Compliance	7	0	0	0	7	3.59%	5.22%	
Not Triggered	21	21	5	0	47	24.1%	n/a	n/a
Note	3	8	3	0	14	7.18%	n/a	n/a
Total conditions	95	72	26	2	195	100.00%	n/a	n/a
Total assessed conditions (excluding not triggered and notes)	71	43	18	2	134	68.72%	100.00%	100.00%



Within the Audit Criteria, 195 total conditions were identified. Of these, 47 (24.1%) were not triggered during the audit period, and 14 (7.18%) were identified as notes for information.

The remaining 134 conditions were identified as assessable conditions for the purposes of determining overall compliance with the Audit Criteria. Compliance with 81 (60.45%) of these was determined during the audit, including 15 (11.19%) conditions for which compliance was indicated alongside observations identifying potential opportunities for improvement (discussed further in Section 3.4.2).

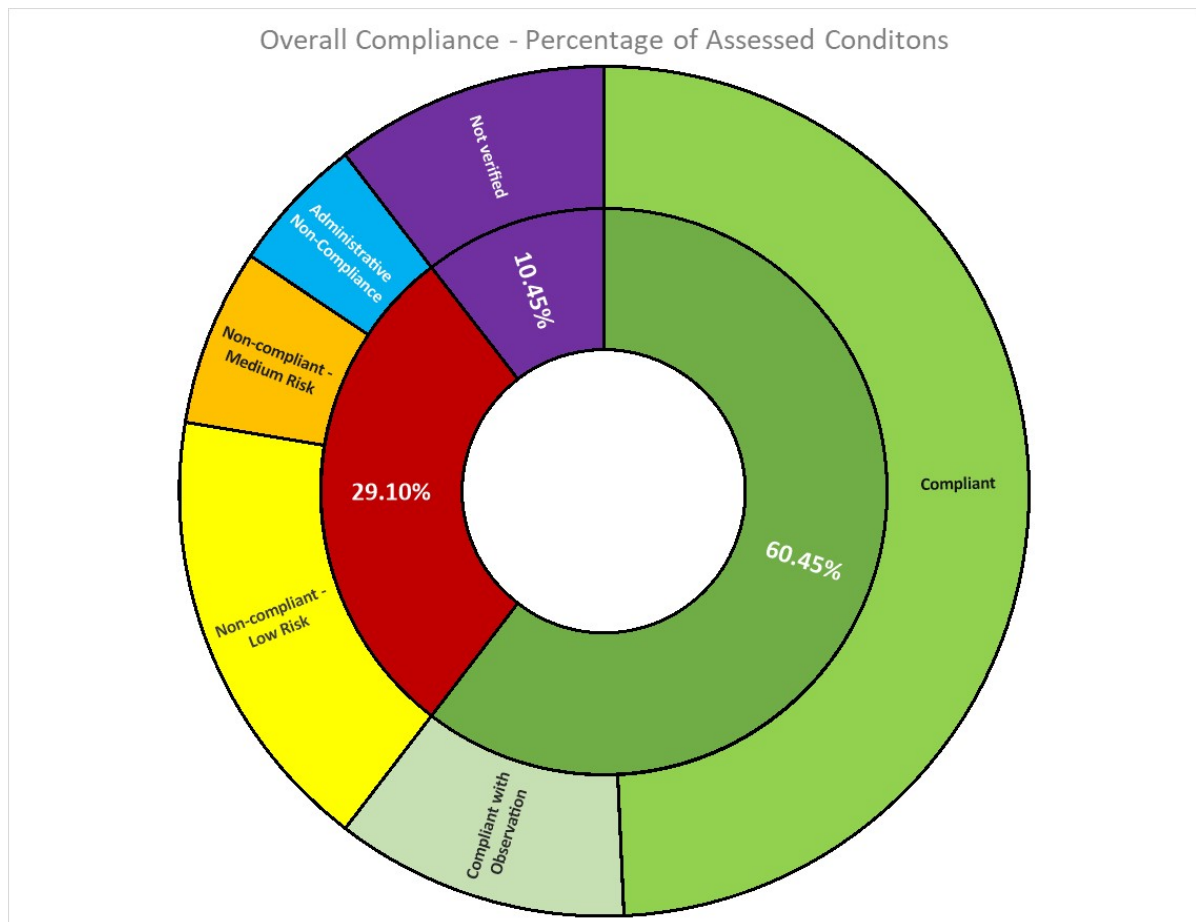
Non-compliances were identified against 39 (29.1%) of the assessable Audit Criteria, ranked by risk as follows:

- High-risk non-compliances - Nil identified
- Medium-risk non-compliances – 9 Conditions (6.72%)
- Low-risk non-compliances – 23 Conditions (17.16%)
- Administrative non-compliances – 7 Conditions (5.22%)

Non-compliances including audit findings and recommended corrective actions are summarised in Section 3.4.1.

Compliance against the remaining 14 (10.45%) of the assessable Audit Criteria could not be verified during the audit. A summary of the audit findings and recommendations for follow up is provided in Section 3.4.2.

Figure 1: Independent Audit Compliance Summary Chart



3.4 Summary of Audit Findings

3.4.1 Non-Compliant Audit Criteria

Table 6 summarises the 39 non-compliances identified against the conditions of the Audit Criteria, along with relevant comments and recommended actions.

Note that only the non-compliant aspect of each non-conformance condition is listed in Table 6. The complete assessment of the overall compliance status and facility performance is included in the Compliance Spreadsheets presented in Appendix C.

Medium-risk non-compliances are generally being related to rehabilitation planning and implementation as well as water management performance measures and water management plan implementation.

Low-risk non-compliances are generally related to implementation of environmental management plans, and findings related to specific controls such as wheel wash maintenance, implementation of management plans, retirement of credits, transport matters and monitoring equipment.

Administrative non-compliances are generally related to agency notifications and correspondence, administrative matters related to the biodiversity management strategy, biodiversity management plan and website updates.

3.4.2 Audit Criteria Not Verified

Compliance against 14 of the assessable Audit Criteria could not be verified during the audit. These Audit Criteria are summarised in Table 7, and have been included in the audit compliance spreadsheets presented in Appendix C alongside findings and recommendations of actions required to provide evidence that will support a determination of compliance.

Further to the above, one additional recommendation was made regarding verification of the status of actions required in response to the Resources Regulator's Section 240 Notice, as outlined in Section 4.4 and audit finding **NV15**. It is noted that on 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes. This finding remains current as further clarifications are required regarding the Warning Letter.

Compliance matters that require verification generally relate to site water provision status, status of biodiversity offsets and security mechanisms, capability of the meteorological station, incident reporting, noise monitoring reports, reporting, status of Pollution Studies and Reduction Programs and the status of NTCE0008970: Rehabilitation Materials Inventory and NTCE0008971: Landform and surface water management structures.

3.4.3 Observations (Opportunities for Improvement)

In determining compliance with the assessable, triggered Audit Criteria, 15 Observations (OBS) were made Audit Criteria for which compliance is indicated, yet opportunity to improve and strengthen operational systems or processes was also identified during the audit.

Observations and recommendations outlining these opportunities for improvement are summarised in Table 8, and have been included in the audit compliance spreadsheets presented in Appendix C for Castlereagh Coal's optional consideration as part of continuous improvement review processes.

Opportunities for improvement have been identified based on the audit team experience, engagement with agencies and observations related to environmental performance. The opportunities for improvement generally relate to mining boundaries, operating plant and equipment, updates to documents, systems, compliance management, training and monitoring.



In addition to the Observations made against Audit Criteria, an additional eleven (11) Observations have been made where opportunities for further improvement to Environmental Management Plans and overall environmental performance have been identified (**OBS16 to OBS27**). These additional Observations are outlined in Table 12.



Table 6: Summary of Non-Compliances

Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
MP0_0127 MOD 5				
SCHEDULE 2				
ADMINISTRATIVE CONDITIONS				
Obligation to Minimise Harm to the Environment				
NC1 Non-compliant - Low Risk	Schedule 2, Condition 1	In addition to meeting the specific performance criteria established under this approval, the Proponent must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.	Whilst no material harm incidents have been reported during the audit period. Review of management plan implementation has found that a range of measures to prevent and/or minimise material harm to the environment have not been implemented.	As per Recommendations raised in this audit report.
Final Layout Plans				
NC2 Non-compliant - Medium Risk	Schedule 2, Condition 11	The Proponent must carry out the project in accordance with the approved mine plan and rehabilitation plan.	<p>Status of Mining and Rehabilitation reported in the 2023 Annual Review is inconsistent with Three-yearly forecast cumulative disturbance and rehabilitation progression detailed in the Forward Program (2023 to 2025).</p> <p>A total of 10.07 Ha was forecasted in Year 1 and 32.93 was forecasted in Year 2 of the Forward Program. Correspondence from CC notes the following related to rehabilitation at the mine:</p> <ul style="list-style-type: none"> - Recommencement of operations was delayed and did not begin until July 2023. This has affected the forward program. - There have been significant delays in 2024 with downtime affecting the rehabilitation program. - This is an error in the annual review as the rehabilitation status and forecast is not accurate to the current operations. - In Yr1, Growth medium development was undertaken in the brown hatched area including spreading of topsoil and subsoil. - As of Dec 2023 landform establishment, growth medium development was underway although not completed. - Throughout Yr2 of the project subsoil and topsoil dumping and spreading has been undertaken in the Southeastern area. Planning is still being undertaken to conduct land prep for rehab in the Northern and North-East void areas. The confirmation of this plan will require update to the FWP and RMP <p>The mine currently has in the order of 95 Hectares of active disturbance. Dumping is currently occurring within the Eastern Void. Rehabilitation has not occurred in accordance with the Schedule outlined in the RMP, Rehabilitation Strategy and Forward Program. Discussions during the site inspection included a description of works commissioned to advance rehabilitation, including the development of a material balance, Forward Program and Rehabilitation Cost Estimate. No timeframe for completion was confirmed.</p> <p>Discussions during the site inspection included a confirmation from site management of commitments to mine rehabilitation.</p> <p>Two Section 240 Notices issued by the Resources Regulator outside of the audit period (2021). The notices included: Notice NTCE0008970: Rehabilitation Materials Inventory. Based on the observations from the inspection outlined above, the Regulator has formed the view that there is a risk of an adverse impact on the environment due to:</p> <ul style="list-style-type: none"> a) the uncertainty of the rehabilitation material inventories presents a risk that suitable types and quantities of rehabilitation cover material cannot be placed over overburden and/or waste emplacements to support the final land use (establishment of native vegetation). <ul style="list-style-type: none"> • Notice NTCE0008971: Landform and surface water management structures. Based on the observations from the inspection outlined above, the Regulator has formed the view that there is a risk of adverse impact to the environment due to: <ul style="list-style-type: none"> a) erosion of the final landform associated with unstable surface water management structures, which may lead to landform stability issues (e.g. gullyng). This may lead to 	<ol style="list-style-type: none"> 1. Undertake a detailed Mine Planning process that produces a Life of Mine rehabilitation schedule, materials balance and supporting operational strategies to facilitate achievement of rehabilitation commitments. 2. Review compliance and operational management systems and processes to ensure that the outcomes of the detailed Mine Planning process are integrated into Business-As-Usual activities to ensure compliance with applicable measures and requirements and progression of rehabilitation activities in accordance with planned activities and timings. 3. Implement a program of temporary rehabilitation to minimise disturbance based on commitments within the RMP and EIS. 4. Undertake remedial works on the west pit rehabilitation area to address land stability issues (dump slip) and drainage line scouring.



Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
			<p>the post closure release of sediment to the surrounding environment at a level significantly higher than natural landscape quantities.</p> <p>b) potential instability of the final landform which may result in it being unable support the nominated final land use(s).</p> <p>Following review of a technical investigation report, dated May 2022, Castlereagh Coal submitted an action plan (23 July 2022) outlining actions to address recommendations from the technical report. The actions consist of monitoring, detailed surveys, landform designs and material inventories.</p> <p>The 2023 Annual Review reported ongoing implementation of the actions. Evidence of the current status of the items in the Action Plan was not available during the audit.</p> <p>It is noted that on 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes.</p> <p>This has been deemed as a non-compliance medium risk on the basis of the Section 240 Notices, The Warning Letter issued by the Resources Regulator, agency engagement comments and the status of the Forward Program reports and progressions. It is acknowledged that consultants have been engaged to undertake mine planning and reporting requirements, however defined timing of these actions was not available during the audit. Overall, the risk rating reflects that the Resources Regulator had formed the view that there is a risk of adverse impact to the environment related to rehabilitation progress and landform stability.</p>	
Notification of Re commencement				
NC3 Administrative Non-Compliance	Schedule 2, Condition 12	The Proponent must notify the Department in writing of the date on which it will recommence mining operations following the mine being placed in care and maintenance in 2023.	<p>Submissions notifying the Department of the date on which it will recommence mining operations were not sighted during the audit.</p> <p>CC have advised that previous employees (including Mine Manager, and Environmental Manager) did satisfy the following conditions of MP07_0127 MOD 5 by submitting notifications and corresponding with the Department. The following information that was discussed was:</p> <ul style="list-style-type: none"> the notification in writing of the date on which recommencement of mining operations will occur in accordance with Schedule 2, Condition 12. 	<p>1. Engage with DPPI to seek confirmation of the recommencement notification. If notification was completed, seek a copy of the correspondence. If correspondence cannot be verified, submit a retrospective notification.</p> <p>2. Following Item 1, ensure a copy of the recommencement notification is retained and is accessible within the mine's environmental compliance management system.</p>
SCHEDULE 3				
SPECIFIC ENVIRONMENTAL CONDITIONS				
Blast Management Plan				
NC4 Administrative Non-Compliance	Schedule 3, Condition 13	<p>Prior to recommending mining operations, unless the Secretary agrees otherwise, the Proponent must prepare a Blast Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA</p> <p>(b) describe the measures that would be implemented to ensure compliance with the blasting criteria and operating conditions of this approval</p> <p>(c) include a road closure management plan for blasting within 500 m of a public road, that has been prepared in consultation with RMS and Council; and</p> <p>(d) include a monitoring program for evaluating the performance of the development, including:</p> <ul style="list-style-type: none"> compliance with the operating conditions; and minimising the fume emissions from the site. 	<p>EMS, Section 2 states that a Separate EMP titled 'Blast Management Plan' to be prepared and approved by regulatory agencies prior to any blasting on site.</p> <p>No correspondence was sighted confirming an agreement by the Secretary to not prepare a Blast Management Plan. Whilst it could be inferred by the approval of the EMS, usual practice is letters as correspondence specific to individual matters.</p> <p>CC have advised that previous employees (including Mine Manager, and Environmental Manager) did satisfy the following conditions of MP07_0127 MOD 5 by submitting notifications and corresponding with the Department. The following information that was discussed was:</p> <ul style="list-style-type: none"> the correspondence to the Department regarding not having to prepare a Blast Management Plan. 	Engage with DPPI to seek confirmation of agreement by the Secretary to not prepare a Blast Management Plan for the current phase of mining activities.
AIR QUALITY				
Operating Conditions				



Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
NC5 Non-compliant - Low Risk	Schedule 3, Condition 18	The Proponent must: (a) implement all reasonable and feasible measures to minimise the odour, fume and dust emissions of the project (including those generated by spontaneous combustion) and the release of greenhouse gas emissions from the site. (b) minimise any visible off-site air pollution generated by the project; (c) ensure that all loaded trucks leaving the site are adequately covered at all times; (d) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see note d to Tables 4-6 above), (e) co-ordinate the air quality management on site with the air quality management at the Cullen Valley mine to minimise any cumulative air quality impacts; and (f) carry out regular monitoring to determine whether the development is complying with the relevant conditions of this approval.	Transport Management Plan and odour / air quality management procedures and records sighted. Cullen Valley Mine is owned by Castlereagh Coal and is coordinated together. A Transport Management Plan is in place. However, there was a complaint about trucks leaving the site without properly covered loads. Watercart observed in operation. Key measures to address the AQ operating conditions are detailed in Section 4 and 5 of the AQMP. Evidence of implementation was not available for a range of commitments.	Introduce a maintenance regime for cleaning the access road, existing the site following the wheel wash.
Air Quality Management Plan				
NC6 Non-compliant - Low Risk	Schedule 3, Condition 20	The Air Quality Management Plan approved by the Secretary must be implemented.	Key measures to address the AQ operating conditions are detailed in Section 4 and 5 of the AQMP. Evidence of implementation was not available for a range of commitments.	1. Review, and update where necessary, the Air Quality Management Plan (AQMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the AQMP is fit for purpose given the recommencement of operations and EIS commitments. 2. Ensure key measures to address Air Quality operating conditions and to protect air quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to Air Quality are mitigated. (Action also refers to EPL Condition O3.2)
WATER				
Water Management Performance Measures				



Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
<p>NC7</p> <p>Non-compliant - Medium Risk</p>	<p>Schedule 3, Condition 26</p>	<p>The Proponent must comply with the performance measures in Table 7 to the satisfaction of the Secretary.</p> <p>Table 7: Water Management Performance Measures</p>	<p>All mine water is pumped into MWSD in accordance with WMP, which is a degree of separation of mine water from dirty water.</p> <p>No discharge of water from Ivanhoe #2 workings - project not yet working deep into Southern Extension area.</p> <p>No new dams constructed. Have engaged contractors to come and do bathymetric surveys of dams, to assess sediment levels, capacity for 90percentile / 100yr rain event storage capacity to minimise environmental pollution risk.</p> <p>Inspections triggered after 20mm rain event - not triggered recently.</p> <p>Have engaged with ALS Hydrographics to install gauge monitors and telemetry systems for real-time monitoring of dam levels - waiting on costing.</p> <p>Management of pumps and sediment dams is ongoing, with diesel pump inspections being conducted regularly.</p> <p>Routine daily inspections of dams are conducted, and records are maintained.</p> <p>Regular meetings are held to discuss dam levels, weather conditions, and performance, with minutes kept for accountability.</p> <p>Independent Erosion and Sediment Control (ESC) inspections are conducted, with any actions transferred to an action register for follow-up and resolution.</p> <p>It is noted that the hydrocarbon separation system is in place in accordance with the approved WMP. The effectiveness of this system require review.</p> <p>It is noted that the non-compliance status relates particularly to the following points</p> <p>No current system installed to separate clean, dirty and mine water.</p> <p>It is noted that EPA have included a Pollution Reduction Program on the site EPL regarding seepage associated with historic reject materials (Refer to EPL Findings).</p> <p>Improvements are required for the wastewater, oily water separator and associated infrastructure. Actions from the 2016 remain current and have been reproduced for this audit to simplify corrective action implementation for CC.</p>	<p>1. Undertake an assessment of water management systems and implementation measures for separate clean, dirty and mine water systems by a suitably qualified person.</p> <p>2. Complete an improvement program for the wastewater, oily water separator and associated infrastructure. (Refer also to findings at Schedule 3, Condition 15).</p> <p>3. Complete drainage repairs for LPD2 to divert water away from the highway and restore</p> <p>Note: Recommendations regarding the EPL PRP are included within the EPL Checklist</p>
<p>Water Management Plan</p>				
<p>NC8</p> <p>Administrative Non-Compliance</p>	<p>Schedule 3, Condition 27</p>	<p>Prior to recommending mining operations, unless the secretary agrees otherwise, the Proponent must prepare a Water Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with DPI Water and the EPA, by suitably qualified and experienced persons whose appointment has been approved by the Secretary;</p> <p>(b) include detailed performance criteria and describe measures to ensure that the Proponent complies with the water management performance measures;</p> <p>(c) in addition to the standard requirements for management plans (see Condition 3 of schedule 6), this plan must involve a:</p> <p>(i) Site Water Balance that:</p> <ul style="list-style-type: none"> • includes details of: <ul style="list-style-type: none"> ◦ sources and security of water supply, including contingency planning for future reporting periods; ◦ water use and management on site, including details of water sharing between neighbouring mining operations; ◦ any off-site water transfers and discharges; ◦ reporting procedures, including the preparation of a site water balance for each calendar year; and • investigates and implements all reasonable and feasible measures to minimise water use on site; 	<p>As above.</p> <p>Water MP approved November 2022.</p> <p>Table 2 of WMP indicates where each sub-clause of Condition 27 has been addressed.</p> <p>Subclause (a) - no evidence provided in WMP to confirm that the plan was authored by suitably qualified and experienced persons whose appointment has been approved by the Secretary. i.e. There is no evidence that the DPPI formally endorsed the plan's authors - additional verification required.</p> <p>Consideration should be given to ongoing management of integrity testing or pipeline/pump failure risks for infrastructure associated with seepage management.</p> <p>Consideration should also be given to undertaken regular reviews of dam integrity.</p>	<p>1. Engage with DPPI to seek confirmation of expert endorsement of the approved Water Management Plan (Water MP). If endorsement was completed, seek a copy of the correspondence. If endorsement cannot be verified, submit an updated request for expert endorsements for the next management plan revision trigger.</p> <p>2. Undertake an assessment of the surface water management system and associated implementation measures by a suitably qualified person.</p> <p>3. Undertake Dam Integrity Inspections on key dam embankments such as the Main Storage Dam.</p> <p>4. Implement measures to manage pipeline/pump failure risks for infrastructure associated with seepage management.</p> <p>5. Review the current operations against the Aquifer Interference Policy.</p> <p>6. Engage with the EPA for a modification of the</p>



Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
		<p>(ii) Surface Water Management Plan, that includes:</p> <ul style="list-style-type: none"> • detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project; • a program to argument the baseline data over the life of the project; • a detailed description of the relevant discharge limits as required by condition 24 of schedule 3; • a detailed description of the water management system on site, including the, <ul style="list-style-type: none"> ◦ clean water diversions, as informed by condition 25 of this schedule; ◦ sediment dams and associated infrastructure; ◦ mine water management system; ◦ measures to be implemented to ensure that water from Ivanhoe No.2 workings is not directly discharged off-site; and ◦ reinstatement of drainage lines on the rehabilitated area of the site; • detailed objectives and performance criteria, including trigger levels for investigating any potential or actual adverse impacts associated with the project for: <ul style="list-style-type: none"> - dewatering the Ivanhoe No 2 workings; - downstream surface water quality; - stream and riparian vegetation health; - channel stability; - design and management for the emplacement of coal reject materials; - reinstatement of drainage lines on the rehabilitated areas of the site; and - control of any potential water pollution from the rehabilitated areas of the site; • a program to monitor and report on: <ul style="list-style-type: none"> - the effectiveness of the water management system; and - surface water flows and quality in the watercourses that could be affected by the project; - the performance measures listed in Table 7; - impacts on water users; • reporting procedures for the results of the monitoring program; and • a plan to respond to any exceedances of the trigger levels/ and or performance criteria, and mitigation and/or offsets any adverse surface water impacts of the project; <p>(iii) Groundwater Management Plan, that includes:</p> <ul style="list-style-type: none"> • detailed baseline data on groundwater levels, yield and quality in the region that could be affected by the development, including privately-owned groundwater bores and groundwater dependent ecosystems: groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; • a program to monitor and report on: <ul style="list-style-type: none"> - groundwater supply of potentially affected landowners; - groundwater inflows to the open cut mining operations; - the seepage/leachate from water storages, emplacements and backfilled voids; - background changes in groundwater yield/quality against mine-induced changes; - impacts of the project on: <ul style="list-style-type: none"> - regional and local (including alluvial) aquifers; - groundwater supply of potentially affected landowners; and - groundwater dependent ecosystems and riparian vegetation; - a program to validate the groundwater model for the project, and compare the monitoring results with modelled predictions; and • a plan to respond to any exceedances of the trigger levels and/or performance criteria, and mitigate and/or offset any adverse groundwater impacts of the development; <p>(iv) a protocol that has been prepared in consultation with the owner of the Baal Bone mine to ensure all ground water intake, including increased inflows to the Baal Bone underground workings, is appropriately licensed.</p>		<p>Environment Protection Licence to permit discharge via the underground workings. Undertake Dam Integrity Inspections on key dam embankments such as the Main Storage Dam.</p> <p>7. Document staged Progressive Erosion and Sediment Control Plans (PESCPs) as per the Water MP for key areas across the site</p>



Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
NC9 Non-compliant - Medium Risk	Schedule 3, Condition 28	The Water Management Plan approved by the Secretary must be implemented.	Evidence of implementation for key actions detailed in the WMP was not available at the time of the audit. Examples including: <ul style="list-style-type: none"> - SD3 Expansion (s3.1) - Hydrocarbon management at the workshop - General erosion and sediment controls across site - Progressive erosion and sediment control plans - not developed / implemented - Inspections and Maintenance - daily inspections, no sediment fences installed recently - Annual Site Water Balance Updates 	As for Schedule 3, Condition 25. (OBS4)
BIODIVERSITY				
Biodiversity Offset Strategy				
NC10 Administrative Non-Compliance	Schedule 3, Condition 29	The Proponent must implement the biodiversity offset strategy for the project, as summarised in Table 8 and shown in Appendix 5: Table 8: Biodiversity Offset Strategy	BMP Approval: The Biodiversity Management Plan (BMP) received approval from the Department of Planning and Environment (DPE) on 13 July 2023. A submission for revisions to the BMP was originally due in September, but the timeline was extended until June 2024. The team is still working through these revisions. On 29 June 2024, there was communication (CC) with the Department of Planning, Industry, and Environment (DPHI) (Crown Lands) regarding the status of the BMP and endorsement of the proposed approach to the Biodiversity Offset Strategy to transition the offset area from grazing land. No response was received. On 26 Aug 2024, the Department issued a Show Cause letter issued wrt biodiversity offset strategy, alleging that CC had not submitted a Conservation Bond (the Bond), Biodiversity Offset Strategy (BOS) or an updated Biodiversity Management Plan (BMP) as required under Invincible consent PA07_0127 (Modification 5), Schedule 3 Conditions 30, 32, 33 and 35. CC response to the Department pointed out the BOS forwarded to the Department for approval on 26 June 2024, indicating Conservation Bond not pursued pending approval of BOS, and no identified need for BMP update once BOS approved. It is noted that CC received a Warning Letter with regarding to the Show Cause outside of the audit period (30/10/2024). For the purposes of this audit and the audit period, the compliance status is nominated based on the timing of the site inspection.	1. Prepare and implement a detailed action plan to resolve all outstanding requirements / commitments / conditions related to Biodiversity. 2. Provide quarterly updates of action plan implementation to relevant agencies.
Retirement of Credits				
NC11 Non-compliant - Low Risk	Schedule 3, Condition 31	Prior to the recommencement of mining operations, the Proponent must review and update the ecosystem and species credit requirements in Table 9 and 10 to reflect the final mine plan, in consultation with OEH and to the satisfaction of the Secretary.	Interviews conducted as part of the site inspection discussed that CC has engaged with NSW Environment and Heritage on a number of occasions to resolve this matter. This is an ongoing matter between CC, the Department and NSW Environment and Heritage. For the purposes of this audit, a noncompliance status is nominated as the requirement was not resolved prior to the recommencement of mining and is not subject to an ongoing compliance process by the Department. It is noted that CC received a Warning Letter with regarding to the Show Cause outside of the audit period (30/10/2024). For the purposes of this audit and the audit period, the compliance status is nominated based on the timing of the site inspection.	As for Schedule 3, Condition 29. (NC10)



Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
Biodiversity Management Plan				
NC12 Non-compliant - Low Risk	Schedule 3, Condition 34	The Biodiversity Management Plan approved by the Secretary must be implemented.	Examples of BMP Implementation include weed management, seed collection, next box monitoring and management, weed management. Evidence of implementation for key actions detailed in the BMP was not available at the time of the audit. Examples including: - Implementation of actions from Biodiversity Reports - Demarcation of site clearing limits and no-go areas - Exclusion fencing of translocation areas	1. Review, and update where necessary, the Biodiversity Management Plan (BMP) to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented. 2. Ensure key measures to address Biodiversity Management and to protect biodiversity are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to biodiversity are mitigated. 3. Ensure site clearing limits and no-go areas are clearly delineated and/or fenced. 4. Reinstate exclusion fencing around translocation areas. 5. Undertake assessment of the need for vertebrate pest control and implement as required.
HERITAGE				
Aboriginal Cultural Heritage Management Plan				
NC13 Administrative Non-Compliance	Schedule 3, Condition 37	Prior to recommending mining operations, unless the Secretary agrees otherwise, the Proponent must prepare an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Secretary. The plan must: (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary; (b) be prepared in consultation with ORH and the RAPs; (c) include the following for the management of Aboriginal heritage: • ensure any workers on site receive suitable heritage inductions prior to carrying out any project on site, and that suitable records are kept of these inductions; • a program and description of the measures/procedures that would be implemented for: ◦ protecting, monitoring and/or managing Aboriginal cultural heritage on site including collection and salvage of including artefact scatters, isolated finds and modified trees, ◦ maintaining and managing reasonable access to cultural heritage sites for Aboriginal stakeholders; ◦ managing the discovery of human remains or previously unidentified Aboriginal artefacts; and ◦ protocol for the ongoing consultation and involvement of the Aboriginal community in the conservation and management of the Aboriginal heritage of the objects/sites on site; ◦ ongoing consultation with and involvement of RAPs in the conservation and/or management of Aboriginal cultural heritage in site; • a strategy for the storage of heritage items salvaged on site, both during the project and in the long term.	The HMP, dated 31 January 2023 was prepared by an OzArch endorsed by DPE 21 January 2023. No evidence of approval for the HMP was sighted during the audit. The HMP includes consultation records with OEH and RAPs. Section 6.6.2 described training to be undertaken as part of implementing the ACHMP. Section 6 includes descriptions of measures implemented to protect monitoring and managing heritage items, access to items, ongoing consultation and storage. Section 7 details recording of keeping	1. Engage with DPHI to seek confirmation regarding approval of the Aboriginal Cultural Heritage (ACH) Management Plan. If approval was completed, seek a copy of the correspondence. If correspondence cannot be verified, submit a retrospective approval.



Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
TRANSPORT				
Hours of Work				
<p>NC14</p> <p>Non-compliant - Low Risk</p>	<p>Schedule 3, Condition 43</p>	<p>The Proponent must implement the approved Transport Management Plan for the Project.</p>	<p>The Site Personnel conducts monthly inspections focused on road environment and public safety.</p> <p>There are ongoing discussions related to wheel wash facilities and truck movements to control dust and debris on public roads.</p> <p>Records are maintained to document transport-related activities. Monthly inspection list included.</p> <p>Training Manual: A manual is in place. Manuals and assessments are available for all site personnel.</p> <p>Evidence of implementation was not available during the audit, including</p> <ul style="list-style-type: none"> - Timestamped data to show trucking was outside of school hours - Signed copies of DoC (Driver's Code of Conduct) - Drivers WHS Plan (Work Health and Safety Plan) - short safety checks for site personnel complete to assess risks before commencing work. - Monthly Inspection for traffic related elements 	<ol style="list-style-type: none"> 1. Review, and update where necessary, the Transport Management Plan (TMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the TMP is fit for purpose given the recommencement of operations and EIS commitments. (Action also applies at EPL Condition O3.1) 2. Ensure key measures to address Transport Management and to protect environmental and amenity quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to the environment and amenity are mitigated.
REHABILITATION				
Rehabilitation Objectives				
<p>NC15</p> <p>Non-compliant - Medium Risk</p>	<p>Schedule 3, Condition 50</p>	<p>The Proponent must rehabilitate the site progressively as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies must be employed when areas prone to dust generation cannot be permanently rehabilitated.</p> <p><i>Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development. it is also accepted that delays in rehabilitation due to extended wet or dry conditions may occur.</i></p>	<p>Status of Mining and Rehabilitation reported in the 2023 Annual Review is inconsistent with Three-yearly forecast cumulative disturbance and rehabilitation progression detailed in the Forward Program (2023 to 2025).</p> <p>A total of 10.07 Ha was forecasted in Year 1 and 32.93 was forecasted in Year 2 of the Forward Program. Correspondence from CC notes the following related to rehabilitation at the mine:</p> <ul style="list-style-type: none"> - Recommencement of operations was delayed and did not begin until July 2023. This has affected the forward program. - There have been significant delays in 2024 with downtime affecting the rehabilitation program. - This is an error in the annual review as the rehabilitation status and forecast is not accurate to the current operations. - In Yr1, Growth medium development was undertaken in the brown hatched area including spreading of topsoil and subsoil. - As of Dec 2023 landform establishment, growth medium development was underway although not completed. - Throughout Yr2 of the project subsoil and topsoil dumping and spreading has been undertaken in the Southeastern area. Planning is still being undertaken to conduct land prep for rehab in the Northern and North-East void areas. The confirmation of this plan will require update to the FWP and RMP <p>The mine currently has in the order of 95 Hectares of active disturbance. Dumping is currently occurring within the Eastern Void. Rehabilitation has not occurred in accordance with the Schedule outlined in the RMP, Rehabilitation Strategy and Forward Program. Discussions during the site inspection included a description of works commissioned to advance rehabilitation, including the development of a material balance, Forward Program and Rehabilitation Cost Estimate. No timeframe for completion was confirmed.</p> <p>Discussions during the site inspection included a confirmation from site management of commitments to mine rehabilitation.</p> <p>Two Section 240 Notices issued by the Resources Regulator outside of the audit period (2021). The notices included:</p> <ul style="list-style-type: none"> • Notice NTCE0008970: Rehabilitation Materials Inventory. Based on the observations from the inspection outlined above, the Regulator has formed the view that there is a risk of an adverse impact on the environment due to: <ol style="list-style-type: none"> a) the uncertainty of the rehabilitation material inventories presents a risk that suitable types and quantities of rehabilitation cover material cannot be placed over overburden 	<p>As for Schedule 2, Condition 11. (NC2)</p>



Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
			<p>and/or waste emplacements to support the final land use (establishment of native vegetation).</p> <ul style="list-style-type: none"> • Notice NTCE0008971: Landform and surface water management structures. Based on the observations from the inspection outlined above, the Regulator has formed the view that there is a risk of adverse impact to the environment due to: <ol style="list-style-type: none"> a) erosion of the final landform associated with unstable surface water management structures, which may lead to landform stability issues (e.g. gullyng). This may lead to the post closure release of sediment to the surrounding environment at a level significantly higher than natural landscape quantities. b) potential instability of the final landform which may result in it being unable support the nominated final land use(s). <p>Following review of a technical investigation report, dated May 2022, Castlereagh Coal submitted an action plan (23 July 2022) outlining actions to address recommendations from the technical report. The actions consist of monitoring, detailed surveys, landform designs and material inventories. The 2023 Annual Review reported ongoing implementation of the actions. Evidence of the current status of the items in the Action Plan was not available during the audit.</p> <p>It is noted that on 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes.</p> <p>This has been deemed as a non-compliance medium risk on the basis of the Section 240 Notices, The Warning Letter issued by the Resources Regulator, agency engagement comments and the status of the Forward Program reports and progressions. It is acknowledged that consultants have been engaged to undertake mine planning and reporting requirements, however defined timing of these actions was not available during the audit. Overall, the risk rating reflects that the Resources Regulator had formed the view that there is a risk of adverse impact to the environment related to rehabilitation progress and landform stability.</p>	
Rehabilitation Strategy				
<p>NC16</p> <p>Non-compliant - Medium Risk</p>	<p>Schedule 3, Condition 52</p>	<p>The Rehabilitation Strategy approved by the Secretary must be implemented.</p>	<p>Rehabilitation has not occurred in accordance with the Schedule outlined in the RMP, Rehabilitation Strategy and Forward Program (see findings for Schedule 3, Condition 11, 50 and 52)</p> <p>Some elements of the RMP applicable to the audit period have not been implemented, including (LOM Schedule, Temporary Rehabilitation for Air Quality, delineation of disturbance boundaries)</p> <p>It is noted that on 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes.</p> <p>This has been deemed as a non-compliance medium risk on the basis of the Section 240 Notices, The Warning Letter issued by the Resources Regulator, agency engagement comments and the status of the Forward Program reports and progressions. It is acknowledged that consultants have been engaged to undertake mine planning and reporting requirements, however defined timing of these actions was not available during the audit. Overall, the risk rating reflects that the Resources Regulator had formed the view that there is a risk of adverse impact to the environment related to rehabilitation progress and landform stability.</p>	<p>As for Schedule 2, Condition 11. (NC2)</p>



Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
Rehabilitation Management Plan				
NC17 Non-compliant - Low Risk	Schedule 3, Condition 52	<p>Prior to recommencing mining operations, unless the Secretary agrees otherwise, the Proponent must prepare a Rehabilitation Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with DPI Water, OEH, Council and the CCC; (b) be prepared in accordance with any relevant DRG guideline and be consistent with the rehabilitation objectives in the EA and in Table 11; (c) describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategy; (d) include a detailed rehabilitation schedule for the life of the mine and an annual program for reviewing and revising this schedule, as informed by condition 51 of this schedule; (e) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary); (f) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform, and final land use; (g) provide for detailed mine closure planning, including measures to minimise socio-economic effects due to mine closure, to be conducted prior to the site being placed on care and maintenance; (h) include interim rehabilitation where necessary to minimise the area exposed for dust generation; (i) include a program to monitor and report on the effectiveness of the rehabilitation of the site, and progress against the detailed performance and completion criteria; and (j) be integrated with the other management plans required under this consent. <p>Note: The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitation mine-site.</p>	<p>The RMP (Rev 1.1), dated November 2022 was approved by DPE on 12 December 2022.</p> <ul style="list-style-type: none"> a) Consultation is included within Appendix D (completed in 2018). Section 4.2 outlines consultation undertaken. b) The RMP has been drafted to comply with the Consent and the Mining Act reforms of 2022. c) Section 6.2.6 outlines how rehabilitation and offset areas are integrated d) Section 6.1 detailed the LOM process and rehabilitation schedule, linking to the Forward Program. It is noted that CC has recently commissioned consultants to undertake detailed LOM mine planning. e) Section 4 and 8.3 detailed completion objectives and criteria. Rehabilitation Objectives statements is included in Appendix B of the RMP. b) f) Section 6 describes the rehabilitation measures to be implemented. g) Section 6.2.1 describes closure actions specific to socio economic reviews. h) Section 6.2.1 describes temporary rehabilitation activities to minimise dust emissions. i) Section 8 and 10 detail monitoring programs and a TARP j) Measures described in Section 6, 8 and 10 have been bought across from other management plans. <p>The non-compliance relates to the RMP not including Completion Criteria. It noted that the Objectives Statements is currently with the Resources Regulator for approval and Appendix B does not contain preliminary criteria. It is noted that the Objective statement can only be following approval of the rehabilitation objectives statement. The NSW Resource Regulator recently advised that final rehabilitation completion criteria are only required to be submitted no later than the due date of the forward program that covers a period which includes completion of rehabilitation for the mining area or part thereof. The RMP and Objectives are generally consistent with the Consent.</p>	<ol style="list-style-type: none"> 1. Following approval of the Rehabilitation Objectives and Criteria, revise the Rehabilitation Management Plan (RMP) based on the amendment requirements of current Mining Lease Conditions. 2. Ensure RMP measures are implemented in accordance with planned activities and timings.
NC18 Non-compliant - Medium Risk	Schedule 3, Condition 51	The Rehabilitation Management Plan approved by the Secretary must be implemented.	<p>Rehabilitation has not occurred in accordance with the Schedule outlined in the RMP, Rehabilitation Strategy and Forward Program (see findings for Schedule 3, Condition 11, 50 and 52)</p> <p>Some elements of the RMP applicable to the audit period have not been implemented, including (LOM Schedule, Temporary Rehabilitation for Air Quality, delineation of disturbance boundaries)</p> <p>This has been deemed as a non-compliance medium risk on the basis of the Section 240 Notices, Status of actions for the 240 Notices were not available during the audit, agency engagement comments and the status of the Forward Program reports and progressions. It is acknowledged that consultants have been engaged to undertake mine planning and reporting requirements, however defined timing of these actions was not available during the audit. Overall, the risk rating reflects that the Regulator has formed the view that there is a risk of adverse impact to the environment related to rehabilitation.</p>	<ol style="list-style-type: none"> 1. Review, and update where necessary, the Rehabilitation Management Plan (RMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the RMP is fit for purpose given the commencement of operations and EIS commitments. 2. Ensure key rehabilitation measures are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to the environment are mitigated.
SCHEDULE 5				
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING				
ENVIRONMENTAL MANAGEMENT				
Annual Review				



Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
NC19 Non-compliant - Low Risk	Schedule 5 Condition 4	<p>By the end of March each year, or other timing as may be agreed by the Secretary, the Proponent must review the environmental performance of the project to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the project (including any rehabilitation) that was carried out in the past financial year, and the project that is proposed to be carried out over the next year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past financial year, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> • relevant statutory requirements, limits or performance measures/criteria; • requirements of any plan or program required under this approval; • monitoring results of previous years; and • relevant predictions in the EA; <p>(c) identify any non-compliance over the past financial year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the current financial year to improve the environmental performance of the project.</p> <p>Note: The "Post Approval Requirements for State Significant Developments - Annual Review Guideline 2015, NSW Government, October 2015" (or its latest version) provides a reporting framework to integrate the reporting requirements of the Annual Review required by the Department under the development consent and the Annual Environment Management Report (AEMR) required by DRE under the Mining Lease.</p>	<p>The 2023 Annual Review, dated 11 June 2023 was prepared and submitted to DPHI past the due date of 30 March 2024.</p> <p>Sections 6, 7, 9 and 11 provide an overview of environmental performance. Section 4 provides an operational overview, Section 8 describes rehabilitation activities and Section 12 details activities to be conducted in the next reporting period.</p> <p>Section 6 provides a review of monitoring data, trends and comparisons of EA predictions. Consideration should be given to increasing the comprehensive analysis of trends and comparisons across environmental aspects and also for key risks.</p> <p>Section 9 describes community complaints and Section 11 details incidents and non-compliances for the reporting period.</p> <p>Section 6 includes references to actions to improve environmental performance.</p> <p>It is noted that a range of commitments have been included in management plans for reporting within Annual Reviews that are in addition to the requirements of this condition. The audit found example of where these commitments have not been carried over (annual revision of the site water balance). It is also noted that future Annual Reviews should provide a comprehensive analysis of trends and comparisons against EA predictions for all environment aspects and to a greater level of detail than in previous Annual Reviews.</p>	<p>Introduce a systematic process to ensure commitments that have been included in management plans for reporting within Annual Reviews are addressed for future submissions.</p>
REPORTING				
Regular Reporting				
NC20 Administrative Non-Compliance	Schedule 5, Condition 10	<p>The Proponent must provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.</p>	<p>Website Reviewed. https://ccoal.com.au/environmental-reporting-compliance/.</p> <p>Annual Reviews, Monthly EPL Reports, Complaints Register sighted on the website.</p> <p>Annual Rehabilitation Report had not been published during the reporting period. It is noted that the website has been updated.</p>	<p>Introduce a systematic process to ensure commitments that have been included in management plans for reporting within Annual Reviews are addressed for future submissions.</p>
ACCESS TO INFORMATION				
NC21 Administrative Non-Compliance	Schedule 5, Condition 13	<p>The Proponent must:</p> <p>a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> • the EA; • current statutory approvals for the project; • approved strategies, plans and programs required under the conditions of this approval; • a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs; • a complaints register, which is to be updated monthly; • minutes of CCC meetings; • the annual reviews of the project; • any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit; • any other matter required by the Secretary; and <p>b) keep this information up-to-date</p>	<p>Website Reviewed. https://ccoal.com.au/environmental-reporting-compliance/</p> <p>The website is easy to follow and easily accessible,</p> <p>Most items required by the consent are located on the website, a few items not uploaded to the website, for example some Authorisations. It is noted that the Proponents response to the previous IEA has been uploaded as an attachment within the 2016 IEA report.</p> <p>Although outside of the audit period, monthly monitoring reports for August and September are not uploaded.</p> <p>It is noted that outstanding monitoring data is yet to be received by CC (Chapter 2, Part 3.5, Condition 66(6) of the Protection of the Environment operations Act 1997).</p>	<p>Introduce a systematic process to ensure website uploads occur in accordance with the Consent.</p>



Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
EPL 1095				
3 Limit Conditions				
L2 Concentration limits				
NC22 Non-compliant - Low Risk	L2.1	For each monitoring/discharge point or utilisation area specified in the table/s 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.	Data provided for audit review covering period 1 January 2024 to end of audit period (13 July 2024). No data provided for period 13 July 2023 to 31 December 2023. Exceedances for pH were reported on 7 days during January 2024 and on 2 days up to 13 July 2024.	Investigate the pH results reported outside the parameters of the EPL and implement corrective actions as necessary to mitigate non-compliance with Conditions L2.1 and L2.2 of EPL1095.
NC23 Non-compliant - Low Risk	L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	As above. Less than 100% of pH results were within the specified range.	As per Condition L2.1.
4 Operating Conditions				
O3 Dust				
NC24 Non-compliant - Low Risk	O3.1	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.	Watercart observed in operation Key measures to address the AQ operating conditions are detailed in Section 4 and 5 of the AQMP. Evidence of implementation was not available for a range of commitments.	1. Review, and update where necessary, the Transport Management Plan (TMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the TMP is fit for purpose given the recommencement of operations and EIS commitments. (Action also applies at MP07_0127 MOD5, Schedule 3, Condition 43) 2. Review, and update where necessary, the Air Quality Management Plan (AQMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the AQMP is fit for purpose given the recommencement of operations and EIS commitments. (Action also refers to MP07_0127 MOD5 Schedule 3, Condition 20) 3. Ensure key measures to address Air Quality operating conditions and to protect air quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to Air Quality are mitigated. (Action also refers to MP07_0127 MOD5 Schedule 3, Condition 20)
NC25 Non-compliant - Low Risk	O3.2	All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.	Watercart observed in operation Key measures to address the AQ operating conditions are detailed in Section 4 and 5 of the AQMP. Evidence of implementation was not available for a range of commitments.	As per Condition O3.1. (NC24)
NC26 Non-compliant - Low Risk	O3.4	The tailgates of all haulage trucks leaving the premises must be securely fixed prior to loading or immediately after unloading to prevent loss of material.	CC self-reported an incident to the EPA in June 2024 regarding coal spillage. Investigation response to EPA noted wheel wash was in operation. Reminders to truck operators issued. Discussions with the RMS are still being undertaken to remove the material During the site inspection, coal materials were observed along road verges of the Castlereagh Highway near the site entrance that may have originated from the mine.	1. Clean up coal tracked onto Castlereagh Highway near the site entrance. 2. Review and advance the arrangements to prevent coal tracking onto the Castlereagh Highway. (Actions also apply at MP07_0127 MOD5, Schedule 3, Condition 41) (OBS7)



Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
5 Monitoring and Recording Conditions				
M2 Requirement to monitor concentration of pollutants discharged				
NC27 Non-compliant - Low Risk	M2.2	Air Monitoring Requirements	<p>Air quality monitoring undertaken once every 6 days (24-hour sample). Results reviewed by Environment Manager. No exceedances reported during audit period. Some instances where elevated results were noted (Abnormal occurrences) (results below criteria, but above expected levels), investigated however not considered indicative of a systemic issue.</p> <p>Deposition Dust monitoring was undertaken generally in accordance with the EPL during the audit period.</p> <p>HVAS1 missed data runs through July, August, September and October due contractual issues. Data was also missed in December 2023, April 2024 and June 2024 as a result of unit or laboratory issues.</p> <p>In site interviews, CC indicated that new contractual arrangements were being established with environmental monitoring contractor/s to ensure timely collection of environmental monitoring data.</p> <p>Noncompliance reported in Annual Review</p>	<p>1. Review environmental sample collection and monitoring data protocols and procedures to ensure timely collection, compliance review and investigation of environmental quality data is carried out and followed up where necessary.</p> <p>2. Finalise and implement contractual arrangements with monitoring contractors to ensure timely collection of environmental monitoring data in accordance with EPL1095 and MP07_0127 MOD5 requirements.</p>
8 Pollution Studies and Reduction Programs				
U1 Low pH Water Investigation and Management				
NC28 Non-compliant - Low Risk	U1.1	<p>The licensee must engage a suitably qualified person to undertake an investigation of low pH surface and groundwater within the vicinity of the Environmental Dam and former coal washery tailings dams. The investigation must incorporate, but not necessarily be limited to, the following components:</p> <ol style="list-style-type: none"> Investigation - characterise the chemical composition of the low pH water and determine the lateral extent and the source of this contamination. Management - identify all appropriate short, mid and long term management options that can be reasonably and feasibly implemented to minimise the migration of any contaminated surface and/or groundwater contamination from its source (prior to source remediation) and how the effectiveness of such actions will be measured. Remediation/Rehabilitation - identify all appropriate options available to the licensee to remediate and/or rehabilitate that portion of the premises that may be causing the contaminated water. Time frames - for points 2 and 3 above, identify the time frames for all of the options identified. Preferred options - where a number of options have been identified under points 2 and 3 above, the report must list these options in order of preference and provide a description of the advantages and disadvantages for each option. 	<p>AGE Consultants were engaged to complete the Investigation. A report dated, February 2024 was submitted to the EPA for review.</p> <p>The EPA responded to the submission, dated 30 April 2024. The EPA noted the reports inclusions but flagged its view that the report did not address the U1.1 requirements.</p> <p>The EPA issued a draft notice to vary EPL 1095 on 30 April 2024.</p> <p>Site provided a variation response letter on 21 May 2024. The matter is ongoing and is currently sitting with EPA.</p>	Engage with EPA regarding the proposed EPL Variation (DOC24/308221).
MINING LEASE CONDITIONS				
PART 2 - Standard Conditions				
DIVISION 1 - Protection of the environment and rehabilitation				
NC29 Non-compliant - Low Risk	Division 1, Condition 4	<p>Must prevent or minimise harm to environment</p> <p>(1) The holder of a mining lease must take all reasonable measures to prevent, or if that is not reasonably practicable, to minimise, harm to the environment caused by activities under the mining lease.</p> <p>(2) In this clause— harm to the environment has the same meaning as in the Protection of the Environment Operations Act 1997.</p>	Whilst no material harm incidents have been reported during the audit period. Review of management plan implementation has found that a range of measures to prevent and/or minimise material harm to the environment have not been implemented.	Refer to Items Below



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<p>NC30</p> <p>Non-compliant - Medium Risk</p>	<p>Division 1, Condition 5</p>	<p>Rehabilitation to occur as soon as reasonably practicable after disturbance</p> <p>The holder of a mining lease must rehabilitate land and water in the mining area that is disturbed by activities under the mining lease as soon as reasonably practicable after the disturbance occurs.</p>	<p>Status of Mining and Rehabilitation reported in the 2023 Annual Review is inconsistent with Three-yearly forecast cumulative disturbance and rehabilitation progression detailed in the Forward Program (2023 to 2025).</p> <p>A total of 10.07 Ha was forecasted in Year 1 and 32.93 was forecasted in Year 2 of the Forward Program. Correspondence from CC notes the following related to rehabilitation at the mine:</p> <ul style="list-style-type: none"> - Recommencement of operations was delayed and did not begin until July 2023. This has affected the forward program. - There have been significant delays in 2024 with downtime affecting the rehabilitation program. - This is an error in the annual review as the rehabilitation status and forecast is not accurate to the current operations. - In Yr1, Growth medium development was undertaken in the brown hatched area including spreading of topsoil and subsoil. - As of Dec 2023 landform establishment, growth medium development was underway although not completed. - Throughout Yr2 of the project subsoil and topsoil dumping and spreading has been undertaken in the Southeastern area. Planning is still being undertaken to conduct land prep for rehab in the Northern and North-East void areas. The confirmation of this plan will require update to the FWP and RMP <p>The mine currently has in the order of 95 Hectares of active disturbance. Dumping is currently occurring within the Eastern Void. Rehabilitation has not occurred in accordance with the Schedule outlined in the RMP, Rehabilitation Strategy and Forward Program. Discussions during the site inspection included a description of works commissioned to advance rehabilitation, including the development of a material balance, Forward Program and Rehabilitation Cost Estimate. No timeframe for completion was confirmed. Discussions during the site inspection included a confirmation from site management of commitments to mine rehabilitation.</p> <p>Two Section 240 Notices issued by the Resources Regulator outside of the audit period (2021). The notices included: Notice NTCE0008970: Rehabilitation Materials Inventory. Based on the observations from the inspection outlined above, the Regulator has formed the view that there is a risk of an adverse impact on the environment due to:</p> <ul style="list-style-type: none"> a) the uncertainty of the rehabilitation material inventories presents a risk that suitable types and quantities of rehabilitation cover material cannot be placed over overburden and/or waste emplacements to support the final land use (establishment of native vegetation). • Notice NTCE0008971: Landform and surface water management structures. Based on the observations from the inspection outlined above, the Regulator has formed the view that there is a risk of adverse impact to the environment due to: <ul style="list-style-type: none"> a) erosion of the final landform associated with unstable surface water management structures, which may lead to landform stability issues (e.g. gullyng). This may lead to the post closure release of sediment to the surrounding environment at a level significantly higher than natural landscape quantities. b) potential instability of the final landform which may result in it being unable support the nominated final land use(s). <p>Following review of a technical investigation report, dated May 2022, Castlereagh Coal submitted an action plan (23 July 2022) outlining actions to address recommendations from the technical report. The actions consist of monitoring, detailed surveys, landform designs and material inventories. The 2023 Annual Review reported ongoing implementation of the actions. Evidence of the current status of the items in the Action Plan was not available during the audit.</p> <p>It is noted that on 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes.</p> <p>This has been deemed as a non-compliance medium risk on the basis of the Section 240 Notices, The Warning Letter issued by the Resources Regulator, agency engagement</p>	<p>As for MP07_0127 MOD 5, Schedule 2, Condition 11. (NC2)</p>



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DIVISION 2 - Risk Assessment				
<p>NC31</p> <p>Non-compliant - Medium Risk</p>	<p>Division 2, Condition 7</p>	<p>Rehabilitation risk assessment</p> <p>(1) The holder of a mining lease must conduct a risk assessment (a rehabilitation risk assessment) that—</p> <p>(a) identifies, assesses and evaluates the risks that need to be addressed to achieve the following in relation to the mining lease—</p> <p>(i) the rehabilitation objectives,</p> <p>(ii) the rehabilitation completion criteria,</p> <p>(iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan, and</p> <p>(b) identifies the measures that need to be implemented to eliminate, minimise or mitigate the risks.</p> <p>(2) The holder of the mining lease must implement the measures identified.</p> <p>(3) The holder of a mining lease must conduct a rehabilitation risk assessment—</p> <p>(a) for a large mine—before preparing a rehabilitation management plan, and</p> <p>(b) for a small mine—before preparing the rehabilitation outcome documents for the mine, and</p> <p>(c) whenever a hazard is identified under clause 6(3)—as soon as reasonably practicable after it is identified, and</p> <p>(d) whenever given a written direction to do so by the Secretary.</p>	<p>1) A Rehabilitation Risk Assessment was completed by a suitably qualified team of experts.</p> <p>2) In considering implementation of controls identified within the current audit period (mine recommenced operations) focus was given to the risk category of 'Poor Integration of rehabilitation into daily business, short term and long-term mining planning'. The audit found that Key controls identified were not implemented during the audit period, particularly the 2024 Annual Rehabilitation Report and Forward Program, including updates to the Rehabilitation Cost Estimate. It is noted however that these works had been commenced by an external consultant.</p> <p>3) A Rehabilitation Risk Assessment was completed as part of developing the RMP in 2022. No revisions were completed during the audit period.</p> <p>Resourcing, Planning and Scheduling of rehabilitation activities required increased focus to mitigate risks in this risk category.</p> <p>It is noted that on 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes.</p> <p>This has been deemed as a non-compliance medium risk on the basis of the Section 240 Notices, The Warning Letter issued by the Resources Regulator, agency engagement comments and the status of the Forward Program reports and progressions. It is acknowledged that consultants have been engaged to undertake mine planning and reporting requirements, however defined timing of these actions was not available during the audit. Overall, the risk rating reflects that the Resources Regulator had formed the view that there is a risk of adverse impact to the environment related to rehabilitation progress and landform stability.</p>	<p>Introduce a Rehabilitation Resourcing, Planning and Scheduling process that is linked to budget cycles and considers the forward program to ensure key rehabilitation risks are mitigated.</p>
DIVISION 3 - Rehabilitation documents				
<p>NC32</p> <p>Non-compliant - Medium Risk</p>	<p>Division 3, Condition 10</p>	<p>Rehabilitation management plans for large mines</p> <p>(1) The holder of a mining lease relating to a large mine must prepare a plan (a rehabilitation management plan) for the mining lease that includes the following—</p> <p>(a) a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area,</p> <p>(b) a description of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation,</p> <p>(c) a summary of rehabilitation risk assessments conducted by the holder,</p> <p>(d) the risk control measures identified in the rehabilitation risk assessments,</p> <p>(e) the rehabilitation outcome documents for the mining lease,</p> <p>(f) a statement of the performance outcomes for the matters addressed by the rehabilitation outcome documents and the ways in which those outcomes are to be measured and monitored.</p> <p>(2) If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must include a proposed</p>	<p>1) The RMP generally covers items a to F</p> <p>2) The RMP includes preliminary rehabilitation objectives</p> <p>3) Noted</p> <p>4) Rehabilitation has not occurred in accordance with the Schedule outlined in the RMP, Rehabilitation Strategy and Forward Program. Some elements of the RMP applicable to the audit period have not been implemented, including (LOM Schedule, Temporary Rehabilitation for Air Quality, delineation of disturbance boundaries).</p> <p>It is noted that on 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes.</p> <p>This has been deemed as a non-compliance medium risk on the basis of the Section 240 Notices, The Warning Letter issued by the Resources Regulator, agency engagement comments and the status of the Forward Program reports and progressions. It is acknowledged that consultants have been engaged to undertake mine planning and reporting requirements, however defined timing of these actions was not available during the audit. Overall, the risk rating reflects that the Resources Regulator had formed the</p>	<p>As for MP07_0127 MOD 5, Schedule 2, Condition 11. (NC2)</p>



Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
		<p>version of the document.</p> <p>(3) A rehabilitation management plan is not required to be given to the Secretary for approval.</p> <p>(4) The holder of the mining lease—</p> <p>(a) must implement the matters set out in the rehabilitation management plan, and</p> <p>(b) if the forward program specifies timeframes for the implementation of the matters—must implement the matters within those timeframes.</p>	<p>view that there is a risk of adverse impact to the environment related to rehabilitation progress and landform stability.</p>	
<p>NC33</p> <p>Non-compliant - Low Risk</p>	<p>Division 3, Condition 12</p>	<p>Rehabilitation outcome documents</p> <p>(1) The holder of a mining lease must prepare the following documents (the rehabilitation outcome documents) for the mining lease and give them to the Secretary for approval—</p> <p>(a) the rehabilitation objectives statement, which sets out the rehabilitation objectives required to achieve the final land use for the mining area,</p> <p>(b) the rehabilitation completion criteria statement, which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives,</p> <p>(c) for a large mine, the final landform and rehabilitation plan, showing a spatial depiction of the final land use.</p> <p>(2) If the final land use for the mining area is required by a condition of development consent for activities under the mining lease, the holder of the mining lease must ensure the rehabilitation outcome documents are consistent with that condition.</p>	<p>a) Rehabilitation Objectives statements is included in Appendix B of the RMP</p> <p>b) The RMP states that Preliminary Rehabilitation Criteria statements is included in Appendix B of the RMP. It noted that the Objectives Statements is currently with the Resources Regulator for approval and Appendix B does not contain preliminary criteria. It is noted that the Objective statement can only be following approval of the rehabilitation objectives statement. The NSW Resource Regulator recently advised that final rehabilitation completion criteria are only required to be submitted no later than the due date of the forward program that covers a period which includes completion of rehabilitation for the mining area or part thereof.</p> <p>c) Plans are included in the RMP</p> <p>d) the RMP and Objectives are generally consistent with the Consent</p>	<p>As for MP07_0127 MOD 5, Schedule 3, Condition 52. (NC16)</p>
<p>NC34</p> <p>Non-compliant - Low Risk</p>	<p>Division 3, Condition 13 (1)</p>	<p>Forward program and annual rehabilitation report</p> <p>(1) The holder of a mining lease must prepare a program (a forward program) for the mining lease that includes the following—</p> <p>(a) a schedule of mining activities for the mining area for the next 3 years,</p> <p>(b) a summary of the spatial progression of rehabilitation through its various phases for the next 3 years,</p> <p>(c) a requirement that the rehabilitation of land and water disturbed by mining activities under the mining lease must occur as soon as reasonably practicable after the disturbance occurs.</p> <p>Records, reporting and notification</p>	<p>The 2023 Forward Program is available on the website.</p> <p>The 2024 Annual Rehabilitation Report and Forward Program is currently in development</p>	<p>Finalise and Submit the 2024 Annual Rehabilitation Report and Forward Program.</p>
<p>NC35</p> <p>Non-compliant - Low Risk</p>	<p>Division 3, Condition 13 (2)</p>	<p>(2) The holder of a mining lease must prepare a report (an annual rehabilitation report) for the mining lease that includes—</p> <p>(a) a description of the rehabilitation undertaken over the annual reporting period,</p> <p>(b) a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period,</p> <p>(c) a report demonstrating progress made towards the achievement of the following—</p> <p>(i) the objectives set out in the rehabilitation objectives statement,</p> <p>(ii) the criteria set out in the rehabilitation completion criteria statement,</p> <p>(iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan.</p>	<p>The 2023 Annual Rehabilitation Report is not available on the website.</p> <p>The 2024 Annual Rehabilitation Report and Forward Program is currently in development</p>	<p>As for RMP ML Condition 13(1). (NC34)</p>
<p>NC36</p> <p>Non-compliant - Low Risk</p>	<p>Division 3, Condition 15 (1)</p>	<p>Times at which documents must be prepared and given</p> <p>(1) The holder of a mining lease must do the following before the end of the initial period—</p> <p>(a) prepare a rehabilitation management plan, and</p> <p>(b) prepare rehabilitation outcome documents and give them, other than the rehabilitation completion criteria statement, to the Secretary for approval, and</p> <p>(c) prepare a forward program and give it to the Secretary.</p>	<p>The 2023 Annual Rehabilitation Report was uploaded to the website in November 2024.</p> <p>The 2024 Annual Rehabilitation Report and Forward Program is currently in development</p>	<p>As for RMP ML Condition 13(1). (NC34)</p>



Unique Finding Identifier (NC#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
NC37 Non-compliant - Low Risk	Division 3, Condition 15 (2)	(2) The holder of the mining lease must prepare a forward program and annual rehabilitation report and give them to the Secretary before— (a) 60 days after the last day of each annual reporting period, commencing with the annual reporting period in which the forward program was given to Secretary under subclause (1)(c), or (b) a later date approved by the Secretary.	The 2023 Annual Rehabilitation Report was uploaded to the website in November 2024. The 2024 Annual Rehabilitation Report and Forward Program is currently in development	As for RMP ML Condition 13(1). (NC34)
NC38 Non-compliant - Low Risk	Division 3, Condition 16	(2) The holder of a mining lease must make a document to which this clause applies publicly available by— (a) publishing it on its website in a prominent position, or (b) if the holder does not have a website— providing a copy of it to a person— (i) on the written request of a person, and (ii) without charge, and (iii) within 14 days after the request is received.	a) The RMP and 2023 Forward Program are available on the project website. https://ccoal.com.au/environmental-reporting-compliance/ . The 2023 Annual Rehabilitation Plan as well as the 2024 documents are not available on the website. b) Not Applicable The 2023 Annual Rehabilitation Report was uploaded to the website in November 2024.	As for RMP ML Condition 9. (NV11)
DIVISION 4 - Records, reporting and notification				
NC39 Non-compliant - Low Risk	Division 4, Condition 17	Records demonstrating compliance The holder of a mining lease must create and maintain records of all actions taken that demonstrate compliance with each of the conditions set out in this Part. Note— The Act, sections 163D and 163E provide for the form in which records must be kept and the period for which they must be retained.	An action tracker has been recently introduced to capture actions. Maintenance of Records during the audit period was limited.	Consider the development of a comprehensive system / tool for compliance management. The system / tool would identify regulatory commitments and obligations with actions and timeframes to facilitate planning and execution of compliance actions.



Table 7: Summary of Audit Criteria Not Verified

Unique Finding Identifier (NV#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
MP0_0127 MOD 5				
SCHEDULE 3				
SPECIFIC ENVIRONMENTAL CONDITIONS				
WATER				
Water Supply				
NV1	Schedule 3, Condition 22	<p>The Proponent must ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of operations on site to match its available water supply.</p> <p>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Proponent is required to obtain all necessary water licences for the project.</p>	<p>GHD engaged to update site water balance.</p> <p>Main water use is for water cart dust mitigation. Potable water is trucked in. No wash house, therefore low potable water usage. Septic all pumped out.</p> <p>Water from the mine workings and leachate dam is pumped into the dam in accordance with the Water Management Plan. CC are looking at scope of work to balance low pH water body, possible implementation of water treatment to improve water quality for discharge. Since recommencement, the 188ML dam hasn't been drawn down below any immediate risk levels.</p> <p>Annual Review: Annual update of site water balance has been included within the 2023 Annual Review</p> <p>UG Ingress – Pumping Back: There is a system in place for underground water ingress, where water entering the underground areas is pumped back.</p>	<p>1. Complete the current works program for updating the Site Water Balance.</p> <p>2. Introduce a systematic method to ensuring the Site Water Balance is reviewed and reported in accordance with the Water Management Plan.</p> <p>3. Include a clear and definitive description within the 2024 Annual Review of the outcomes of the current works program for updating the Site Water Balance.</p>
BIODIVERSITY				
Biodiversity Offset Strategy				
NV2	Schedule 3, Condition 30	<p>Within 2 years of the recommencement of mining operations, unless the Secretary agrees otherwise, the Proponent must make suitable arrangements to provide appropriate long-term security for Offset Areas 1-3 as identified in Table 8, to the satisfaction of the Secretary.</p> <p>Note: The long-term security of Offset Areas 1-3 may be achieved through one or a combination of the following: Deed of agreement with the Minister, rezoning the land under the Lithgow Environment Plan, caveats on the title under the Conveyancing Act 1919, or another mechanism as agreed by the Secretary</p>	<p>CC forwarded a BOS to the Department for approval to use Hillview property as 'like-for-like' Biodiversity Offset area. No response to approval request received to date. On 26 Aug 2024, the Department issued a Show Cause letter issued wrt biodiversity offset strategy, alleging that CC had not submitted a Conservation Bond (the Bond), Biodiversity Offset Strategy (BOS) or an updated Biodiversity Management Plan (BMP) as required under Invincible consent PA07_0127 (Modification 5), Schedule 3 Conditions 30, 32, 33 and 35. CC response to the Department pointed out the BOS forwarded to the Department for approval on 26 June 2024, indicating Conservation Bond not pursued pending approval of BOS, and no identified need for BMP update once BOS approved.</p> <p>It is noted the Department has commenced compliance processes for this condition during the audit period. No Compliance Status is nominated on this basis.</p> <p>It is noted that CC received a Warning Letter with regarding to the Show Cause outside of the audit period (30/10/2024). For the purposes of this audit and the audit period, the compliance status is nominated based on the timing of the site inspection.</p>	As for Schedule 3, Condition 29. (NC10)
Retirement of Credits				
NV3	Schedule 3, Condition 32	<p>Within two years of the recommencement of mining operations, unless otherwise agreed by the Secretary, the Proponent must retire the biodiversity credit of a number and class identified in the review carried out under condition 31 above.</p> <p>The retirement of these credits must be carried out using the Hillcroft Biobanking Site, as shown in Appendix 5. Any residual offset requirements not achieved by the retirement of the Hillcroft Biobanking Site must be retired in accordance with the NSW Offsets Policy for Major Projects and can be achieved by:</p> <p>(a) acquiring or retiring credits under an offset scheme developed by the NSW Government;</p> <p>(b) making payments into an offset fund that has been developed by the NSW Government; or</p> <p>(c) providing supplementary measures.</p>	<p>CC forwarded a BOS to the Department for approval to use Hillview property as 'like-for-like' Biodiversity Offset area. No response to approval request received to date. On 26 Aug 2024, the Department issued a Show Cause letter issued wrt biodiversity offset strategy, alleging that CC had not submitted a Conservation Bond (the Bond), Biodiversity Offset Strategy (BOS) or an updated Biodiversity Management Plan (BMP) as required under Invincible consent PA07_0127 (Modification 5), Schedule 3 Conditions 30, 32, 33 and 35. CC response to the Department pointed out the BOS forwarded to the Department for approval on 26 June 2024, indicating Conservation Bond not pursued pending approval of BOS, and no identified need for BMP update once BOS approved.</p> <p>It is noted the Department has commenced compliance processes for this condition during the audit period. No Compliance Status is nominated on this basis.</p> <p>It is noted that CC received a Warning Letter with regarding to the Show Cause outside of the audit period (30/10/2024). For the purposes of this audit and the audit period, the compliance status is nominated based on the timing of the site inspection.</p>	As for Schedule 3, Condition 29. (NC10)



Unique Finding Identifier (NV#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
Biodiversity Management Plan				
NV4	Schedule 3, Condition 33	<p>Prior to recommencing mining operations, unless the Secretary agrees otherwise, the Proponent must prepare a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with OEH;</p> <p>(b) describe how the implementation of the biodiversity offset strategy would be integrated with the overall rehabilitation of the site;</p> <p>(c) establish baseline data for the existing habitat in the offset biodiversity offset area and on the site;</p> <p>(d) describe the short, medium, and long term measures that would be implemented to:</p> <ul style="list-style-type: none"> • manage the remnant vegetation and habitat on the site; and • translocate the <i>Bursaria spinosa</i> located within the Southern Extension area • implement the biodiversity offset strategy; <p>(e) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary);</p> <p>(f) include a detailed description of the measures that would be implemented to:</p> <ul style="list-style-type: none"> • enhance the quality of existing vegetation and fauna habitat in the biodiversity offset areas; • maximising the salvage of resources within the approved disturbance area; • collecting and propagating seed to be used for rehabilitation; • minimising the impacts on fauna on site, including undertaking pre-clearance surveys; • managing any potential conflicts between the proposed restoration works in the biodiversity areas and any Aboriginal heritage values (both cultural and archaeological); • manage salinity; • control weeds and feral pests; • control erosion • control access; and • manage bushfire risk 	<p>The BMP, dated July 2023 was approved by DPE, subject to conditions. A submission for revisions to the BMP was originally due in September 2024, but the timeline was extended until June 2024. Revisions to the BMP are ongoing.</p> <p>Consultation with OEH was completed over an extended period with latest comments dated 4 July 2023. NSW Environment and Heritage note a number of residual matters from previous comments.</p> <p>Section 3 and 4 describes measures to be implemented and integration into site rehabilitation.</p> <p>Section 3 describes short, medium and long term management actions for remnant areas. Consideration to producing a similar table (7) for the offset strategy and translocation measures should be undertaken.</p> <p>Section 5.11 details performance and completion criteria</p> <p>Section 5 describes a seasonal monitoring program.</p> <p>Appendix A described the translocation program.</p> <p>On 26 Aug 2024, the Department issued a Show Cause letter issued wrt biodiversity offset strategy, alleging that CC had not submitted a Conservation Bond (the Bond), Biodiversity Offset Strategy (BOS) or an updated Biodiversity Management Plan (BMP) as required under Invincible consent PA07_0127 (Modification 5), Schedule 3 Conditions 30, 32, 33 and 35. CC response to the Department pointed out the BOS forwarded to the Department for approval on 26 June 2024, indicating Conservation Bond not pursued pending approval of BOS, and no identified need for BMP update once BOS approved.</p> <p>It is noted the Department has commenced compliance processes for this condition. No Compliance Status is nominated on this basis.</p> <p>It is noted that CC received a Warning Letter with regarding to the Show Cause outside of the audit period (30/10/2024). For the purposes of this audit and the audit period, the compliance status is nominated based on the timing of the site inspection.</p>	As for Schedule 3, Condition 29. (NC10)
Conservation Bond				
NV5	Schedule 3, Condition 35	<p>Within 6 months of the approval of the Biodiversity Management Plan, the Proponent must lodge a conservation bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria described in the Biodiversity Management Plan.</p> <p>The sum of the bond shall be determined by:</p> <p>(a) calculating the full cost implementing the biodiversity offset strategy (other than land acquisition costs); and</p> <p>(b) employing a suitably qualified quantity surveyor, whose appointment has been endorsed by the Secretary, to verify the calculated costs.</p> <p>If the biodiversity offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Secretary will release the bond.</p> <p>If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Secretary will call in all, or part, of the conservation bond, and arrange for the satisfactory completion of the relevant works.</p> <p>Note:</p> <ul style="list-style-type: none"> • Alternative funding arrangements for long term management of the biodiversity offset strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement or transfer to conservation reserve estate can be used to reduce the liability of the conservation and biodiversity bond. • The sum of the bond may be reviewed in conjunction with any revision to the biodiversity offset strategy. 	<p>CC forwarded a BOS to the Department for approval to use Hillview property as 'like-for-like' Biodiversity Offset area. No response to approval request received to date.</p> <p>On 26 Aug 2024, the Department issued a Show Cause letter issued wrt biodiversity offset strategy, alleging that CC had not submitted a Conservation Bond (the Bond), Biodiversity Offset Strategy (BOS) or an updated Biodiversity Management Plan (BMP) as required under Invincible consent PA07_0127 (Modification 5), Schedule 3 Conditions 30, 32, 33 and 35. CC response to the Department pointed out the BOS forwarded to the Department for approval on 26 June 2024, indicating Conservation Bond not pursued pending approval of BOS, and no identified need for BMP update once BOS approved.</p> <p>It is noted the Department has commenced compliance processes for this condition. No Compliance Status is nominated on this basis.</p> <p>It is noted that CC received a Warning Letter with regarding to the Show Cause outside of the audit period (30/10/2024). For the purposes of this audit and the audit period, the compliance status is nominated based on the timing of the site inspection.</p>	As for Schedule 3, Condition 29. (NC10)



Unique Finding Identifier (NV#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
APPENDIX 4				
NOISE COMPLIANCE ASSESSMENT				
Determination of Meteorological Conditions				
NV6	Appendix 4, Condition 2	Except for wind speed at microphone height, the data to be used for determining meteorological conditions must be that recorded by the meteorological station location on the site.	<p>Meteorological station is operating and maintained. Calibration records and monitoring data sighted.</p> <p>It is noted that the current equipment is aged, however is certified by ALS Hydrographics that it is operated and maintained in accordance with Australian Standard 3580.14 requirements for meteorological equipment. It is noted that this also complies with NSW EPA's current Approved Methods for Sampling of Air Pollutants in New South Wales (2022) and the Industrial Noise Policy 2000 (formerly the Industrial Noise Policy).</p> <p>The capability of the meteorological station to measure temperature inversions in accordance with the NSW Industrial Noise Policy could not be verified. Inferred compliance could be deduced on review of quarterly noise reports.</p> <p>Quote and PO request sighted for replacement meteorological station / sensors that comply with AS3580.14 requirements. This also complies with NSW EPA Approved Methods for Sampling of Air Pollutants in New South Wales (2022) and the Industrial Noise Policy 2000 (formerly the Industrial Noise Policy).</p>	As for Schedule 3, Condition 21. (OBS4)
Compliance Monitoring				
NV7	Appendix 4, Condition 5	Unless otherwise agreed with the Secretary, this monitoring is to be carried out generally in accordance with the relevant requirements for reviewing performance set out in the NSW Industrial Noise Policy (as amended from time to time), in particular the requirements relating to: a) monitoring locations from the collection of representative noise data; b) meteorological conditions during which collection of noise data is not appropriate; c) equipment used to collect noise data, and conformance with Australian Standards relevant to such equipment; and d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration and low frequency noise.	<p>Meteorological station is operating and maintained. Calibration records and monitoring data sighted.</p> <p>It is noted that the current equipment is aged, however is certified by ALS Hydrographics that it is operated and maintained in accordance with Australian Standard 3580.14 requirements for meteorological equipment. It is noted that this also complies with NSW EPA's current Approved Methods for Sampling of Air Pollutants in New South Wales (2022) and the Industrial Noise Policy 2000 (formerly the Industrial Noise Policy).</p> <p>The capability of the meteorological station to measure temperature inversions in accordance with the NSW Industrial Noise Policy could not be verified. Inferred compliance could be deduced on review of quarterly noise reports.</p> <p>Quote and PO request sighted for replacement meteorological station / sensors that comply with AS3580.14 requirements. This also complies with NSW EPA Approved Methods for Sampling of Air Pollutants in New South Wales (2022) and the Industrial Noise Policy 2000 (formerly the Industrial Noise Policy).</p>	As for Schedule 3, Condition 21. (OBS4)
EPL 1095				
3 Limit Conditions				
L1 Pollution of waters				



Unique Finding Identifier (NV#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
NV8	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.	<p>No PIRMP Triggers / Material Harm events associated with Section 120 were reported by CC during the audit period.</p> <p>A diesel spill leading from a pump into the Environmental Dam was observed during the site inspection. The spill included staining of soil underneath and downgradient from the pump towards the Environmental Dam. It is noted that the Environmental Dam is subject of a PRP and is already in a contaminated state. Following observation of the spill, CC prepared an incident report and commenced investigation - report sighted during site interviews.</p> <p>NOTES: 1. POEO Act 1997, Section 120 Prohibition of pollution of waters: (1) A person who pollutes any waters is guilty of an offence. Note— An offence against subsection (1) committed by a corporation is an offence attracting special executive liability for a director or other person involved in the management of the corporation—see section 169. (2) In this section— pollute waters includes cause or permit any waters to be polluted. 2. Definitions: Apply as per POEO Act 1997, Schedule 6 - Dictionary, including: * harm * environment * pollution * pollution incident * water pollution / pollution of waters * waters</p>	<p>1. Investigate potential diesel contamination of the Environmental Dam, including an assessment of compliance against Section 120 of the Protection of the Environment Operations Act 1997, noting also the definitions provided in Schedule 6 of that Act for harm, environment, pollution, pollution incident, water pollution / pollution of waters and waters.</p> <p>2. Ensure actions are taken to remove the source of the diesel spill and remediate any contamination of surrounding land, water or groundwater that may have occurred due to the spill.</p> <p>3. Following the assessment outlined in Item 2, in the event that environmental harm and/or non-compliance with EPL1095 Condition L1.1 is indicated, provide notification to EPA and DPHI in accordance with Conditions R2.1 and R2.2 of EPL1095 and Schedule 5, Condition 9 of MP07_0127 MOD 5 respectively.</p>
L4 Noise limits				
NV9	L4.4	<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: i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or 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 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: i) at the most affected point at a location where there is no dwelling at the location; or ii) at the most affected point within an area at a location prescribed by conditions L4.4(a) or L4.4(b).</p>	<p>Quarterly noise monitoring reports do not specifically reference these requirements or L4.4. The monitoring report references the 2015 EPL as the latest version. It was not clear that all parameters required by Condition L4.4 are considered in these results.</p>	<p>1. Review noise monitoring protocols, including the Noise Management Plan and associated procedures as relevant, and update as relevant to reference current requirements of EPL1095 Condition L4.4 and also Schedule 3, Conditions 1-3 and Appendix 4 of MP07_0127 MOD5.</p> <p>2. Following Item 1, implement updated noise monitoring protocols to ensure compliance with requirements of EPL1095 Condition L4.4 and also Schedule 3, Conditions 1-3 and Appendix 4 of MP07_0127 MOD5.</p>
R2 Notification of environmental harm				
8 Pollution Studies and Reduction Programs				
U1 Low pH Water Investigation and Management				
NV10	U1.6	The licensee must prepare monthly summary reports (submitted by 5:00 pm on the last Friday of each month starting from October 2023) summarising the actions completed that month with respect to managing the contaminated water issue including the progression of the investigation and of any remedial/rehabilitation works on the premises.	Evidence regarding the submission to EPA was not available during the audit	As per Condition U1.1



Unique Finding Identifier (NV#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
MINING LEASE CONDITIONS				
PART 2 – Standard Conditions				
DIVISION 3 – Rehabilitation documents				
NV11	Division 3, Condition 9	General requirements for documents A document required to be prepared under this Division must— (a) be in a form approved by the Secretary, and Note— The approved forms are available on the Department's website. (b) include any matter required to be included by the form, and (c) if required to be given to the Secretary—be given in a way approved by the Secretary.	Documents were observed to be prepared generally in accordance with the rehabilitation guidelines. Timing of submission for the 2023 Annual Rehabilitation Report and Forward Program could not be confirmed. Submission of the 2024 Annual Rehabilitation Report and Forward Program is to be completed.	Introduce a systematic process to ensure website uploads occur in accordance with the ML.
NV12	Division 3, Condition 16	(3) If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published— (a) for a rehabilitation management plan—within 14 days after it is prepared or amended, or (b) for a forward program or an annual rehabilitation report—within 14 days after it is given to the Secretary or amended, (4) Personal information within the meaning of the Privacy and Personal Information Protection Act 1998 is not required to be included in a document made available to a person under this clause.	3) Timing of posting to the website was not verified during the audit. 4) Noted	As for RMP ML Condition 9.
WATER ACCESS LICENCE WAL 36485				
ADMINISTRATIVE CONDITIONS				
Share Component				
NV13	Share Component	Share - 120 Units Water Source - Sydney Basin Coxs River Groundwater Source Water Sharing Plan - Greater Metropolitan Region Groundwater Sources 2011	A Water account statement for the audit period was not available for review.	Engage with WaterNSW to obtain copies of current water accounts.
Part A Conditions				
NV14	Part A Conditions	Part A Conditions	Part A Conditions was not available for assessment / verification as part of the audit. It is understood that Part A was not provided to CC as part of asset sale transactions.	Engage with WaterNSW to obtain copies of the WAL Part A conditions and include a detailed compliance report as part of the next annual review. Additionally the report should address: - storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2018 - Water metering at the site is in accordance with the NSW Non-Urban Metering Framework - Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from



Table 8: Summary of Observations (Opportunities for Improvement)

Unique Finding Identifier (OBS#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
MP0_0127 MOD 5				
SCHEDULE 2				
Limits on Approval				
Mining Restrictions				
OBS1	Schedule 2, Condition 6	The Proponent must not carry out mining operations within the hatched areas shown in Appendix 2.	NearMap image dated 6 March 2024 shows no disturbance outside allowed areas. Have raised a PO for survey and peg-out of approved boundary. Also operate a Ground Disturbance Permit process, Mine Manager & Enviro Manager review & approve. Template sighted.	<ol style="list-style-type: none"> 1. Ensure geographic survey and peg-out of approved project boundary and disturbance areas is completed. 2. Following Item 1, ensure the site survey plan is integrated into the mine's compliance and operational management systems and processes to ensure that mining activities are only undertaken within the approved boundaries.
Operation of Plant and Equipment				
OBS2	Schedule 2, Condition 15	The Proponent must ensure that all plant equipment used on site, or used off site to monitor the environmental performance of the project, is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	<p>Dedicated maintenance team conduct daily pre-starts for plant and equipment. Documented processes are in place to guide proper equipment use and maintenance.</p> <p>Maintenance system - includes planned & breakdown maintenance.</p> <p>CC's Training program includes training manuals, guides, practical and competency modules. Competency assessment, e.g. operating a haul truck. Completed example from within audit period sighted (dated 28 Feb 2022).</p> <p>Calibration certificates - HVAS, Water Quality Meters, Weather Station - records applicable to audit period sighted.</p> <p>Toolbox Talks: Regular briefings to discuss safety, equipment handling, and maintenance practices.</p> <p>Return of Operations Checklist: A checklist to verify that equipment has been checked and is functioning properly before it's put back into use.</p> <p>OCE (Open Cut Examiner) Inductions and Training: Training programs for operators.</p> <p>Improvements are required for housekeeping around workshop, tool, equipment and waste storage areas. Also, for the wastewater, oily water separator and associated infrastructure. It was noted during the site inspection that the former underground storage tank (UST) had been removed prior to mining operations in that area.</p> <p>Housekeeping actions from the 2016 IEA remain current and have been reproduced for this audit to simplify corrective action implementation for CC.</p> <p>The 2016 IEA noted that a risk assessment regarding the utilisation of the system will be undertaken prior to the system being recommissioned. The waste oil collection system will be reinstated prior to recommencing mining</p>	<ol style="list-style-type: none"> 1. Undertake maintenance and cleaning of the wastewater catch drain system. 2. Conduct a maintenance inspection and integrity test of the wastewater collection system including bunding, tanks and piping. 3. Repair the breakage in the piping that leads from the wastewater catch drain to the oil/water separator and waste oil collection tank. Investigate whether any soil contamination has resulted from the breakage. 4. Install bunding around the waste oil collection tank (if it is to remain operational). 5. Review chemical storage areas and implement corrective actions to ensure that all chemicals are stored within secondary containment; the chemical register and SDS are current and readily available; the waste collection system is inspected, maintained and repaired (as required). 6. Review housekeeping arrangements in workshop, equipment, tools and waste storage areas to ensure appropriate storage arrangements are in place to prevent leaks, spills and other potential environmental impacts. 7. Consideration should be given to documenting a Training Needs Analysis, followed by the development of training packages and a site wide training program.



Unique Finding Identifier (OBS#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
OBS3	Schedule 2, Condition 17	Within 6 months of recommencing mining operations, unless the Secretary agrees otherwise, the Proponent must enter into a Voluntary Planning Agreement (VPA) with council in accordance with Division 6 of Part 4 of the EP&A Act to reflect the terms in Appendix 6.	<p>Planning Agreement established 5 July 2017. \$0.05/tonne product coal payable to Council for community purposes. CC has entered into a Voluntary Planning Agreement (VPA) with council</p> <p>It is noted that payment for 2023 reporting year is in progress (PO request raised) with a due date of July 20th Each Year.</p>	Introduce a systematic method to ensuring payments are made in accordance with the nominated agreement timeframes.
SCHEDULE 3				
SPECIFIC ENVIRONMENTAL CONDITIONS				
AIR QUALITY				
Meteorological Monitoring				
OBS4	Schedule 3, Condition 21	During the life of the project, the Proponent must ensure that there is a meteorological station operating in the vicinity of the site that: (a) complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline; and (b) is capable of continuous real-time measurement of temperature inversions in accordance with the NSW Industrial Noise Policy, unless a suitable alternative is approved by the Secretary following consultation with the EPA.	<p>Meteorological station is operating and maintained. Calibration records and monitoring data sighted.</p> <p>It is noted that the current equipment is aged, however is certified by ALS Hydrographics that it is operated and maintained in accordance with Australian Standard 3580.14 requirements for meteorological equipment. It is noted that this also complies with NSW EPA's current Approved Methods for Sampling of Air Pollutants in New South Wales (2022) and the Industrial Noise Policy 2000 (formerly the Industrial Noise Policy).</p> <p>The capability of the meteorological station to measure temperature inversions in accordance with the NSW Industrial Noise Policy could not be verified. Inferred compliance could be deduced on review of quarterly noise reports.</p> <p>Quote and PO request sighted for replacement meteorological station / sensors that comply with AS3580.14 requirements. This also complies with NSW EPA Approved Methods for Sampling of Air Pollutants in New South Wales (2022) and the Industrial Noise Policy 2000 (formerly the Industrial Noise Policy).</p>	Complete a review of the existing and/or proposed upgraded meteorological station / sensors to ensure the meteorological station complies with requirements of Schedule 3, Condition 21, including the capability to measure temperature inversions in accordance with the NSW Industrial Noise Policy.
WATER				
Clean Water Diversion Strategy				
OBS5	Schedule 3, Condition 25	Prior to recommencing mining operations, unless the Secretary agrees otherwise, the Proponent must prepare a Clean Water Diversion Strategy for the project to the satisfaction of the Secretary. This strategy must: (c) be prepared in consultation with DPI Water; (d) investigate all reasonable and feasible measures to minimise the capture of clean water on site; and (e) include a detailed description of the measures to be implemented and a plan for the implementation of these measures.	<p>Clean Water Diversion Strategy included as Section 3.2.2 of approved WMP. Current CWDS brief - indicates that implementation is not yet feasible / applicable to mine operations and voids.</p> <p>CC noted examples of CWD infrastructure installed during discussions.</p>	<p>1. Review, and update where necessary, the Water Management Plan (WMP) to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented.</p> <p>In the review, a suitably qualified and experienced person should be engaged to review water management systems and implementation measures for separate clean, dirty and mine water systems against requirements of Schedule 3, Condition 26.</p> <p>2. Ensure key measures to address Water Management and to protect water quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to Water Quality are mitigated.</p>



Unique Finding Identifier (OBS#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
HERITAGE				
Aboriginal Cultural Heritage Management Plan				
OBS6	Schedule 3, Condition 38	The Aboriginal Cultural Heritage Management Plan approved by the Secretary must be implemented.	<p>Environmental Training is undertaken through induction packages. Further detailed training content is required to address ACHMP commitments.</p> <p>The current site database was reviewed as part of the audit.</p> <p>A number of measures described are linked to the event of blasting and have not been triggered.</p>	<p>1. Review, and update where necessary, the Aboriginal Cultural Heritage Management Plan (ACHMP) to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented.</p> <p>2. Ensure key measures to address ACH Management and to protect ACH are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to ACH are mitigated.</p> <p>3. Review current ACH management status and approved management strategies as part of updating the ACH Database for ongoing use as part of Ground Disturbance Permitting.</p>
TRANSPORT				
Approved Plans to be On-Site				
OBS7	Schedule 3, Condition 41	<p>The Proponent must:</p> <p>(a) implement all reasonable and feasible mitigation measures to minimise the traffic impacts of the project on public roads;</p> <p>(b) ensure all laden vehicles leaving the site are covered;</p> <p>(c) ensure that all trucks leaving the site pass through an effective and operating wheel cleaning facility to minimise any dust/debris on public roads; and</p> <p>(d) minimise haulage during school bus times.</p>	<p>Complaint Investigation: There was a community complaint received via EPA, specifically regarding whether loads were covered. An investigation found no direct evidence that uncovered loads were leaving the site, suggesting the complaint was unsubstantiated.</p> <p>There are ongoing discussions related to wheel wash facilities and truck movements to control dust and debris on public roads.</p> <p>The wheel wash was observed during the site inspection. A maintenance program for cleaning of access roads between the wheel wash and the site exit would further reduce tracking of dirt and coal fines from the premises.</p> <p>CC received a complaint via the EPA in June 2024 regarding coal spillage. Investigation response to EPA noted wheel wash was in operation. Reminders to truck operators issued.</p> <p>It is Coal materials were also observed along road verges of the Castlereagh Highway near the site entrance that may have originated from the mine.</p>	<p>1. Clean up coal tracked onto Castlereagh Highway near the site entrance.</p> <p>2. Review and advance the arrangements to prevent coal tracking onto the Castlereagh Highway.</p> <p>(Actions also apply at EPL1095, Condition O3.4) (NC26)</p>
REHABILITATION				
Rehabilitation Objectives				



Unique Finding Identifier (OBS#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
OBS8	Schedule 3, Condition 51	<p>By the end of May 2018, unless the Secretary agrees otherwise, the Proponent must prepare a Rehabilitation Strategy to the satisfaction of the Secretary. This strategy must:</p> <ul style="list-style-type: none"> (a) investigate options to backfill the Northern and Eastern voids as soon as practicable; (b) investigate options to avoid the disturbance of vegetation in proximity to the Eastern Void; and (c) include a detailed description of the measures to be implemented and a plan for the implementation of these measures. 	<p>The Rehabilitation Strategy, dated November 2022 (Rev 1) was approved by the Department on 12 December 2022.</p> <p>Section 3.4 describes options to backfill voids. Section 4.2.1 describes options to avoid disturbance in proximity of the Eastern Void. Section 4.1 describes measures for implementation.</p>	<p>1. Review, and update where necessary, the Rehabilitation Strategy (RS) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the RS is fit for purpose given the recommencement of operations and EIS commitments.</p> <p>2. Undertake a detailed review of all commitments, requirements and regulatory/enforcement actions related to rehabilitation to ensure key rehabilitation measures are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to the environment are mitigated. Incorporate the outcomes of the detailed review into the revised Rehabilitation Strategy and/or Rehabilitation management Plan.</p>
SCHEDULE 5				
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING				
ENVIRONMENTAL MANAGEMENT				
Environmental Management Strategy				
OBS9	Schedule 5, Condition 1	<p>The Proponent must prepare an Environmental Management Strategy for the project to the satisfaction of the Secretary, and carry out the project in accordance with this strategy. This strategy must:</p> <ul style="list-style-type: none"> (a) Be submitted to the Secretary for approval prior to carrying out any development under this consent; (b) provide for the strategic framework for the environmental management of the project; (c) identify the statutory approvals that apply to the project; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project; (e) describe the procedures that would be implemented to: <ul style="list-style-type: none"> • keep the local community and relevant agencies informed about the operation and environmental performance of the project; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the project; • respond to any non-compliance; • respond to emergencies; and (f) include: <ul style="list-style-type: none"> • copies of any strategies, plans and programs approved under the conditions of this approval; and • a clear plan depicting all the monitoring to be carried out in relation to the project. 	<p>The EMS, dated November 2022 was approved by the Department on 1 November 2022.</p> <p>The EMS describes</p> <ul style="list-style-type: none"> - the environmental framework of strategies, plans and programs. - Roles and responsibilities for environmental management - Communication with community / stakeholders - management of complaints - monitoring carried out <p>It is noted that copies of any strategies, plans and programs are not attached to the EMS. However Section 3.1 lists each document and provides a link to the CC website where each is can be accessed. Sample links verified during audit site inspection.</p>	<p>1. Review, and update where necessary, the EMS to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented.</p> <p>2. Ensure key measures to address Environmental Management and to protect environmental quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to Environmental Quality are mitigated.</p>



Unique Finding Identifier (OBS#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
Community Consultative Committee				
OBS10	Schedule 5, Condition 8	<p>The Proponent must operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Secretary. This CCC must be operated in general accordance with the Community Consultative Committee Guidelines for State Significant Project (Department of Planning and Environment, 2016, or its latest version).</p> <p>Within the agreement of the Secretary, the operation of this CCC may be combined with the operation of the CCC for the Cullen Valley mine.</p> <p>Notes:</p> <ul style="list-style-type: none"> The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval. In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Proponent, Council, and the local community. 	<p>The CCC held meetings in October 2023 and April 2024. CCC is held jointly with Cullen Valley Mine and has operated this way since 2012. Approval from the Secretary.</p> <p>There is no reference to the updated CCC Guidelines (2023) in meeting minutes.</p>	<p>Confirm that the CCC has adopted and is operating in accordance with the 2023 CCC Guidelines.</p>
APPENDIX 6				
VOLUNTARY PLANNING AGREEMENT - TERMS				
OBS11	Appendix 6, Condition 1	<p>Castlereagh Coal will contribute \$0.05 per tonne of product for each financial year of the operation of the Southern Extension Project to be utilised in the Cullen Bullen township and surrounds.</p>	<p>Planning Agreement established 5 July 2017. \$0.05/tonne product coal payable to Council for community purposes. CC has entered into a Voluntary Planning Agreement (VPA) with council</p> <p>It is noted that payment for 2023 reporting year is in progress (PO request raised) with a due date of July 20th Each Year.</p>	<p>Introduce a systematic method to ensuring payments are made in accordance with the nominated agreement timeframes.</p>
EPL 1095				
4 Operating Conditions				
O1 Activities must be carried out in a competent manner				
OBS12	O1.1	<p>Licensed activities must be carried out in a competent manner. This includes:</p> <p>a) the processing, handling, movement and storage of materials and substances used to carry out the activity;</p> <p>and</p> <p>b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.</p>	<p>The facility has implemented and maintains systems to ensure that only licensed activities are conducted at the site. Compliance against relevant systems relevant to the EPL is reviewed annually and reported in the EPL Annual return. Systems are outlined in site records, however it was noted that these records have not been collated for the purposes of documenting EPL Annual Reporting evidence.</p> <p>Annual reviews during EPL reporting indicate ongoing relevance and compliance with implemented systems. Verified throughout IEA process.</p> <p>Dedicated maintenance team conduct daily pre-starts for plant and equipment. Documented processes are in place to guide proper equipment use and maintenance. Maintenance system - planned & breakdown maintenance.</p> <p>CC's Training program includes training manuals, guides, practical and competency modules. Competency assessment, e.g. operating a haul truck. Completed example from within audit period sighted (dated 28 Feb 2022).</p> <p>Calibration certificates - HVAS, Water Quality Meters, Weather Station - records applicable to audit period sighted.</p> <p>Toolbox Talks: Regular briefings to discuss safety, equipment handling, and maintenance practices.</p> <p>Return of Operations Checklist: A checklist to verify that equipment has been checked and is functioning properly before it's put back into use.</p> <p>OCE (Open Cut Examiner) Inductions and Training: Training programs for operators. Improvements are required for the wastewater, oily water separator and associated infrastructure. Actions from the 2016 remain current and have been reproduced for this audit to simplify corrective action implementation for CC.</p> <p>The 2016 IEA noted that A risk assessment regarding the utilisation of the system will be undertaken prior to the system being recommissioned. The waste oil collection system will be reinstated prior to recommencing mining</p>	<p>Consideration should be given to establishing a fit for purpose compliance database to capture commitments and obligations across all approvals, authorisations and licences, and for collation of records and evidence that demonstrate compliance against applicable requirements.</p>



Unique Finding Identifier (OBS#) & Risk Level	Schedule and Condition Number	Compliance Requirement	Audit Finding	Recommendation
O4 Other operating conditions				
OBS13	O4.1	A truck wheel wash must be maintained and operated at the premises to minimise the tracking of dirt and coal fines from the premises on to the Castlereagh Highway.	<p>There are ongoing discussions related to wheel wash facilities and truck movements to control dust and debris on public roads.</p> <p>The wheel wash was observed during the site inspection. A maintenance program for cleaning of access roads between the wheel wash and the site exit would further reduce tracking of dirt and coal fines from the premises.</p> <p>CC self-report an incident to the EPA in June 2024 regarding coal spillage. Investigation response to EPA noted wheel wash was in operation. Reminders to truck operators issued. Discussions with the RMS are still being undertaken to remove the material</p> <p>Coal materials were also observed along road verges of the Castlereagh Highway near the site entrance that may have originated from the mine.</p>	As per Condition 03.4. (NC26)
5 Monitoring and Recording Conditions				
M4 Recording of pollution complaints				
OBS14	M4.2	<p>The record must include details of the following:</p> <p>a) the date and time of the complaint;</p> <p>b) the method by which the complaint was made;</p> <p>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;</p> <p>d) the nature of the complaint;</p> <p>e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and</p> <p>f) if no action was taken by the licensee, the reasons why no action was taken.</p>	Complaint Reports generally include the items listed in M4.2.	Review the format of Complaint Reports and update as relevant to explicitly address each item of EPL1095 Condition M4.2 (a to f).
MINING LEASE CONDITIONS				
PART 2 - Standard Conditions				
DIVISION 4 - Records, reporting and notification				
OBS17	Division 4, condition 19	<p>Nominated contact person</p> <p>(1) The holder of a mining lease must nominate a natural person to be the contact person with whom the Secretary can communicate in relation to the mining lease for the purposes of the Act.</p> <p>Note— The Act, section 383 sets out the ways in which notices or other documents may be issued or given to, or served on, a person for the purposes of the Act.</p> <p>(2) The holder of the mining lease must give written notice to the Secretary of—</p> <p>(a) the full name and contact details of the nominated person—within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation, and</p> <p>(b) any change in nomination or in the nominated person's contact details—within 28 days after the change occurs.</p> <p>(3) The holder of the mining lease must ensure that the contact details for the nominated person include the person's phone number and postal and email addresses.</p>	Nominate of contact person was via email on tim.haig@ccoal.com.au Contact person is Tim Haig	Confirm with the Resources Regulator portal that Tim Haig is the nominated contact person for CC.



3.5 Previous Audit Recommendations

The previous independent audit was conducted in June 2016 by KMH Environmental. The audit period covered 1 May 2013 to 28 January 2016 (date of the site inspection). A summary of the 2016 audit findings and the status of recommendations is provided in Appendix C.

It is noted that some actions from the 2016 are ongoing and relate to observations or non-compliances in 2024. To ensure continuity of previous audit findings, particularly given the consent modifications triggered by MOD5, some 2016 actions have been closed with actions reproduced into the 2024 Audit.

3.6 Adequacy of Management Plans and Programs

Management Plans for the site were reviewed as part of the audit in terms of addressing relevant approval requirements and the overall current site operation context. In general, Management Plans have been approved and address consent requirements. Updates to site management plans are required to reflect the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Actions to address management plan implementation findings are nominated for a range of management plans.

Table 9 presents a summary of the assessment of the adequacy of the preparation and implementation of the management plans.

Table 9: Summary of Management Plan Adequacy

Management Plan	Comment
Environmental Management Strategy	<p>The Environmental Management Strategy:</p> <ul style="list-style-type: none"> • Was approved by DPHI on 1 November 2022. • The EMS describes <ul style="list-style-type: none"> ○ The environmental framework of strategies, plans and programs. ○ roles and responsibilities for environmental management. ○ communication with community / stakeholders. ○ management of complaints. ○ monitoring carried out. <p>It is noted that copies of any strategies, plans and programs are not attached to the EMS. However, Section 3.1 lists each document and provides a link to the CC website where each can be accessed. Sample links verified during audit site inspection.</p> <p>Recommendation (OBS9)</p> <ul style="list-style-type: none"> • Review, and update where necessary, the Environmental Management Strategy (EMS) to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented. • Ensure key measures to address Environmental Management and to protect environmental quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to Environmental Quality are mitigated.



Management Plan	Comment
Air Quality Management Plan	<p>The Air Quality Management Plan:</p> <ul style="list-style-type: none"> Was approved by DPHI on 17 November 2022. Consideration of weather predictions is used by operations. Mining operations and water carts were observed during the site inspection. Evidence of implementation for key measures in Section 4 and 5 of the AQMP was not available for the audit. <p>Recommendations (NC14)</p> <ul style="list-style-type: none"> Review, and update where necessary, the Air Quality Management Plan (AQMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the AQMP is fit for purpose given the recommencement of operations and EIS commitments. Ensure key measures to address Air Quality operating conditions and to protect air quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to Air Quality are mitigated. (Action also refers to EPL Condition O3.2)
Blast Management Plan	<p>The Blast Management Plan:</p> <ul style="list-style-type: none"> Has not been prepared as a management plan as the current operations are not planning on undertaking blasting Within the approved EMS, Section 2 states that a Separate EMP titled 'Blast Management Plan' to be prepared and approved by regulatory agencies prior to any blasting on site. CC have advised that previous employees (including Mine Manager, and Environmental Manager) did satisfy the following conditions of MP07_0127 MOD 5 by submitting notifications and corresponding with the Department <p>Recommendation (NC4)</p> <ul style="list-style-type: none"> Engage with DPHI to seek confirmation of agreement by the Secretary to not prepare a Blast Management Plan for the current phase of mining activities.
Aboriginal Cultural Heritage Management Plan	<p>The Aboriginal Cultural Heritage Management Plan:</p> <ul style="list-style-type: none"> Was prepared by an OzArch endorsed by DPE 21 January 2023. No evidence of approval for the ACHMP was sighted during the audit. Includes consultation records, descriptions of training, descriptions of measures and ongoing consultation and storage matters. Details training requirements that require further implementation by site Measures that relate to blasting have not been triggered. <p>Recommendations (OBS6)</p> <ul style="list-style-type: none"> Review, and update where necessary, the Aboriginal Cultural Heritage Management Plan (ACHMP) to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented. Ensure key measures to address ACH Management and to protect ACH are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to ACH are mitigated.



Management Plan	Comment
	<ul style="list-style-type: none"> Review current ACH management status and approved management strategies as part of updating the ACH Database for ongoing use as part of Ground Disturbance Permitting.
Biodiversity Management Plan	<p>The Biodiversity Management Plan:</p> <ul style="list-style-type: none"> Was conditionally approved by DPHI on 13 July 2023. A submission for revisions to the BMP was originally due in September 2024, but the timeline was extended until June 2024. Revisions to the BMP are ongoing. Describes measures to be implemented and integration into site rehabilitation-, short-, medium- and long-term management actions for remnant areas, performance and completion criteria, and seasonal monitoring program. Describes the translocation program in Appendix A. Examples of BMP Implementation include weed management, seed collection, next box monitoring and management, weed management. Evidence of implementation for key measures was not available for the audit. <p>It is noted the Department has commenced compliance processes for this condition.</p> <p>Recommendations (NC12).</p> <ul style="list-style-type: none"> Prepare and implement a detailed action plan to resolve all outstanding requirements / commitments / conditions related to Biodiversity. Provide monthly updates of action plan implementation to relevant agencies. Review, and update where necessary, the Biodiversity Management Plan (BMP) to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented. Ensure key measures to address Biodiversity Management and to protect biodiversity are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to biodiversity are mitigated. Ensure site clearing limits and no-go areas are clearly delineated and/or fenced. Reinstate exclusion fencing around translocation areas.
Noise Management Plan	<p>The Noise Management Plan:</p> <ul style="list-style-type: none"> Was approved by DPHI on 13 October 2022. No complaints or incidents relating to noise have occurred during the audit period. Consideration of weather predictions is used by operations. Equipment were observed with squawker reversing alarms. Evidence of implementation for key measures in Section 4 and 5 of the AQMP was not available for the audit. Evidence including noise monitoring reports, complaints & incidents register, training records etc indicate NMP implementation.



Management Plan	Comment
Rehabilitation Strategy	<p>The Rehabilitation Strategy:</p> <ul style="list-style-type: none"> Was approved by DPHI on 12 September 2022. Describes options to backfill voids, avoid disturbance in proximity to the eastern void and measures for implementation. No complaints or incidents relating to noise have occurred during the audit period. Requires an increased level of detail, commitment, planning for key aspects of rehabilitation at the site. This change will facilitate alignment with rehabilitation planning and reporting. <p>Recommendation (OBS8)</p> <ul style="list-style-type: none"> Review, and update where necessary, the Rehabilitation Strategy (RS) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the RS is fit for purpose given the recommencement of operations and EIS commitments. Undertake a detailed review of all commitments, requirements and regulatory/enforcement actions related to rehabilitation to ensure key rehabilitation measures are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to the environment are mitigated. Incorporate the outcomes of the detailed review into the revised Rehabilitation Strategy and/or Rehabilitation management Plan.
Rehabilitation Management Plan	<p>The Rehabilitation Management Plan:</p> <ul style="list-style-type: none"> Was prepared to address the requirements of the consent and the Resources Regulators 2022 Rehabilitation Reforms The RMP was approved by DPHI on 12 December 2022. The RMP generally addresses the requirements of the consent and RMP Guidelines. <p>It is noted that:</p> <ul style="list-style-type: none"> The Life of Mine rehabilitation schedule refers to the site Forward Program. Rehabilitation has not occurred in accordance with the Schedule outlined in the RMP, Rehabilitation Strategy and Forward Program. Some elements of the RMP applicable to the audit period have not been implemented, including (LOM Schedule, Temporary Rehabilitation for Air Quality, delineation of disturbance boundaries) The RMP does not include completion criteria (Condition 52(e)). It is noted that CC is currently implementing the requirements of the Resources Regulator in terms of preparing Rehabilitation Objectives and Completion Criteria for approval. During the audit period, CC submitted an Objectives Statements to the Resources Regulator for approval. Appendix B of the RMP contains a draft objectives statements and does not contain preliminary criteria. Importantly, the NSW Resource Regulator recently advised that final rehabilitation completion criteria are only required to be submitted no later than the due date of the forward program that covers a period which includes completion of rehabilitation for the mining area or part thereof. <p>Recommendation (NC17 and NC18)</p> <ul style="list-style-type: none"> Review, and update where necessary, the Rehabilitation Management Plan (RMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the RMP is fit for purpose given the recommencement of operations and EIS commitments. undertake a detailed review of all commitments, requirements and regulatory/enforcement actions related to rehabilitation to ensure key



Management Plan	Comment
	<p>rehabilitation measures are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to the environment are mitigated. Incorporate the outcomes of the detailed review into the revised Rehabilitation Strategy and/or Rehabilitation management Plan.</p>
Transport Management Plan	<p>The Transport Management Plan:</p> <ul style="list-style-type: none"> • Was approved by DPHI on 12 September 2022. • Details measures including site inspections, use of wheel wash facilities, and truck movements. • Details measures where evidence of implementation was not available during the audit, including <ul style="list-style-type: none"> ○ Timestamped data to show trucking was outside of school hours ○ Signed copies of DoC (Driver's Code of Conduct) ○ Drivers WHS Plan (Work Health and Safety Plan) ○ Short safety checks for site personnel complete to assess risks before commencing work. ○ Monthly Inspection for traffic related elements <p>It is noted that</p> <ul style="list-style-type: none"> • The wheel wash was observed during the site inspection. A maintenance program for cleaning of access roads between the wheel wash and the site exit would further reduce tracking of dirt and coal fines from the premises. • CC received a complaint via the EPA in June 2024 regarding coal spillage. Investigation response to EPA noted wheel wash was in operation. Reminders to truck operators issued. • It is Coal materials were also observed along road verges of the Castlereagh Highway near the site entrance that may have originated from the mine. <p>Recommendations (NC14 and OBS7).</p> <ul style="list-style-type: none"> • Clean up coal tracked onto Castlereagh Highway near the site entrance. • Review and advance the arrangements to prevent coal tracking onto the Castlereagh Highway. • Review, and update where necessary, the Transport Management Plan (TMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the TMP is fit for purpose given the recommencement of operations and EIS commitments. (Action also applies at EPL Condition O3.1) • Ensure key measures to address Transport Management and to protect environmental and amenity quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to the environment and amenity are mitigated.
Water Management Plan	<p>The Water Management Plan</p> <ul style="list-style-type: none"> • Was approved by DPHI on 8 November 2022. • Further investigation is required to confirm expert endorsement was obtained. • Works are required to establish separate clean, dirty and mine water systems. • Measures to manage water infrastructure failure risks are recommended. • Detailed and targeted revised of management plan implementation are required.



Management Plan	Comment
	<p>Recommendations (NC7, NC8, OBS5).</p> <ul style="list-style-type: none"> • Review, and update where necessary, the Water Management Plan (WMP) to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented. • Ensure key measures to address Water Management and to protect water quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to Water Quality are mitigated. • Undertake an assessment of water management systems and implementation measures for separate clean, dirty and mine water systems by a suitably qualified person. • Complete an improvement program for the wastewater, oily water separator and associated infrastructure. (Refer also to findings at Schedule 3, Condition 15). • Engage with DPHI to seek confirmation of expert endorsement of the approved Water Management Plan. If endorsement was completed, seek a copy of the correspondence. If endorsement cannot be verified, submit an updated request for expert endorsements for the next management plan revision trigger. • Undertake an assessment of the surface water management system and associated implementation measures by a suitably qualified person. • Undertake Dam Integrity Inspections on key dam embankments such as the Main Storage Dam. • Implement measures to manage pipeline/pump failure risks for infrastructure associated with seepage management.
<p>Pollution Incident Response Management Plan</p>	<p>The PIRMP:</p> <ul style="list-style-type: none"> • Was last updated following an incident in December 2023 and is available on the Project Website. • Details ongoing testing and revision events. • Nominates the current General Manager as the responsible person. • Requires some updates to align with updated requirements released in 2022. <p>Recommendations (OBS16).</p> <ul style="list-style-type: none"> • Consideration should be given to updating the site Pollution Incident Response Plan PIRMP to address the updated Regulations Protection of the Environment Operations (General) Regulation 2022 (the General Regulation) and the updated Guideline: Pollution Incident Response Management Plans (2022).



4.0 Environmental Performance

4.1 Environmental Management System

4.1.1 Management Commitment and Resourcing

It is acknowledged that several persons and organisations have been assigned environmental responsibilities during the audit period, including management consultants, environmental consultants as well as the recently employed Castlereagh Coal Environmental Superintendent.

Despite the short duration of employment, the site Environmental Superintendent showed awareness and knowledge of the environmental management systems, compliance requirements, environmental risks and risk controls relevant to the facility and as related to their role and responsibilities for the work that they do.

Continued environmental resourcing (people and budgets) is required to ensure the substantive commitments and obligations and environmental compliance risks at Invincible Colliery are effectively managed.

4.1.2 Training and Competence

Environmental training is conducted primarily as part of induction processes and on an ongoing basis via Toolbox Talks. Examples of completed personnel and contractor induction records for current employees was not available during the audit.

Reviews of management plans found detailed and specific references to training undertaken for each aspect that may not be fully captured under the site induction package.

Consideration should be given to documenting a Training Needs Analysis, followed by the development of training packages and a site wide training program. **(OBS17)**

4.1.3 Inspections and Maintenance

Erosion and Sediment Control Inspections, Dam Inspections and Rehabilitation Inspections were conducted since May 2024. From September 2024, outcomes of the audits were collated for tracking in the Castlereagh Coal Environmental Obligations spreadsheet.

Consideration should be given to reinstating the general monthly environmental inspections described in the EMS, including the formalisation of the inspection checklist and reporting outcomes to the mine manager. **(OBS18)**

Consideration should be given to undertaking a comprehensive Walkover Inspection of all rehabilitation areas (to compliment the existing rehabilitation monitoring) to capture all current maintenance requirements for prioritisation and rectification. It is noted that the Annual Walkover for rehabilitation is included within the EMS but not the RMP. **(OBS19)**

4.1.4 Environmental Monitoring and Measurement

Environmental monitoring is undertaken for noise, truck movements, weather, surface water, groundwater, waste, dam levels and rehabilitation.

There were a number of non-compliances reported during the audit period related to monitoring equipment or monitoring contractor agreement issues. It is understood that these were addressed. It is also understood that internal systems were established and a new service provider engaged.

Environmental monitoring data is used for Monthly EPL Reporting and within the Annual Review.



In conjunction with management plan revisions, consideration should be given to increasing the utilisation of monitoring results and long terms trends, including ANZECC results for identifying change and managing environmental performance. **(OBS20)**

Consideration should also be given to implementing a system / process / tool for easily tracking monitoring data against criteria, annual trends, long term trends. **(OBS21)**

Monthly environmental inspections to include visual inspections for ferrous iron oxidation and other contamination. **(OBS22)**

Whilst outside of the audit period, it is understood that Castlereagh Coal has yet to receive data from monitoring contractors for the September and October reporting periods with August data received in October/Early November. Consideration should be given to engaging with monitoring contractors to improve response times on monitoring data. Particularly given monitoring data is used for Monthly EPL Reporting and ongoing trend analysis.

4.1.5 Compliance Management, Systems and Reporting

Compliance management is considered to be a key area of improvement opportunity. It is noted that the Environment Superintendent introduced an Environmental Obligations spreadsheet to track actions, annual reporting, environmental monitoring schedules, groundwater checks and approvals. Key actions following inspections are also tracked through to completion.

Consideration should be given to development of a comprehensive system / tool for compliance management. The system / tool would identify regulatory commitments and obligations with actions and timeframes to facilitate planning and execution of compliance actions. **(OBS23)**

Systems used to manage environmental performance include the meteorological station, air quality monitoring units and water monitoring units. Ground disturbance permits are used to minimise impacts to biodiversity and heritage.

Consideration should be given to the applicability of environmental performance management systems commonly used in the NSW mining industry, such as weather forecasting tools, compliance databases, monitoring databases, spatial databases. **(OBS24)**

4.1.6 Other Observations

4.1.6.1 Life of Mine

Given the current Life of Mine, noting commencement of MOD6 and the Forward Program, prepare and implement a Mine Closure Plan in accordance with the relevant guidelines. **(OBS25)**

The above observation is noted as a relevant action arising out of the 2016 Independent Environmental Audit.

4.1.6.2 Aquatic Monitoring

Consider establishing an aquatic monitoring program in Cullen Creek to assess mining impacts. **(OBS26)**

4.1.7 Continual Improvement

Continual improvement opportunities regarding environmental performance have been noted throughout Section 4.0.



4.2 Complaints

Table 10 provides a summary of complaints received during the audit period.

Table 10: Summary of Complaints and Enquiries

Date / Reference	Nature of Complaint	Issue	Audit Review / Outcome
24 November 2023	Water	Invincible Main Dam LD02 Community concern regarding water volume discharged	Site have planned works to correct the drainage to restore the natural flow, which will divert water away from the highway and restore flow path back into the natural watercourse. This should resolve the issues with water draining inappropriately from the site.
2 June 2024	Coal material tracking onto Highway from Invincible Colliery	The complainant reported coal material tracking onto Highway from Invincible Colliery to the NSW Environmental Protection Authority (EPA). The EPA contacted Castlereagh Coal.	Castlereagh Coal provided the EPA with a review of trucking activities. An investigation found no direct evidence that uncovered loads were leaving the site, suggesting the complaint was unsubstantiated. There are ongoing discussions related to wheel wash facilities and truck movements to control dust and debris on public roads.

4.3 Reportable Environmental Incidents

There were no environmental incidents causing or threatening material environmental harm at Invincible Colliery during audit period.

4.4 Summary of Agency Compliance and Enforcement Actions

Table 11 provides a summary of agency notices, orders and enforcement actions received during the audit period.

Table 11: Summary of Agency Enforcement Actions

Agency	Enforcement Action Details	Status
DPHI	On 26 Aug 2024, the Department issued a Show Cause letter issued with regard to the biodiversity offset strategy, alleging that CC had not submitted a Conservation Bond (the Bond), Biodiversity Offset Strategy (BOS) or an updated Biodiversity Management Plan (BMP) as required under Invincible consent PA07_0127 (Modification 5), Schedule 3 Conditions 30, 32, 33 and 35. CC issued a response to the Department noting that the BOS was forwarded to the Department for approval on 26 June 2024, indicating Conservation Bond not pursued pending approval of BOS, and no identified need for BMP update once BOS approved.	It is noted that CC received a Warning Letter with regarding to the Show Cause outside of the audit period (30/10/2024). It is understood that the matter is ongoing.
EPA	Following an inspection in August 2023, the EPA issued a licence Variation (Notice 1638638) requiring an investigation of low pH water detected within a dam known as the 'leachate dam'. U1.1 was added to EPL 1095 as a Licence conditions for pollution studies and	AGE Consultants were engaged to complete the Investigation. A report dated, February 2024 was submitted to the EPA for review. The EPA responded to the submission, dated 30 April 2024. The EPA noted the reports inclusions but flagged its view that the report did not address the U1.1 requirements.



Agency	Enforcement Action Details	Status
	reduction program with a start date of 2 October 2023.	Site provided a variation response letter on 21 May 2024. The matter is ongoing and is currently sitting with EPA.
Resources Regulator	<p>Two Section 240 Notices issued by the Resources Regulator outside of the audit period (2021). The notices included:</p> <p>Notice NTCE0008970: Rehabilitation Materials Inventory.</p> <p>Notice NTCE0008971: Landform and surface water management structures.</p> <p>Following review of a technical investigation report, dated May 2022, Castlereagh Coal submitted an action plan (23 July 2022) outlining actions to address recommendations from the technical report. The actions consist of monitoring, detailed surveys, landform designs and material inventories.</p> <p>The 2023 Annual Review reported ongoing implementation of the actions.</p> <p>Evidence of the current status of the items in the Action Plan was not available during the audit.</p>	<p>Following review of a technical investigation report, dated May 2022, Castlereagh Coal submitted an action plan (23 July 2022) outlining actions to address recommendations from the technical report. The actions consist of monitoring, detailed surveys, landform designs and material inventories.</p> <p>The 2023 Annual Review reported ongoing implementation of the actions.</p> <p>Evidence of the current status of the items in the Action Plan was not available during the audit.</p> <p>On 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes.</p> <p>Recommendation:</p> <p>Continue to engage with the Resources Regulator regarding the status of the action plan and any subsequent actions with the Warning Letter. Include a detailed compliance report as part of the next annual review. (NV15).</p>

4.5 Key Strengths of the Development’s Environmental Management and Performance

During the audit there were several positive environmental performance observations that were considered strengths:

- Engagement of Castlereagh Coal management team in environmental performance and the audit.
- Employment of dedicated environmental resources.
- ESC and Rehabilitation Inspections.
- Introduction of the Environmental Obligations spreadsheet.
- Some areas of rehabilitation are progressing positively. During the site inspection Superb lyrebird (*Menura novaehollandiae*) was observed and heard.

The team at Invincible Colliery expressed a positive enthusiasm for implementing actions associated with environmental management and compliance into the future.



5.0 Recommendations and Opportunities for Improvement

Table 12 consolidates all the recommended actions of this audit as listed in Table 6, Table 8, Table 7 and Appendix C. Where required, audit recommendations have been included to address identified non-compliances and non-verified Audit Criteria. In addition, some recommendations have been identified as potential opportunities for systems and compliance improvement. Recommendations specifically to address non-compliances are identified as Non-Compliant (NC); Not Verified (NV), with opportunities for improvement are identified as Observations (OBS).

These recommendations may be used to prepare the response to recommendations and audit action plan.

Table 12: Audit Recommendations

Unique Finding Identifier	Aspect	Recommendation
NON-COMPLIANCES		
NC1	Obligation to Minimise Harm to the Environment	As per Recommendations raised in this audit report.
NC2	Final Layout Plans	<p>Undertake a detailed Mine Planning process that produces a Life of Mine rehabilitation schedule, materials balance and supporting operational strategies to facilitate achievement of rehabilitation commitments.</p> <p>2. Review compliance and operational management systems and processes to ensure that the outcomes of the detailed Mine Planning process are integrated into Business-As-Usual activities to ensure compliance with applicable measures and requirements and progression of rehabilitation activities in accordance with planned activities and timings.</p> <p>3. Implement a program of temporary rehabilitation to minimise disturbance based on commitments within the RMP and EIS.</p> <p>4. Undertake remedial works on the west pit rehabilitation area to address land stability issues (dump slip) and drainage line scouring</p>
NC3	Notification of Re commencement	<p>1. Engage with DPHI to seek confirmation of the recommencement notification. If notification was completed, seek a copy of the correspondence. If correspondence cannot be verified, submit a retrospective notification.</p> <p>2. Following Item 1, ensure a copy of the recommencement notification is retained and is accessible within the mine's environmental compliance management system.</p>
NC4	Blast Management Plan	Engage with DPHI to seek confirmation of agreement by the Secretary to not prepare a Blast Management Plan for the current phase of mining activities.
NC5	Operating Conditions	Introduce a maintenance regime for cleaning the access road, existing the site following the wheel wash.
NC6	Air Quality Management Plan	<p>1. Review, and update where necessary, the Air Quality Management Plan (AQMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the AQMP is fit for purpose given the recommencement of operations and EIS commitments.</p> <p>2. Ensure key measures to address Air Quality operating conditions and to protect air quality are implemented, including monitoring for ongoing</p>



Unique Finding Identifier	Aspect	Recommendation
		effectiveness and implementation of corrective actions as required to ensure risks to Air Quality are mitigated. (Action also refers to EPL Condition O3.2)
NC7	Water Management Performance Measures	<p>1. Undertake an assessment of water management systems and implementation measures for separate clean, dirty and mine water systems by a suitably qualified person.</p> <p>2. Complete an improvement program for the wastewater, oily water separator and associated infrastructure. (Refer also to findings at Schedule 3, Condition 15).</p> <p>3. Complete drainage repairs for LPD2 to divert water away from the highway and restore</p> <p>Note: Recommendations regarding the EPL PRP are included within the EPL Checklist</p>
NC8	Water Management Plan	<p>Engage with DPHI to seek confirmation of expert endorsement of the approved Water Management Plan (Water MP). If endorsement was completed, seek a copy of the correspondence. If endorsement cannot be verified, submit an updated request for expert endorsements for the next management plan revision trigger.</p> <p>2. Undertake an assessment of the surface water management system and associated implementation measures by a suitably qualified person.</p> <p>3. Undertake Dam Integrity Inspections on key dam embankments such as the Main Storage Dam.</p> <p>4. Implement measures to manage pipeline/pump failure risks for infrastructure associated with seepage management.</p> <p>5. Review the current operations against the Aquifer Interference Policy.</p> <p>6. Engage with the EPA for a modification of the Environment Protection Licence to permit discharge via the underground workings. Undertake Dam Integrity Inspections on key dam embankments such as the Main Storage Dam.</p> <p>7. Document staged Progressive Erosion and Sediment Control Plans (PESCPs) as per the Water MP for key areas across the site</p>
NC9	Water Management Plan	As for Schedule 3, Condition 25. (OBS4)
NC10	Biodiversity Offset Strategy	<p>1. Prepare and implement a detailed action plan to resolve all outstanding requirements / commitments / conditions related to Biodiversity.</p> <p>2. Provide quarterly updates of action plan implementation to relevant agencies.</p>
NC11	Retirement of Credits	As for Schedule 3, Condition 29. (NC10)
NC12	Biodiversity Management Plan	<p>1. Review, and update where necessary, the Biodiversity Management Plan (BMP) to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented.</p> <p>2. Ensure key measures to address Biodiversity Management and to protect biodiversity are implemented, including monitoring for ongoing effectiveness</p>



Unique Finding Identifier	Aspect	Recommendation
		<p>and implementation of corrective actions as required to ensure risks to biodiversity are mitigated.</p> <p>3. Ensure site clearing limits and no-go areas are clearly delineated and/or fenced.</p> <p>4. Reinstate exclusion fencing around translocation areas.</p> <p>5. Undertake assessment of the need for vertebrate pest control and implement as required.</p>
NC13	Aboriginal Cultural Heritage Management Plan	1. Engage with DPHI to seek confirmation regarding approval of the Aboriginal Cultural Heritage (ACH) Management Plan. If approval was completed, seek a copy of the correspondence. If correspondence cannot be verified, submit a retrospective approval.
NC14	Hours of Work	<p>1. Review, and update where necessary, the Transport Management Plan (TMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the TMP is fit for purpose given the recommencement of operations and EIS commitments. (Action also applies at EPL Condition O3.1)</p> <p>2. Ensure key measures to address Transport Management and to protect environmental and amenity quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to the environment and amenity are mitigated.</p>
NC15	Rehabilitation Objectives	As for Schedule 2, Condition 11. (NC2)
NC16	Rehabilitation Strategy	As for Schedule 2, Condition 11. (NC2)
NC17	Rehabilitation Management Plan	<p>1. Following approval of the Rehabilitation Objectives and Criteria, revise the Rehabilitation Management Plan (RMP) based on the amendment requirements of current Mining Lease Conditions.</p> <p>2. Ensure RMP measures are implemented in accordance with planned activities and timings.</p>
NC18	Rehabilitation Management Plan	<p>1. Review, and update where necessary, the Rehabilitation Management Plan (RMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the RMP is fit for purpose given the recommencement of operations and EIS commitments.</p> <p>2. Ensure key rehabilitation measures are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to the environment are mitigated.</p>
NC19	Annual Review	Introduce a systematic process to ensure commitments that have been included in management plans for reporting within Annual Reviews are addressed for future submissions.
NC20	Regular Reporting	Introduce a systematic process to ensure commitments that have been included in management plans for reporting within Annual Reviews are addressed for future submissions.
NC21	Access to Information	Introduce a systematic process to ensure website uploads occur in accordance with the Consent.
NC22	Concentration Limits	Investigate the pH results reported outside the parameters of the EPL and implement corrective actions as necessary to mitigate non-compliance with Conditions L2.1 and L2.2 of EPL1095.



Unique Finding Identifier	Aspect	Recommendation
NC23	Concentration Limits	As per Condition L2.1.
NC24	Dust	<p>1. Review, and update where necessary, the Transport Management Plan (TMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the TMP is fit for purpose given the recommencement of operations and EIS commitments. (Action also applies at MP07_0127 MOD5, Schedule 3, Condition 43)</p> <p>2. Review, and update where necessary, the Air Quality Management Plan (AQMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the AQMP is fit for purpose given the recommencement of operations and EIS commitments. (Action also refers to MP07_0127 MOD5 Schedule 3, Condition 20)</p> <p>3. Ensure key measures to address Air Quality operating conditions and to protect air quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to Air Quality are mitigated. (Action also refers to MP07_0127 MOD5 Schedule 3, Condition 20)</p>
NC25	Dust	As per Condition O3.1. (NC24)
NC26	Dust	<p>1. Clean up coal tracked onto Castlereagh Highway near the site entrance.</p> <p>2. Review and advance the arrangements to prevent coal tracking onto the Castlereagh Highway.</p> <p>(Actions also apply at MP07_0127 MOD5, Schedule 3, Condition 41) (OBS7)</p>
NC27	Requirement to monitor concentration of pollutants discharged – Air Monitoring Requirements	<p>1. Review environmental sample collection and monitoring data protocols and procedures to ensure timely collection, compliance review and investigation of environmental quality data is carried out and followed up where necessary.</p> <p>2. Finalise and implement contractual arrangements with monitoring contractors to ensure timely collection of environmental monitoring data in accordance with EPL1095 and MP07_0127 MOD5 requirements.</p>
NC28	Low pH Water Investigation and Management	Engage with EPA regarding the proposed EPL Variation (DOC24/308221).
NC29	Protection of the environment and rehabilitation - Must prevent or minimise harm to environment	Refer to Items Below
NC30	Protection of the environment and rehabilitation - Rehabilitation to occur as soon as reasonably practicable after disturbance	As for MP07_0127 MOD 5, Schedule 3, Condition 11. (NC2)
NC31	Risk Assessment – Rehabilitation Risk Assessment	Introduce Rehabilitation Resourcing, Planning and Scheduling process that is linked to budget cycles and considers the forward program to ensure key rehabilitation risks are mitigated.



Unique Finding Identifier	Aspect	Recommendation
NC32	Rehabilitation Documents – Rehabilitation management plans for large mines	As for MP07_0127 MOD 5, Schedule 2, Condition 11. (NC2)
NC33	Rehabilitation Documents – Rehabilitation outcome documents	As for MP07_0127 MOD 5, Schedule 3, Condition 52. (NC16)
NC34	Rehabilitation Documents – Forward program and annual rehabilitation report	Finalise and submit the 2024 Annual Rehabilitation Report and Forward Program.
NC35	Rehabilitation Documents – Forward program and annual rehabilitation report	As for RMP ML Condition 13(1). (NC34)
NC36	Rehabilitation Documents – Times at which documents must be prepared and given	As for RMP ML Condition 13(1). (NC34)
NC37	Rehabilitation Documents – Times at which documents must be prepared and given	As for RMP ML Condition 13(1). (NC34)
NC38	Rehabilitation Documents – Certain documents to be publicly available	As for RMP ML Condition 9. (NV11)
NC39	Records, reporting and notification – records demonstrating compliance	Consider the development of a comprehensive system / tool for compliance management. The system / tool would identify regulatory commitments and obligations with actions and timeframes to facilitate planning and execution of compliance actions.
AUDIT CRITERIA NOT VERIFIED		
NV1	Water Supply	<ol style="list-style-type: none"> 1. Complete the current works program for updating the Site Water Balance. 2. Introduce a systematic method to ensuring the Site Water Balance is reviewed and reported in accordance with the Water Management Plan. 3. Include a clear and definitive description within the 2024 Annual Review of the outcomes of the current works program for updating the Site Water Balance.
NV2	Biodiversity Offset Strategy	As for Schedule 3, Condition 29. (NC10)



Unique Finding Identifier	Aspect	Recommendation
NV3	Retirement of Credits	As for Schedule 3, Condition 29. (NC10)
NV4	Biodiversity Management Plan	As for Schedule 3, Condition 29. (NC10)
NV5	Conservation Bond	As for Schedule 3, Condition 29. (NC10)
NV6	Determination of Meteorological Conditions	As for Schedule 3, Condition 21. (OBS4)
NV7	Compliance Monitoring	As for Schedule 3, Condition 21. (OBS4)
NV8	Pollution of Waters	<p>1. Investigate potential diesel contamination of the Environmental Dam, including an assessment of compliance against Section 120 of the Protection of the Environment Operations Act 1997, noting also the definitions provided in Schedule 6 of that Act for harm, environment, pollution, pollution incident, water pollution / pollution of waters and waters.</p> <p>2. Ensure actions are taken to remove the source of the diesel spill and remediate any contamination of surrounding land, water or groundwater that may have occurred due to the spill.</p> <p>3. Following the assessment outlined in Item 2, in the event that environmental harm and/or non-compliance with EPL1095 Condition L1.1 is indicated, provide notification to EPA and DPHI in accordance with Conditions R2.1 and R2.2 of EPL1095 and Schedule 5, Condition 9 of MP07_0127 MOD 5 respectively.</p>
NV9	Noise Limits	<p>1. Review noise monitoring protocols, including the Noise Management Plan and associated procedures as relevant, and update as relevant to reference current requirements of EPL1095 Condition L4.4 and also Schedule 3, Conditions 1-3 and Appendix 4 of MP07_0127 MOD5.</p> <p>2. Following Item 1, implement updated noise monitoring protocols to ensure compliance with requirements of EPL1095 Condition L4.4 and also Schedule 3, Conditions 1-3 and Appendix 4 of MP07_0127 MOD5.</p>
NV10	Low pH Water Investigation and Management	As per Condition U1.1 (NC28)
NV11	Rehabilitation Documents – General requirements for documents	Introduce a systematic process to ensure website uploads occur in accordance with the ML.
NV12	Rehabilitation Documents – Certain documents to be publicly available	As for RMP ML Condition 9. (NV11)
NV13	Water Access Licence – Water Accounts	Engage with WaterNSW to obtain copies of current water accounts.
NV14	Water Access Licence - Part A Conditions	<p>Engage with WaterNSW to obtain copies of the WAL Part A conditions and include a detailed compliance report as part of the next annual review.</p> <p>Additionally the report should address: - storage, diversion, interception or extraction is clearly documented and is</p>



Unique Finding Identifier	Aspect	Recommendation
		authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2018 - Water metering at the site is in accordance with the NSW Non-Urban Metering Framework - Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from
NV15	S240 Notice Action Plan	Continue to engage with the Resources Regulator regarding the status of the action plan, obtain copies of the Warning Letter and any subsequent actions contained within. Include a detailed compliance report as part of the next annual review (NV15).
OBSERVATIONS		
OBS1	Mining Restrictions	1. Ensure geographic survey and peg-out of approved project boundary and disturbance areas is completed. 2. Following Item 1, ensure the site survey plan is integrated into the mine's compliance and operational management systems and processes to ensure that mining activities are only undertaken within the approved boundaries.
OBS2	Operation of Plant and Equipment	1. Undertake maintenance and cleaning of the wastewater catch drain system. 2. Conduct a maintenance inspection and integrity test of the wastewater collection system including bunding, tanks and piping. 3. Repair the breakage in the piping that leads from the wastewater catch drain to the oil/water separator and waste oil collection tank. Investigate whether any soil contamination has resulted from the breakage. 4. Install bunding around the waste oil collection tank (if it is to remain operational). 5. Review chemical storage areas and implement corrective actions to ensure that all chemicals are stored within secondary containment; the chemical register and SDS are current and readily available; the waste collection system is inspected, maintained and repaired (as required). 6. Review housekeeping arrangements in workshop, equipment, tools and waste storage areas to ensure appropriate storage arrangements are in place to prevent leaks, spills and other potential environmental impacts. 7. Consideration should be given to documenting a Training Needs Analysis, followed by the development of training packages and a site wide training program.
OBS3	Planning Agreement	Introduce a systematic method to ensuring payments are made in accordance with the nominated agreement timeframes.
OBS4	Meteorological Monitoring	Complete a review of the existing and/or proposed upgraded meteorological station / sensors to ensure the meteorological station complies with requirements of Schedule 3, Condition 21, including the capability to measure temperature inversions in accordance with the NSW Industrial Noise Policy.
OBS5	Clean Water Diversion Strategy	1. Review, and update where necessary, the Water Management Plan (WMP) to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented. In the review, a suitably qualified and experienced person should be engaged to review water management systems and implementation measures for separate clean, dirty and mine water systems against requirements of Schedule 3, Condition 26. 2. Ensure key measures to address Water Management and to protect water



Unique Finding Identifier	Aspect	Recommendation
		quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to Water Quality are mitigated.
OBS6	Aboriginal Cultural Heritage Management Plan	<p>1. Review, and update where necessary, the Aboriginal Cultural Heritage Management Plan (ACHMP) to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented.</p> <p>2. Ensure key measures to address ACH Management and to protect ACH are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to ACH are mitigated.</p> <p>3. Review current ACH management status and approved management strategies as part of updating the ACH Database for ongoing use as part of Ground Disturbance Permitting.</p>
OBS7	Approved Plans to be On-Site	<p>1. Clean up coal tracked onto Castlereagh Highway near the site entrance.</p> <p>2. Review and advance the arrangements to prevent coal tracking onto the Castlereagh Highway.</p> <p>(Actions also apply at EPL1095, Condition O3.4) (NC26)</p>
OBS8	Rehabilitation Strategy (RS)	<p>1. Review, and update where necessary, the Rehabilitation Strategy (RS) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the RS is fit for purpose given the recommencement of operations and EIS commitments.</p> <p>2. Undertake a detailed review of all commitments, requirements and regulatory/enforcement actions related to rehabilitation to ensure key rehabilitation measures are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to the environment are mitigated. Incorporate the outcomes of the detailed review into the revised Rehabilitation Strategy and/or Rehabilitation management Plan.</p>
OBS9	Environmental Management Strategy (EMS)	<p>1. Review, and update where necessary, the Environmental Management Strategy (EMS) to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented.</p> <p>2. Ensure key measures to address Environmental Management and to protect environmental quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to Environmental Quality are mitigated.</p>
OBS10	Community Consultative Committee	Confirm that the CCC has adopted and is operating in accordance with the 2023 CCC Guidelines.
OBS11	Voluntary Planning Agreement	Introduce a systematic method to ensuring payments are made in accordance with the nominated agreement timeframes.
OBS12	Activities must be carried out in a competent manner	Consideration should be given to establishing a fit for purpose compliance database to capture commitments and obligations across all approvals,



Unique Finding Identifier	Aspect	Recommendation
		authorisations and licences, and for collation of records and evidence that demonstrate compliance against applicable requirements.
OBS13	Other Operating Conditions - Truck Wheel Wash	As per Condition 03.4. (NC26)
OBS14	Recording of Pollution Complaints	Review the format of Complaint Reports and update as relevant to explicitly address each item of EPL1095 Condition M4.2 (a to f).
OBS15	Records, reporting and notification – Nominated contact person	Confirm with the Resources Regulator portal that Tim Haig is the nominated contact person for CC.
OBS16	Pollution Incident Response Plan	Consideration should be given to updating the site Pollution Incident Response Plan (PIRMP) to address the updated Regulations Protection of the Environment Operations (General) Regulation 2022 (the General Regulation) and the updated Guideline: Pollution Incident Response Management Plans (2022).
OBS17	Training and Competence	Consider documenting a Training Needs Analysis, followed by the development of training packages and a site wide training program.
OBS18	Inspections and Maintenance	Consider reinstating the general monthly environmental inspections described in the EMS, including the formalisation of the inspection checklist and reporting outcomes to the mine manager.
OBS19	Inspections and Maintenance	Consider undertaking a comprehensive Walkover Inspection of all rehabilitation areas (to complement the existing rehabilitation monitoring) to capture all current maintenance requirements for prioritisation and rectification. It is noted that the Annual Walkover for rehabilitation is included within the EMS but not the RMP.
OBS20	Environmental Monitoring and Measurement	In conjunction with management plan revisions, consider increasing the utilisation of monitoring results and long terms trends, including ANZECC results for identifying change and managing environmental performance.
OBS21	Environmental Monitoring and Measurement	Consider implementing a system / process / tool for easily tracking monitoring data against criteria, annual trends, long term trends.
OBS22	Environmental Monitoring and Measurement	Monthly environmental inspections to include visual inspections for ferrous iron oxidation and other contamination.
OBS23	Compliance Management, Systems and Reporting	As per Division 4, Condition 17. (NC39) .
OBS24	Compliance Management, Systems and Reporting	Consider adopting environmental performance management systems commonly used in the NSW mining industry, such as weather forecasting tools, compliance databases, monitoring databases, spatial databases.
OBS25	Life of Mine	Given the current Life of Mine, noting commencement of MOD6 and the Forward Program, prepare and implement a Mine Closure Plan in accordance with the relevant guidelines (which may include but are not limited to: Australian and New Zealand Minerals and Energy Council (ANZMEC) Strategic Framework for Mine Closure (ANZMEC/MCA 2000), Standards for mine closure and reclamation management ISO/TC 82/SC 7 and the International Council of Mining and Metals (ICMM) Planning for Integrated Mine Closure Toolkit).
OBS26	Aquatic Monitoring	Consider establishing an aquatic monitoring program in Cullen Creek to assess mining impacts.



6.0 Discussion of Audit Findings

Castlereagh Coal's overall score for this audit was 60.45% compliance with assessable, triggered Audit Criteria. While this low conformance score is noted, based on the balance of evidence and information considered during the audit, the Audit Team's view is that this low conformance score is not representative of Castlereagh Coal's approach, commitment and actions supporting responsible environmental management at Invincible Coal Mine.

The Audit Team is of the view that circumstances and events outside Castlereagh Coal's influence at Invincible Colliery are significant contributing factors towards this low conformance score, and notes actions and initiatives underway by Castlereagh Coal to improve environmental management performance and compliance at Invincible Colliery. The Audit Team notes that the primary contributing factor towards the low conformance score appears to be absence of direct handover on environmental matters between the previous owners and Castlereagh Coal, which appears to have led to some loss between parties in the continuity of some of the environmental records, and in the understanding of the mine conditions and forward status, particularly with respect to mine rehabilitation plans and progress. This limited environmental handover between the previous owners and Castlereagh Coal appears to have been exacerbated by the timing of Castlereagh Coal's acquisition of Invincible Colliery, which was during an extended care and maintenance period, during which time limited resources were available between parties to undertake and follow up a more comprehensive environmental handover.

It is suggested that it this lack of handover and continuing of environmentally focus resources has contributed to the audit findings for management plans. Castlereagh Coal on recommencement effectively had to start at zero, learning the environmental management status, requirements and risks. Following this audit and building on current momentum, Castlereagh Coal can revise management plans so that they are fit for purpose and representative of the current status of mining.

The Audit Team is of the view that the opportunities for the current Environmental Superintendent and Mine Manager to take the outcomes of this audit forward, by drawing a line under past practices, drive improvements and assigning adequate resources to create a positive outcomes for the mine.

The Audit Team notes that since Castlereagh Coal's acquisition of Invincible Colliery, they have demonstrated their commitment to improving their understanding of environmental matters and to improving environmental compliance and performance at Invincible Colliery. Since acquisition, Castlereagh Coal have engaged with a range of different environmental specialists and subcontractors to advise on, and manage, environmental compliance and performance during the planning and recommencement of operations, including employment of a dedicated full-time Environmental Superintendent in September 2024.

Specific actions and initiatives noted throughout the audit considerations are detailed in the Compliance Spreadsheets in Appendix C, and include recent review and implementation of a range of tools for managing compliance. Importantly, the team at Invincible Colliery expressed a positive enthusiasm for implementing actions associated with environmental management and compliance into the future.

Whilst acknowledging key challenges, positive actions, attitudes and opportunities, further improvement is needed to obtain evidence and determine compliance with non-verified, triggered Audit Criteria, to address non-compliant findings, and to develop a higher level of maturity within Castlereagh Coal's environmental compliance management and monitoring systems, particularly those related to rehabilitation planning, implementation and monitoring as well as management plan implementation.



7.0 Conclusion

This IEA has been prepared for Castlereagh Coal's Invincible Colliery to meet the requirements of Schedule 5, Conditions 11 and 12 of 07_0127 (MOD 5).

The IEA was conducted in accordance with Project Approval 07_0127 (MOD 5), the New South Wales (NSW) Government *Post-approval requirements for State significant developments* (October 2015) and AS/NZS ISO 19011:2014 Australian/New Zealand Standard: *Guidelines for quality and/or environmental management systems auditing*.

The site component of the IEA was undertaken on 2, 3 and 4 October 2024 by Lead Auditor Anna Cochrane and assisted by Stephen Shoemsmith. Audit documentation and information was provided before, during and after the site inspection.

The audit assessed compliance against:

- Project Approval (PA) MP07_0127.
- Environment Protection Licence (EPL) 1095.
- Mining Leases (ML 1635, ML 1638, ML 1844 and ML 1860)– Standard Mining Lease Conditions.
- WAL 36485 (10BL602586).
- Environmental Management Plans.
- 2016 IEA Audit Actions.

Within the Audit Criteria 195 total conditions were identified. Of these, 47 (24.1%) were not triggered during the audit period, and 14 (7.18%) were identified as notes for information.

The remaining 134 conditions were identified as assessable conditions for the purposes of determining overall compliance with the Audit Criteria. Compliance with 81 (60.45%) of these was determined during the audit, including 15 (11.19%) conditions for which compliance was indicated alongside observations identifying potential opportunities for improvement (discussed further in Section 3.4.2).

Non-compliances were identified against 39 (29.1%) of the assessable Audit Criteria.

SLR has identified a number of recommendations to address non-compliances, criteria not-verified, as well as opportunities for improvement with regard to environmental performance. In addition to Observations made against Audit Criteria, one (1) additional Not-Verified audit finding was raised for follow up (**NV15**). A further eleven (11) additional Observations have been made where opportunities for further improvement to Environmental Management Plans and overall environmental performance have been identified (**OBS18** to **OBS28**). These additional actions are outlined in Table 12.

Key strengths were noted by the audit team, including:

- Engagement of Castlereagh Coal management team in environmental performance and the audit.
- Employment of dedicated environmental resources.
- ESC and Rehabilitation Inspections.
- Introduction of the Environmental Obligations spreadsheet.
- Some areas of rehabilitation are progressing positively. During the site inspection Superb lyrebird (*Menura novaehollandiae*) were observed and heard.

It is noted that Castlereagh Coal acquired Invincible Coal Mine without a direct handover from its previous owner whilst on care and maintenance, a range of different persons /



companies have been engaged since recommencement of operations to manage environmental performance, a dedicated Environmental Superintendent has been employed in September 2024 and tools for managing compliance have been introduced recently. Importantly, the team at Invincible Colliery expressed a positive enthusiasm for implementing actions associated with environmental management and compliance into the future.





Appendix A Audit Team Approval Records

Independent Environmental Audit

Invincible Colliery

Shoalhaven Coal Pty Ltd (Castlereagh Coal)

SLR Project No.: 630.031463.00001

14 November 2024

NSW Planning ref: MP07_0127-PA-44

Mr Kevin Reed
Director
SHOALHAVEN COAL PTY LTD
PO Box 3011
Bowenfels New South Wales 2790

02/07/2024

Subject: Invincible Coal Mine - Expansion – Independent Environmental Audit 2024

Auditor approval

Dear Mr Reed

I refer to your request (MP07_0127-PA-44) submitted to NSW Department of Planning, Housing and Infrastructure (**NSW Planning**) on 25 June 2024 for the Secretary's approval of suitably qualified persons to prepare and undertake the 2021-2024 Independent Environmental Audit (IEA) and prepare the IEA report in accordance with Schedule 5, Condition 11 of MP07_0127 (as modified) the approval, for Invincible Coal Mine.

NSW Planning has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. In accordance with Schedule 5, Condition 11 of the approval and the Independent Audit Post Approval Requirements, the Secretary has agreed to the following audit team from SLR Consulting Australia Pty Ltd (SLR) to undertake the IEA and prepare the IEA report:

- Anne Cochran - Lead Auditor
- Stephen Shoesmith - Assistant Auditor
- Samuel McDonald - Assistant Auditor

This approval is conditional on the audit team being independent of the development and maintaining a current Exemplar Global accreditation. Please ensure this correspondence is appended to the Independent Audit Report.

The audit is to be conducted in accordance with the condition of approval and AS/NZS ISO 19011 Australian/New Zealand Standard: Guidelines for quality and/or environmental management systems auditing. The Audit team may also wish to consider the and the Independent Audit Post Approval Requirements (Department 2020 or as updated). A copy of this guideline can be located at

<http://planning.nsw.gov.au/Policy-and-Legislation/Mining-and-Resources/Integrated-Mining-Policy>.

The audit must:

- include consultation with the relevant agencies;
- assess the environmental performance of the project and assess whether it is complying with the relevant requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);
- review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate;
- recommend measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under these approvals.

Failure to meet these requirements will require revision and resubmission.

NSW Planning 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.

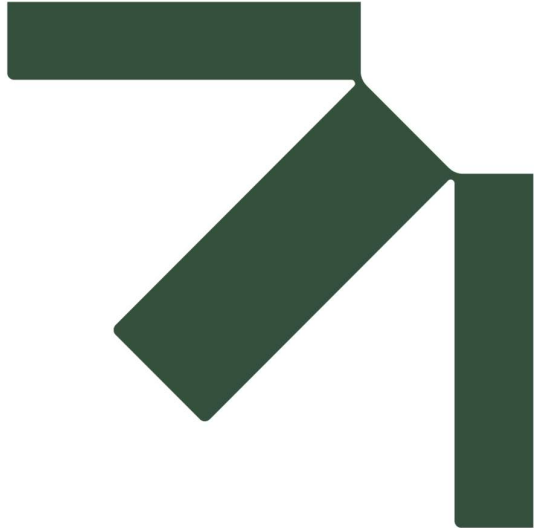
In accordance with Schedule 5 condition 12 within 3 months of commission the audit, or as otherwise agreed by the Planning Secretary, the Proponent must submit a copy of the audit report to the Planning Secretary, together with its response to any recommendations contained in the audit report.

Should you wish to discuss the matter further, please contact Michael Wood on 0459890661 or email compliance@planning.nsw.gov.au

Yours sincerely



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



Appendix B Consultation

Independent Environmental Audit

Invincible Colliery

Shoalhaven Coal Pty Ltd (Castlereagh Coal)

SLR Project No.: 630.031463.00001

14 November 2024

Stakeholder Consultation

Proponent	Shoalhaven Coal Pty Ltd trading as Castlereagh Coal
Approval:	MP0_0127 MOD 5
Project:	Invincible Coal Project
Land:	Part Ben Bullen State Forest, Lot 1/DP 180294, Lot 113/DP 877190, Lot 112/DP 877190
Approval Authority	Minister for Planning
Lead Auditor	Anna Cochrane
Audit Team	Stephen Shoemsmith Samuel McDonald
Audit Period	13 July 2023 - 13 July 2024
Site Visit Date	2 October 2023 - 4 October 2024

Condition of Consent Number	Consultation Comments	Independent Audit Findings and Comments
Department of Planning, Housing & Infrastructure (DPHI)		
	Has no other request for or referrals. Notes the mention of 'recommencement of mining operations' (i.e 23 to 24) as the time period. If you find anything relevant in the preceding 2 years (i.e from 2021 onwards) please also include in the IEA.	Noted - during the audit, consideration was given to environmental aspects of previous mining operations as detailed in this audit report. Issues considered included, for example. progression of mining activities, rehabilitation progress and performance, wastewater management, potential legacy contamination issues (e.g. workshop area), tailings management, site drainage and water management. Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: NC2, NC8, NC18, NC28, NC34, NV8, OBS2, OBS15.
Environment Protection Authority (EPA)		
O4.1	Tracking of coal fines/dirt on to the Castlereagh Highway. The EPA has received a number of complaints from a resident of Cullen Bullen re the tracking of grit from both the Invincible and Cullen Valley mines on to the Highway. The EPA is yet to verify the magnitude of these complaints (we note minor tracking but not to the extent of what the complainant states). We have raised it with Tim Haig and I understand the wheel wash at Invincible is back in commission but it is possible that not all the road trucks (contractors) use it. The current set-up at the site is not ideal re traffic management where it appears that mine haul trucks can cross over roads used by road vehicles. This situation may change as the current mining operation 'matures'.	Complaint Investigation: There was an EPA complaint, specifically regarding whether loads were covered. An investigation found no direct evidence that uncovered loads were leaving the site, suggesting the complaint was unsubstantiated. There are ongoing discussions related to wheel wash facilities and truck movements to control dust and debris on public roads. The wheel wash was observed during the site inspection. A maintenance program for cleaning of access roads between the wheel wash and the site exit would further reduce tracking of dirt and coal fines from the premises. CC received a complaint via the EPA in June 2024 regarding coal spillage. Investigation response to EPA noted wheel wash was in operation. Reminders to truck operators issued. Coal materials were also observed along road verges of the Castlereagh Highway near the site entrance that may have originated from the mine. Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: NC26 and OBS6.
Water and Rehab	Management of low pH water likely originating from old coal washery settlement ponds. The EPA detected low pH water in a dam known as the 'leachate dam' (an inappropriate name given it is a farm dam) in August last year. The 'leachate dam' is downslope of the 'leachate sump' (another low pH dam) and the 'Environmental dam' – a dam constructed to collect leachate from old colliery activities and which should be known as the leachate dam. A Pollution Reduction Program (PRP) was placed on the licence to manage and investigate this water and the EPA is currently considering the next stage of investigations/remediation work. Tim has stated that it is his preference to just get in and commence rehabilitation activities at this part of the premises which is potentially not a bad idea if undertaken with a suitable plan in mind and appropriate mechanisms to measure the success or otherwise of these works.	AGE Consultants were engaged to complete the Investigation. A report dated, February 2024 was submitted to the EPA for review. The EPA responded to the submission, dated 30 April 2024. The EPA noted the reports inclusions but flagged its view that the report did not address the U1.1 requirements. The EPA issued a draft notice to vary EPL 1095 on 30 April 2024. Pump infrastructure was viewed as part of the Site inspection. Discussions with the CC indicate that the contaminated surface water is pumped to the Main Storage Dam. It is noted that future management of the tailings drying area was included in the Southern Extension Environmental Assessment. During the site inspection, tailings were observed (likely historic) outside of designated extents areas. Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: NC8, NC28, NV8, NV13, NV14, NV15 and NV16.
Dam release	The EPA also received complaints from two neighbours re Invincible forcing discharges from the main dam via a licence discharge point. This dam is effectively clean water and the issues were more in regard to the volumes released and flow direction of this water (including along the Castlereagh Highway table drain) – not its quality. Technically not a matter for the EPA but we have been liaising with Tim re this matter.	At some stage during previous management / operations by others, site drainage has been diverted away from natural flow path, resulting in flow alongside Castlereagh Highway. Site have planned works to correct the drainage to restore the natural flow, which will divert water away from the highway and restore flow path back into the natural watercourse. This should resolve the issues with water draining inappropriately from the site. There is currently no reporting of discharge volumes in EPL Monthly or Annual Review reports. Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: NC7.
	There have been no other issues in relation to noise or air quality at the Invincible Colliery.	n/a

Condition of Consent Number	Consultation Comments	Independent Audit Findings and Comments
NSW Resources Regulator		
	Up to 1 July 2022: Assess compliance against relevant environmental conditions of the mining leases, including implementation of the MOP for the site	Not relevant to scope of this audit (audit period July 2024 to July 2024).
	From 2 July 2022: Assess compliance with Sch 8A Standard conditions of mining leases, Part 2 Standard conditions (Mining Regulation 2016)	An assessment of compliance with Sch 8A Standard conditions of mining leases, Part 2 Standard conditions (Mining Regulation 2016) has been completed as part of this audit report. Refer to audit checklist 'RA ML Conditions' for details of the assessment, evidence considered, findings and recommendations to address any identified non-compliances with ML conditions. Refer to RMP ML Conditions TAB
	Note observations where rehabilitation procedures, practices and outcomes represent industry best practice.	It is noted that older rehabilitation at the site inspected as part of the audit was showing very positive progression (anecdotal) towards advanced rehabilitation phases. Refer to Section 4.5.
	Send a copy of the report to the Resources Regulator	Proponent to provide copy of report to the Resources Regulator and retain evidence. Confirm in next audit cycle.
Department of Climate Change, Energy, the Environment and Water (NSW DECEW)		
	The requirement to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management and mitigation. These plans may include: <ul style="list-style-type: none"> •Water Management Plans, and related sub-plans e.g. Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface and Groundwater Management Plan. •Extraction Plans and related sub-plans e.g. Water Management Plan, Subsidence Management Plan. 	Assessment against relevant Conditions of Consent as detailed in this audit report. Refer to Schedule 3, Conditions 26, 27 and 29 in Audit Checklist MP07_0127 TAB Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: NC7 and NC8.
	The requirement to prepare and implement trigger action response plan for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance based reporting.	Assessment against relevant Conditions of Consent as detailed in this audit report. Refer to Schedule 3, Conditions 24 in Audit Checklist MP07_0127 TAB. Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: NC7, NC8 and OBS4.
	Water supply availability is clearly defined for the project.	Water Supply for the project is detailed in the 2016 Environmental Assessment MOD5. An updated Site Water Balance was not included in the 2023 Annual Review. CC has commissioned a review and revision of the Water Management Plan, including the site water balance. Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: NV1
	Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2018.	This query could not be verified as part of the audit. It is understood that CC has engaged a consultant to review and revise the Water Management Plan. Recommendations have been included within WAL 36485 Checklist for CC to provide a response to this query as part of the next Annual Review. Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: NV19 and NV20
	Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant.	This query could not be verified as part of the audit. It is understood that CC has engaged a consultant to review and revise the Water Management Plan. Recommendations have been included within WAL 36485 Checklist for CC to provide a response to this query as part of the next Annual Review. Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: NV19 and NV20
	Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from.	This query could not be verified as part of the audit. It is understood that CC has engaged a consultant to review and revise the Water Management Plan. Recommendations have been included within WAL 36485 Checklist for CC to provide a response to this query as part of the next Annual Review. Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: NV19 and NV20
	Annual reporting clearly documents; 1) water take, use and water source impacts, 2) compares results with previous year's, and 3) identifies exceedances and how these are managed/mitigated.	Check Annual Review - Section 7.2 Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: NV19 and NV20

Condition of Consent Number	Consultation Comments	Independent Audit Findings and Comments
Office of Environment and Heritage		
	Re: Conditions 36-38 ACHMP & requirements for protection of ACH site Invincible OS1 and compliance with these documents.	Personnel trained and aware of cultural heritage management requirements and exclusion areas. CC confirmed during the Site inspection Aboriginal scatter at OS1 is fenced. S physical inspection of OS1 was not possible due to current operations within the Southern Extension area. Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: OBS16
	Contact DPHI Infrastructure Compliance Team to determine if there is any non-compliance with Conditions of Consent for the project.	No non-compliance with Conditions of Consent wrt ACH requirements were noted during the conduct of this audit.
Lithgow City Council		
	It is advised that Council is generally satisfied with the progress and operations of the Mine and have no feedback to provide at this time.	n/a
Community Consultative Committee		
Rehab	Lack of rehab considering the premise of the southern extension was to provide fill for this purpose.	Assessment against relevant Conditions of Consent as detailed in this audit report. Refer to Schedule 3, Condition 50 in Audit Checklist MP07_0127 TAB Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: Refer to NC15 and NC16
Water / Drainage	There is a large flow of water from the northern void area that is not a discharge point under the water management plan. There is large flows of water beside the Castlereagh Highway causing inundation of land. Visible on Castlereagh Highway on approach to the Village, near the 50km/hr road sign, there is a culvert under the road and water has inundated the adjacent land causing it to be impassable / unusable.	At some stage during previous management / operations by others, site drainage has been diverted away from natural flow path, resulting in flow alongside Castlereagh Highway. Site have planned works to correct the drainage to restore the natural flow, which will divert water away from the highway and restore flow path back into the natural watercourse. This should resolve the issues with water draining inappropriately from the site. Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: Refer to NC7
Water / Drainage	There appears to be lack of aquatic life in Cullen Creek.	Consideration of impacts to aquatic species within the MOD5 Environmental Assessment found that No Fisheries Management Act 1994 (FM Act) listed threatened aquatic flora or fauna species were recorded or are expected to occur within the Southern Extension Area. The MOD4 Environmental Assessment found that The aquatic habitats in the vicinity are limited to minor ephemeral drainage lines and farm dams. Refer to Section 5 of the Audit Report. Key Findings that relate to comments include: Refer to OBS21.

Anna Cochrane

From: Michael Wood <Michael.Wood@environment.nsw.gov.au>
Sent: Tuesday, 16 July 2024 12:24 PM
To: Anna Cochrane
Subject: RE: MP 07_0127 Invincible Colliery: Agency Consultation for Independent Environmental Audit 2024

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi Anna,

I've had a look and have no other requests for or referrals.

I note you mention '*recommencement of mining operations*' (i.e 23 to 24) as the time period. If you find anything relevant in the preceding 2 years i.e from 2021 onwards please also include in the IEA.

Regards

Michael Wood

From: Anna Cochrane <acochrane@slrconsulting.com>
Sent: Tuesday, 16 July 2024 11:51 AM
To: Michael Wood <Michael.Wood@environment.nsw.gov.au>
Subject: RE: MP 07_0127 Invincible Colliery: Agency Consultation for Independent Environmental Audit 2024

Hi Michael,

Thanks for confirming receipt of my email. I will look forward to your feedback when available.

Kind regards,
Anna

Anna Cochrane *(she/her/hers)*

BSc(Geol), GDip(SoilSci), Lead Auditor (EMS, C-427136 Exp: 17Mar2025)

Principal Consultant - Environmental Management, Permitting and Compliance

[View my professional and personal accreditations](#)

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SLR Consulting Australia Pty Ltd
Level 1, 382 Sturt St, Townsville City, QLD, Australia 4810



SLR acknowledges the traditional custodians of Country and recognises their continuing stewardship and connection to land, water and community. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders past and present.

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From: Michael Wood <Michael.Wood@environment.nsw.gov.au>
Sent: Tuesday, July 16, 2024 11:49 AM
To: Anna Cochrane <acochrane@slrconsulting.com>
Subject: FW: MP 07_0127 Invincible Colliery: Agency Consultation for Independent Environmental Audit 2024

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Hi Anna,

Thanks for your email - will advise asap

Regards

Michael Wood
0459890661

From: Katrina O'Reilly <Katrina.OReilly@planning.nsw.gov.au>
Sent: Wednesday, 10 July 2024 4:40 PM
To: Michael Wood <Michael.Wood@environment.nsw.gov.au>
Subject: Fwd: MP 07_0127 Invincible Colliery: Agency Consultation for Independent Environmental Audit 2024

Woody,

Can you please provide feedback.

Ta
Ko

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From: Alfarid Hussain <Alfarid.Hussain@planning.nsw.gov.au> on behalf of DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Sent: Wednesday, July 10, 2024 4:04:38 PM
To: Katrina O'Reilly <Katrina.OReilly@planning.nsw.gov.au>
Subject: FW: MP 07_0127 Invincible Colliery: Agency Consultation for Independent Environmental Audit 2024

From: Anna Cochrane <acochrane@slrconsulting.com>
Sent: Wednesday, 10 July 2024 3:53 PM
To: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Subject: MP 07_0127 Invincible Colliery: Agency Consultation for Independent Environmental Audit 2024

SLR Project Ref: 630.031463.00001

Attention: Michael Wood, Compliance Officer
cc: Katrina O'Reilly, Team Leader – Compliance

Dear Michael,

As per DPHI's letter (attached), SLR Consulting Australia Pty Ltd (SLR) have been approved by DPHI to conduct the Independent Environmental Audit (IEA) for Invincible Coal Mine expansion (MP07_0127 as modified, the Approval). The IEA will be completed in accordance with the following:

- Schedule 5, Conditions 5, 6 and 7 of the Project Approval
- AS/NZS ISO 19011 *Guidelines for auditing management systems*
- *Independent Audit Guideline: Post-approval requirements for State significant developments* (NSW Government, October 2015, the guidelines).

It is proposed that the audit will cover the 12-month period from date of recommencement of mining operations (July 2023) to July 2024.

The approved Audit Team includes:

- Anna Cochrane, Principal Consultant – Lead Auditor
- Stephen Shoemith, Principal Consultant – Auditor
- Samuel McDonald, Senior Project Consultant – Assistant Auditor

As per Section 4.2 agency and Community Consultation of the audit guidelines, we would like to confirm which agencies that the Department would like consulted for input into the scope of the audit. SLR will consult with the following agencies:

- Department of Planning & Environment (DPE) – via this email request
- Environment Protection Authority (EPA)
- NSW Resources Regulator
- Department of Climate Change, Energy, the Environment and Water (NSW DECCEEW) – Water Assessments
- NSW Heritage
- Lithgow City Council (Council)
- Invincible Colliery Community Consultative Committee (if relevant)

If the Department would like any other agencies or community stakeholders included in the audit consultation, please advise as soon as possible, thank you.

In addition, as required by the audit guidelines, ***we request the Department's feedback on the Project and/or any key aspects that the Department would like reviewed within the agreed scope of the IEA.*** To allow for adequate consideration within the IEA it is requested that feedback be provided as soon as possible, for consideration during the site inspection phase of the audit.

If you would like to discuss the site or the Independent Environmental Audit further, please do not hesitate to contact me as below.

Regards,

Anna Cochrane

Anna Cochrane (*she/her/hers*)

BSc(Geol), GDip(SoilSci), Lead Auditor (EMS, C-427136 Exp: 17Mar2025)

Principal Consultant - Environmental Management, Permitting and Compliance

[View my professional and personal accreditations](#)

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M +61 408 052 844 **E** acochrane@slrconsulting.com

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Anna Cochrane

From: Andrew Helms <Andrew.Helms@epa.nsw.gov.au>
Sent: Friday, 9 August 2024 5:29 PM
To: Anna Cochrane
Subject: RE: MP 07_0127 Invincible Colliery: Agency Consultation for Independent Environmental Audit 2024

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from andrew.helms@epa.nsw.gov.au. [Learn why this is important](#)

Hi Anna,

Apologies for not replying sooner.

The EPA has had some recent interactions with Invincible Colliery (under Environment Protection Licence 1095). These are summarised below”

- Tracking of coal fines/dirt on to the Castlereagh Highway. The EPA has received a number of complaints from a resident of Cullen Bullen re the tracking of grit from both the Invincible and Cullen Valley mines on to the Highway. The EPA is yet to verify the magnitude of these complaints (we note minor tracking but not to the extent of what the complainant states). We have raised it with Tim Haig and I understand the wheel wash at Invincible is back in commission but it is possible that not all the road trucks (contractors) use it. The current set-up at the site is not ideal re traffic management where it appears that mine haul trucks can cross over roads used by road vehicles. This situation may change as the current mining operation ‘matures’.
- Management of low pH water likely originating from old coal washery settlement ponds. The EPA detected low pH water in a dam known as the ‘leachate dam’ (an inappropriate name given it is a farm dam) in August last year. The ‘leachate dam’ is downslope of the ‘leachate sump’ (another low pH dam) and the ‘Environmental dam’ – a dam constructed to collect leachate from old colliery activities and which should be known as the leachate dam. A Pollution Reduction Program (PRP) was placed on the licence to manage and investigate this water and the EPA is currently considering the next stage of investigations/remediation work. Tim has stated that it is his preference to just get in and commence rehabilitation activities at this part of the premises which is potentially not a bad idea if undertaken with a suitable plan in mind and appropriate mechanisms to measure the success or otherwise of these works.
- The EPA also received complaints from two neighbour re Invincible forcing discharges from the main dam via a licence discharge point. This dam is effectively clean water and the issues were more in regard to the volumes released and flow direction of this water (including along the Castlereagh Highway table drain) – not its quality. Technically not a matter for the EPA but we have been liaising with Tim re this matter.
- There have been no other issues in relation to noise or air quality at the Invincible Colliery.

I trust that these notes are of some use to you.

Regards,

Andrew Helms

Regional Operations Officer
NSW Environment Protection Authority
D 02 6333 3805



www.epa.nsw.gov.au @NSW_EPA

The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past and present.

Report pollution and environmental incidents
131 555 or +61 2 9995 5555

----- Forwarded Message -----

From: Anna Cochrane [acochrane@slrconsulting.com]

Sent: 23/07/2024 13:32

To: info@epa.nsw.gov.au

Subject: MP 07_0127 Invincible Colliery: Agency Consultation for Independent Environmental Audit 2024

SLR Project Ref: 630.031463.00001

Consultation: Environment Protection Authority

To Whom it May Concern,

As per the attached letter, SLR Consulting Australia Pty Ltd (SLR) have been approved by the Department of Planning, Housing, and Infrastructure (DPHI) to conduct the Independent Environmental Audit (IEA) for Invincible Coal Mine expansion (MP07_0127 as modified, the Project Approval). The audit is to assess compliance with conditions of the Project Approval, the environmental performance of operations activities allowed by the Project Approval, and their effects on the surrounding environment. At DPHI's request, the audit will cover the period from two years prior to one year after the recommencement of mining operations, i.e. July 2021 to July 2024.

This audit will be completed in accordance with Schedule 5, Conditions 11 and 12 of the Project Approval, DPIE's approved Audit Program, and *Independent Audit Post Approval Requirements* (DPIE, 2020, the guidelines).

I am writing to request your organisation's feedback on the Project and/or any key aspects that you would like reviewed within the agreed scope of the IEA.

Feedback can be provided by responding to this email. To allow for adequate consideration within the IEA it is requested that feedback be provided as soon as possible, for consideration during the site inspection phase of the audit, planned to commence from 12th August 2024.

If you would like to discuss the site or the Independent Environmental Audit further, please do not hesitate to contact me on 0408052844.

Regards,

Anna Cochrane

Lead Auditor

Anna Cochrane *(she/her/hers)*

BSc(Geol), GDip(SoilSci), Lead Auditor (EMS, C?427136 Exp: 17Mar2025)

Principal Consultant?Environmental Management, Permitting and Compliance

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2 August 2024

Ms Anna Cochrane
SLR Consulting Australia Pty Ltd
Level 1, 382 Sturt Street
Townsville City QLD 4810
By Email: acochrane@slrconsulting.com

Re: Invincible Colliery – Independent Environmental Audit

Dear Ms Cochrane,

Thank you for your email dated 23 July 2024 (our reference: AREQ0055895) requesting consultation on the independent audit to be undertaken of the Invincible Colliery which is covered by mining leases CCL702 (1973), ML1635 (1992), ML1638 (1992) and ML1844 (1992).

The independent environmental audit is required to assess compliance against the relevant environmental management conditions of the mining leases up to 1 July 2022, including implementation of the mining operations plan for the site.

From 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016.

The audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice. It would be appreciated if a copy of the final audit report could be sent to the Regulator at nswresourcesregulator@service-now.com upon completion of the audit.

Sincerely

Jenny Ehmsen
Principal Compliance Auditor
NSW Resources Regulator

Our ref: OUT24/11129

Anna Cochrane
Level 1, 382 Sturt St, Townsville City
QLD, Australia 4810
acochrane@slrconsulting.com

25 July 2024

Subject: Invincible Coal Mine Expansion - MP07_0127-PA-44 - Independent Environmental Audit 2024

Dear Anna,

I refer to your request seeking advice from the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group on an upcoming audit for the above matter. It is understood this consultation is in accordance with conditions of approval for the project.

NSW DCCEEW Water Group understands that the scope of the audit as outlined under the development consent and the reference guideline, “Independent Audit Post Approval Requirements (2020)” extends to at least the following:

- Identification of compliance requirements and documentation of any non-compliances.
- Assessment of the adequacy and implementation of management plans and sub plans.
- Assessment of compliance against relevant regulatory requirements and legislation.
- Assessment of compliance between actual and predicted impacts in the environmental assessment.
- Reporting requirements for management plans.
- Identification of strengths of the project in environmental management and opportunities for improvement.

NSW DCCEEW Water Group requests that the audit address compliance with the following specific elements of the consent conditions and related legislative requirements in a manner consistent with the above audit scope:

- The requirement to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management and mitigation. These plans may include:
 - Water Management Plans and related sub-plans eg. Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface and Groundwater Management Plan.

- Extraction Plans and related sub-plans eg. Water Management Plan, Subsidence Management Plan.
- The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance based reporting.
- Water supply availability is clearly defined for the project.
- Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2018.
- Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant.
- Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from.
- Annual reporting clearly documents; 1) water take, use and water source impacts, 2) compares results with previous year's, and 3) identifies exceedances and how these are managed/mitigated.

Should you have any further queries in relation to this submission please do not hesitate to contact Water Assessments at water.assessments@dpie.nsw.gov.au

Yours sincerely,



Alistair Drew
Project Officer
Water Assessments
NSW Department of Climate Change, Energy, the Environment and Water

Our ref: DOC24/592359

Your ref: MP 07_0127

Anna Cochrane
Principal Consultant Environmental Management
Permitting and Compliance
SLR Consulting Australia Pty Ltd
acochrane@slrconsulting.com

Independent Environmental Audit – State Significant Development

Proposal: Invincible Colliery

Major Project reference: MP 07_0127

Received: 23 July 2024

Dear Anna,

Thank you for your referral seeking comment from Heritage NSW on the scope for the Independent Environmental Audit for the above State Significant Development. Thank you for the continued opportunity to comment on the project.

In respect to the scope of the audit for Aboriginal cultural heritage, Heritage NSW notes Schedule 3 Conditions 36-38, the development of a Heritage Management Plan, and more specifically, the requirements for the protection of Aboriginal cultural heritage site Invincible OS1, and compliance with these documents. It is recommended that the Department of Planning, Housing, and Infrastructure Compliance Team be contacted via compliance@planning.nsw.gov.au to determine if there is any non-compliance with Conditions of Consent for the project.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions regarding these comments, please contact Corey O'Driscoll, Senior Assessments Officer, at Heritage NSW on 9873 8500 or heritagemailbox@environment.nsw.gov.au.

Yours sincerely

Corey O'Driscoll

Corey O'Driscoll
Senior Assessments Officer
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*
30 July 2024

Anna Cochrane

From: Lithgow City Council <council@lithgow.nsw.gov.au>
Sent: Thursday, 5 September 2024 11:51 AM
To: Anna Cochrane
Subject: RE: Correspondence - Auditor Approval - 2021-2024 Independent Environmental Audit - Invincible Colliery - Department of Planning, Housing & Infrastructure - SLR Consulting

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Dear Anna,

Apologies for the late response with relation to the above mentioned subject.

It is advised that Council is generally satisfied with the progress and operations of the Mine and have no feedback to provide at this time.

Yours Sincerely



Lauren Stevens

Acting Team Leader Development
Development, Lithgow City Council
t: (02) 6354 9999 w: council.lithgow.com
PO Box 19, 180 Mort St, Lithgow, NSW, 2790

INTEGRITY | RESILIENCE | RESPECT | ACCOUNTABILITY

#RESPOND 2287727

#ECMBODY

From: Anna Cochrane <acochrane@slrconsulting.com>
Sent: Tuesday, July 23, 2024 1:43 PM
To: Lithgow City Council <council@lithgow.nsw.gov.au>
Subject: MP 07_0127 Invincible Colliery: Agency Consultation for Independent Environmental Audit 2024

SLR Project Ref: 630.031463.00001

Consultation: Lithgow City Council

To Whom it May Concern,

As per the attached letter, SLR Consulting Australia Pty Ltd (SLR) have been approved by the Department of Planning, Housing, and Infrastructure (DPHI) to conduct the Independent Environmental Audit (IEA) for Invincible Coal Mine expansion (MP07_0127 as modified, the Project Approval). The audit is to assess compliance with conditions of the Project Approval, the environmental performance of operations activities allowed by the Project Approval, and their effects on the surrounding environment. At DPHI's request, the audit will cover the period from two years prior to one year after the recommencement of mining operations, i.e. July 2021 to July 2024.

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If you would like to discuss the site or the Independent Environmental Audit further, please do not hesitate to contact me on 0408052844.

Regards,

Anna Cochrane
Lead Auditor

Anna Cochrane *(she/her/hers)*

BSc(Geol), GDip(SoilSci), Lead Auditor (EMS, C-427136 Exp: 17Mar2025)

Principal Consultant - Environmental Management, Permitting and Compliance

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Anna Cochrane *(she/her/hers)*

BSc(Geol), GDip(SoilSci), Lead Auditor (EMS, C-427136 Exp: 17Mar2025)

Principal Consultant - Environmental Management, Permitting and Compliance

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Anna Cochrane

From: Beth Bulkeley <bethmbulkeley@gmail.com>
Sent: Monday, 12 August 2024 8:48 AM
To: Anna Cochrane
Subject: Invincible audit

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi Anna

I spoke to Ray Blakey and the only concerns are the lack of rehab considering the premise of the southern extension was to provide fill for this purpose Also the large flows of water beside the Castlereagh highway and the lack of aquatic life in Cullen creek There is a large flow of water from the northern void area that is not a discharge point under the water management plan Cheers Michael Bulkeley

Sent from my iPhone



Appendix C Compliance Spreadsheets

Independent Environmental Audit

Invincible Colliery

Shoalhaven Coal Pty Ltd (Castlereagh Coal)

SLR Project No.: 630.031463.00001

14 November 2024

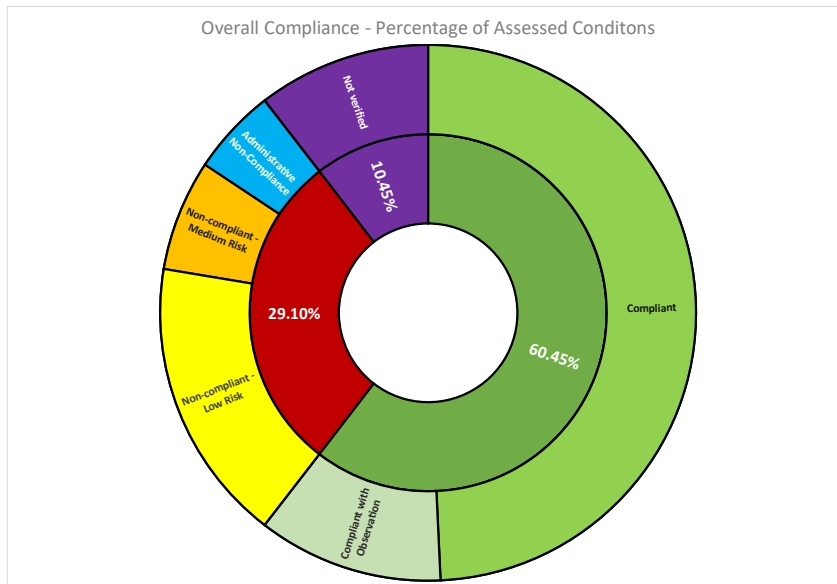
Independent Environmental Audit - Invincible Coal Mine, 2024

Proponent: Shoalhaven Coal Pty Ltd trading as Castlereagh Coal
Approval: MP0_0127 MOD 5
Project: Invincible Coal Project
 Part Ben Bullen State Forest, Lot 1/DP 180294, Lot 113/DP 877190,
 Lot 112/DP 877190

Approval Authority: Minister for Planning
Lead Auditor: Anna Cochrane
Audit Team: Stephen Shoesmith
 Samuel McDonald

Audit Period: 13 July 2023 - 13 July 2024
Site Visit Date: 2 October 2023 - 4 October 2024

Compliance Status	Project Approval MP07_0127 MOD5	EPL1095	RMP ML	WAL 36485	Total	Percentage of total conditions	Percentage of assessed conditions	OVERALL COMPLIANCE
Compliant	32	30	4	0	66	33.85%	49.25%	60.45%
Compliant with Observation	11	3	1	0	15	7.69%	11.19%	
Not verified	7	3	2	2	14	7.18%	10.45%	10.45%
Non-compliant - High Risk	0	0	0	0	0	0.00%	0.00%	29.10%
Non-compliant - Medium Risk	6	0	3	0	9	4.62%	6.72%	
Non-compliant - Low Risk	8	7	8	0	23	11.79%	17.16%	
Administrative Non-Compliance	7	0	0	0	7	3.59%	5.22%	
Not Triggered	21	21	5	0	47	24.10%	n/a	n/a
Note	3	8	3	0	14	7.18%	n/a	n/a
Total conditions	95	72	26	2	195	100.00%	n/a	n/a
Total assessed conditions (excluding not triggered and notes)	71	43	18	2	134	68.72%	100.00%	100.00%



Independent Environmental Audit - MOD 5

Proponent Shoalhaven Coal Pty Ltd trading as Castlereagh Coal
Approval: MP0_0127 MOD 5
Project: Invincible Coal Project
Land: Part Ben Bullen State Forest, Lot 1/DP 180294, Lot 113/DP 877190, Lot 112/DP 877190
Approval Authority Minister for Planning
Lead Auditor Anna Cochrane
Audit Team Stephen Shoesmith
 Samuel McDonald
Audit Period 13 July 2023 - 13 July 2024
Site Visit Date 2 October 2023 - 4 October 2024

COMPLIANCE REQUIREMENT LEGEND:
As modified by MOD 1 approved 12 January 2009
As modified by MOD 2 approved 12 August 2009
As modified by MOD 3 approved 8 October 2010
As modified by MOD 4 disapproved 17 October 2014
As modified MOD 5 approved 2 February 2018

Compliance Status Legend
Compliant
Compliant with Observation
Not verified
Non-compliant - High Risk
Non-compliant - Medium Risk
Non-compliant - Low Risk
Administrative Non-Compliance
Not Triggered
Note

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
SCHEDULE 2						
ADMINISTRATIVE CONDITIONS						
Obligation to Minimise Harm to the Environment						
1	In addition to meeting the specific performance criteria established under this approval, the Proponent must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.	Site Inspection Site Management Plans	Whilst no material harm incidents have been reported during the audit period. Review of management plan implementation has found that a range of measures to prevent and/or minimise material harm to the environment have not been implemented.	Non-compliant - Low Risk	NC1	As per Recommendations raised in this audit report.
Terms of Approval						
2	The Proponent must carry out the project: (a) generally in accordance with the EA; and (b) in accordance with the conditions of this approval. <i>Note: The general layout of the project is shown in the figures in Appendix 1.</i>	Environmental Assessment - Mod 5 - Southern Extension	The audit found that during the reporting period, the Invincible Mine is carrying out operations generally in accordance with the MOD5 Environmental Assessment and SSD07_0127. Some non-compliances with Conditions and Management Plan implementation have been identified and are detailed below.	Compliant		
3	If there is any inconsistency between documents listed in condition 2(a) above, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.	N/R	Noted	Note		
4	The Proponent must comply with any reasonable requirements of the Secretary arising from the Department's assessment of: (a) any strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with the conditions of this approval; (b) any reviews, reports or audits commissioned by the Department regarding compliance with this approval; and (c) the implementation of any actions or measures contained in these documents.	Management Plan approvals Invincible Coal Project (PA07_0127) – SHOW CAUSE, 26/08/2024 Response to INV-73599217 Invincible Coal Project (PA07_0127) – SHOW CAUSE, 12/09/2024	Sighted examples from Management Plan approvals Show Cause letter (INV-73599271) was issued wrt biodiversity offset strategy. Alleged the Company had not submitted a Conservation Bond (the Bond), Biodiversity Offset Strategy (BOS) or an updated Biodiversity Management Plan (BMP) as required under Invincible consent PA07_0127 (Modification 5), Schedule 3 Conditions 30, 32, 33 and 35. In this regard, the Show Cause required a response from CC by the 13 September 2024. It is noted that DPHI has confirmed that on 13 September 2024 NSW Planning had received a response.	Compliant		
Limits on Approval						
Mining Operations						
5	The Proponent may carry out mining operations on the site until 31 December 2025. <i>Note: Under this approval, the Proponent is required to rehabilitate the site and carry out additional undertakings to the satisfaction of the Secretary. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been rehabilitated and the additional undertakings have been carried out to a satisfactory standard.</i>	RMP, RCE, Forward Plan, Annual Review Attached. Correspondence for approval of the RMP is saved under terms of approval.	Compliant - site operations within approved period. MOD 6 submitted for extension to approved mining operations, will include extension beyond 31 Dec 2025.	Compliant		
Mining Restrictions						
6	The Proponent must not carry out mining operations within the hatched areas shown in Appendix 2.	NearMap image dated 6 March 2024	NearMap image dated 6 March 2024 shows no disturbance outside allowed areas. Have raised a PO for survey and peg-out of approved boundary. Also operate a Ground Disturbance Permit process, Mine Manager & Enviro Manager review & approve. Template sighted.	Compliant with Observation	OBS1	1. Ensure geographic survey and peg-out of approved project boundary and disturbance areas is completed. 2. Following Item 1, ensure the site survey plan is integrated into the mine's compliance and operational management systems and processes to ensure that mining activities are only undertaken within the approved boundaries.
Coal Extraction & Transport						
7	The Proponent must not: (a) extract or transport more than 1.2 million tonnes of product coal per calendar year from the site; (b) permit more than 146 laden coal truck movements from the site per day, averaged over a week, with a maximum of 16 laden coal truck movements per hour; (c) permit more than 10 laden coal truck movements to the Shoalhaven Starches Plant per day, averaged over a week.	Coal haulage vehicle management plan, daily run rate, Transport Management Plan, Coal deliveries register Annual Review 2023 Invincible Mine Forward Program 1 Jan 2023 to 31 Dec 2025	Resources Regulator Forward Plan for mine shows maximum 0.75Mt for Year 3 (up to 31 Dec 2025). Planned production across the Forward Program is expected to be below production limits. Weighbridge records, collated weekly by site admin. Size and capacity of current fleet limit coal extraction & transport. Reviewed a Coal Deliveries Spreadsheet tracking truck movements for the first half of 2024 (H1 2024). Findings confirm that coal production and transport levels are currently below the specified limits. Change management process in place to assess implications and risk in event of increase to coal extraction and transport operations.	Compliant		

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
Hours of Operation						
8	The Proponent: (a) must only undertake the removal and emplacement of overburden and the extraction of coal, excluding the activities referred to in (c) below, during the day; (b) must only process coal on site and/or transport coal from the site during the day and evening; and (c) may undertake maintenance activities, and safety procedures as directed by DRG, at any time.	Coal deliveries, daily run rate, weekly timesheets	Example weekly timesheet records (digital) sighted showing personnel sign-on records indicate compliance with Condition 8. Pre-Start occurs at 640 Works commence at 7am	Compliant		
Pagoda Formations, Cliff Lines and Escarpments						
9	The Proponent must ensure that the project does not impact pagoda formations, cliff lines and escarpments.	NearMap image dated 6 March 2024	NearMap image dated 6 March 2024 shows no impact on protected landforms. Mine operations are moving away from protected landforms. Rehabilitation activities / final landform will not impact unprotected landforms. It is noted that no formal inspections of pagoda formations have been conducted. however, given the above observations, this is not considered significant in the context of compliance against this part.	Compliant		
Final Layout Plans						
10	Prior to the recommencement of mining operations, the Proponent must prepare a detailed final mine plan and rehabilitation plan to the satisfaction of the Secretary.	Rehabilitation Strategy 2022 Rehabilitation Management Plan 2022 Forward Program 2023 to 2025 Secretary Approval 12 Dec 2022	Outlined in RMS & RMP. Approved by the Department (DPE) on 12 Dec 2022.	Compliant		
11	The Proponent must carry out the project in accordance with the approved mine plan and rehabilitation plan.	Rehabilitation Strategy 2022 Rehabilitation Management Plan 2022 Forward Program 2023 to 2025 Secretary Approval 12 Dec 2022	Status of Mining and Rehabilitation reported in the 2023 Annual Review is inconsistent with Three-yearly forecast cumulative disturbance and rehabilitation progression detailed in the Forward Program (2023 to 2025). A total of 10.07 Ha was forecasted in Year 1 and 32.93 was forecasted in Year 2 of the Forward Program. Correspondence from CC notes the following related to rehabilitation at the mine: - Recommencement of operations was delayed and did not begin until July 2023. This has affected the forward program. - There have been significant delays in 2024 with downtime affecting the rehabilitation program. - This is an error in the annual review as the rehabilitation status and forecast is not accurate to the current operations. - In Yr1, Growth medium development was undertaken in the brown hatched area including spreading of topsoil and subsoil. - As of Dec 2023 landform establishment, growth medium development was underway although not completed. - Throughout Yr2 of the project subsoil and topsoil dumping and spreading has been undertaken in the Southeastern area. Planning is still being undertaken to conduct land prep for rehab in the Northern and North-East void areas. The confirmation of this plan will require update to the FWP and RMP The mine currently has in the order of 95 Hectares of active disturbance. Dumping is currently occurring within the Eastern Void. Rehabilitation has not occurred in accordance with the Schedule outlined in the RMP, Rehabilitation Strategy and Forward Program. Discussions during the site inspection included a description of works commissioned to advance rehabilitation, including the development of a material balance, Forward Program and Rehabilitation Cost Estimate. No timeframe for completion was confirmed. Discussions during the site inspection included a confirmation from site management of commitments to mine rehabilitation. Two Section 240 Notices issued by the Resources Regulator outside of the audit period (2021). The notices included: Notice NTCE0008970: Rehabilitation Materials Inventory. Based on the observations from the inspection outlined above, the Regulator has formed the view that there is a risk of an adverse impact on the environment due to: a) the uncertainty of the rehabilitation material inventories presents a risk that suitable types and quantities of rehabilitation cover material cannot be placed over overburden and/or waste emplacements to support the final land use (establishment of native vegetation). • Notice NTCE0008971: Landform and surface water management structures. Based on the observations from the inspection outlined above, the Regulator has formed the view that there is a risk of adverse impact to the environment due to: a) erosion of the final landform associated with unstable surface water management structures, which may lead to landform stability issues (e.g. gullyng). This may lead to the post closure release of sediment to the surrounding environment at a level significantly higher than natural landscape quantities. b) potential instability of the final landform which may result in it being unable support the nominated final land use(s). Following review of a technical investigation report, dated May 2022, Castlereagh Coal submitted an action plan (23 July 2022) outlining actions to address recommendations from the technical report. The actions consist of monitoring, detailed surveys, landform designs and material inventories. The 2023 Annual Review reported ongoing implementation of the actions. Evidence of the current status of the items in the Action Plan was not available during the audit. It is noted that on 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes. This has been deemed as a non-compliance medium risk on the basis of the Section 240 Notices, The Warning Letter issued by the Resources Regulator, agency engagement comments and the status of the Forward Program reports and progressions. It is acknowledged that consultants have been engaged to undertake mine planning and reporting requirements, however defined timing of these actions was not available during the audit. Overall, the risk rating reflects that the Resources Regulator had formed the view that there is a risk of adverse impact to the environment related to rehabilitation progress and landform stability.	Non-compliant - Medium Risk	NC2	1. Undertake a detailed Mine Planning process that produces a Life of Mine rehabilitation schedule, materials balance and supporting operational strategies to facilitate achievement of rehabilitation commitments. 2. Review compliance and operational management systems and processes to ensure that the outcomes of the detailed Mine Planning process are integrated into Business-As-Usual activities to ensure compliance with applicable measures and requirements and progression of rehabilitation activities in accordance with planned activities and timings. 3. Implement a program of temporary rehabilitation to minimise disturbance based on commitments within the RMP and EIS. 4. Undertake remedial works on the west pit rehabilitation area to address land stability issues (dump slip) and drainage line scouring
Notification of Recommencement						
12	The Proponent must notify the Department in writing of the date on which it will recommence mining operations following the mine being placed in care and maintenance in 2023.		Submissions notifying the Department of the date on which it will recommence mining operations were not sighted during the audit. CC have advised that previous employees (including Mine Manager, and Environmental Manager) did satisfy the following conditions of MP07_0127 MOD 5 by submitting notifications and corresponding with the Department. The following information that was discussed was: •the notification in writing of the date on which recommencement of mining operations will occur in accordance with Schedule 2, Condition 12.	Administrative Non-Compliance	NC3	1. Engage with DPHI to seek confirmation of the recommencement notification. If notification was completed, seek a copy of the correspondence. If correspondence cannot be verified, submit a retrospective notification. 2. Following Item 1, ensure a copy of the recommencement notification is retained and is accessible within the mine's environmental compliance management system.

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation		
Structural Adequacy								
13	The Proponent must 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. <i>Notes:</i> • Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.	No construction occurred in the last 12 months		Not Triggered				
Demolition								
14	The Proponent must ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: <i>The Demolition of Structures</i> , or its latest version.	No demolition occurred in the last 12 months		Not triggered				
Operation of Plant and Equipment								
15	The Proponent must ensure that all plant equipment used on site, or used off site to monitor the environmental performance of the project, is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Toolbox Talks Maintenance records Training package - RII Resources and Infrastructure Industry Training Package Version 3.0 Calibration records are saved under limits on approval. TBTs saved, Procedures saved.	Dedicated maintenance team conduct daily pre-starts for plant and equipment. Documented processes are in place to guide proper equipment use and maintenance. Maintenance system - includes planned & breakdown maintenance. CC's Training program includes training manuals, guides, practical and competency modules. Competency assessment, e.g. operating a haul truck. Completed example from within audit period sighted (dated 28 Feb 2022). A Training Needs Analysis was not noted within the training materials. Development of a Training Matrix to identify required training based on role and responsibilities would support other environmental compliance initiatives and be beneficial aid towards ensuring consistent and adequate level of environmental awareness is achieved across all organizational personnel. Calibration certificates - HVAS, Water Quality Meters, Weather Station - records applicable to audit period sighted. Toolbox Talks: Regular briefings to discuss safety, equipment handling, and maintenance practices. Return of Operations Checklist: A checklist to verify that equipment has been checked and is functioning properly before it's put back into use. OCE (Open Cut Examiner) Inductions and Training: Training programs for operators. Improvements are required for housekeeping around workshop, tool, equipment and waste storage areas. Also for the wastewater, oily water separator and associated infrastructure. It was noted during the site inspection that the former underground storage tank (UST) had been removed prior to mining operations in that area. Housekeeping actions from the 2016 IEA remain current and have been reproduced for this audit to simplify corrective action implementation for CC. The 2016 IEA noted that a risk assessment regarding the utilisation of the system will be undertaken prior to the system being recommissioned. The waste oil collection system will be reinstated prior to recommencing mining	Compliant with Observation	OBS2	1.Undertake maintenance and cleaning of the wastewater catch drain system. 2. Conduct a maintenance inspection and integrity test of the wastewater collection system including bunding, tanks and piping. 3.Repair the breakage in the piping that leads from the wastewater catch drain to the oil/water separator and waste oil collection tank. Investigate whether any soil contamination has resulted from the breakage. 4.Install bunding around the waste oil collection tank (if it is to remain operational). 5.Review chemical storage areas and implement corrective actions to ensure that all chemicals are stored within secondary containment; the chemical register and SDS are current and readily available; the waste collection system is inspected, maintained and repaired (as required). 6. Review housekeeping arrangements in workshop, equipment, tools and waste storage areas to ensure appropriate storage arrangements are in place to prevent leaks, spills and other potential environmental impacts. 7. Consideration should be given to documenting a Training Needs Analysis, followed by the development of training packages and a site wide training program.		
Protection of Public Infrastructure								
16	Unless the Proponent and the applicable authority agree otherwise, the Proponent must: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and (b) relocate, or pay full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project. Note: This condition does not apply to any damage to roads caused as a result of general road usage.		No damage to public infrastructure. No need to relocate public infrastructure.	Not triggered				
Planning Agreement								
17	Within 6 months of recommencing mining operations, unless the Secretary agrees otherwise, the Proponent must enter into a Voluntary Planning Agreement (VPA) with council in accordance with Division 6 of Part 4 of the EP&A Act to reflect the terms in Appendix 6.	LCC VPA, dated 5 July 2017 Site Interviews	Planning Agreement established 5 July 2017. \$0.05/tonne product coal payable to Council for community purposes. CC has entered into a Voluntary Planning Agreement (VPA) with council It is noted that payment for 2023 reporting year is in progress (PO request raised) with a due date of July 20th Each Year.	Compliant with Observation	OBS3	Introduce a systematic method to ensuring payments are made in accordance with the nominated agreement timeframes.		
Schedule 3								
Specific Environmental Conditions								
NOISE								
Acquisition Upon Request								
1	If a written request for acquisition was made by the owner of the land listed in Table 1, before the approval of Modification 5, the Proponent must acquire the land in accordance with the procedures in condition 5 and 6 of schedule 4. <i>Table 1: Land subject to acquisition upon request</i> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">Residence</th> </tr> <tr> <td style="text-align: center;">Billabong, Hillview</td> </tr> </table> <i>Note: To interpret the locations referred to in Table 1, see the applicable figures in Appendix 3.</i>	Residence	Billabong, Hillview	Noise Management Plan 3622C Invincible Colliery Noise Management Briefing 20160413	See Noise management plan section 4.2: Historically Coalpac acquired Hillview and Billabong. When Coalpac went into liquidation the properties were purchased by Manildra Group. When Shoalhaven purchased the mines, Hillview and Billabong properties were excluded in the contract. Note that the properties do not have any residents currently residing on the properties. It is understood that there is a written agreement in place with Manildra Group, however a copy was not available for review during the audit. In 2016, an assessment was undertaken that considered potential noise improvements through use of CAT 777 haul trucks in lieu of CAT 785 haul trucks. The assessment concluded that while there was some limited potential for some noise level improvements, there was still risk of at least one property acquisition. Following this assessment, Coalpac acquired both of the Billabong and Hillview properties.	Compliant		
Residence								
Billabong, Hillview								

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation																								
Noise Criteria																														
2	<p>The Proponent must ensure that the noise generated by the project does not exceed the criteria in Table 2 at any residence on privately-owned land.</p> <p><i>Table 2: Noise criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>Day</th> <th>Evening</th> <th colspan="2">Night</th> </tr> <tr> <th>L_{Aeq}(15 minute)</th> <th>L_{Aeq}(15 minute)</th> <th>L_{Aeq}(15 minute)</th> <th>L_A(1 minute)</th> </tr> </thead> <tbody> <tr> <td>393 (Billabong)</td> <td>40</td> <td>40</td> <td>35</td> <td>45</td> </tr> <tr> <td>394 (Hillview)</td> <td>43</td> <td>43</td> <td>35</td> <td>45</td> </tr> <tr> <td>All other privately owned land</td> <td>35</td> <td>35</td> <td>35</td> <td>45</td> </tr> </tbody> </table> <p><i>Note: To interpret the locations referred to in Table 2, see the applicable figures in Appendix 3.</i></p> <p>Noise generated by the project is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy (as may be revised from time to time). Appendix 4 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.</p> <p>However, these criteria do not apply if the Proponent has a written agreement with the relevant landowner to exceed the noise criteria, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	Location	Day	Evening	Night		L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _A (1 minute)	393 (Billabong)	40	40	35	45	394 (Hillview)	43	43	35	45	All other privately owned land	35	35	35	45	Noise monitoring reports	Quarterly noise monitoring undertaken to verify compliance. Published to CC website. Examples viewed from during audit period indicated noise levels at Table 2 locations were not exceeded (imperceptible noise levels).	Compliant		
Location	Day		Evening	Night																										
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _A (1 minute)																										
393 (Billabong)	40	40	35	45																										
394 (Hillview)	43	43	35	45																										
All other privately owned land	35	35	35	45																										
Operating Conditions																														
3	<p>The Proponent must:</p> <p>(a) implement all reasonable and feasible measures to minimise the operational, low frequency and road noise of the project;</p> <p>(b) minimise the noise impacts of the project during meteorological conditions when the noise criteria in this consent do not apply (see Appendix 4);</p> <p>(c) co-ordinate noise management at the site with the Cullen Valley and Baal Bone mines, to minimise any cumulative noise impacts; and</p> <p>(d) carry out regular monitoring to determine whether the development is complying with the relevant conditions of this approval.</p>	Transport management plan Noise management plan Complaints Register Incident Register Toolbox Talk - reducing idle hours Maintenance inspection checklists / records	NMP includes proactive noise mitigation measures, including that low-noise equipment be considered during procurement activities (Table 5.1). No complaints or incidents relating to noise. Pre-start meetings - include consideration of predicted weather conditions. Also positive, constant communications between operators and OCE's that includes consideration of weather conditions in context of current operations. Operations are modified in response to air quality / noise issues. Maintenance Quakers on HV and LV The Baal Bone mine has closed outside of the audit period, so active engagement with this site for noise is not applicable. Documentation of pre-start checks available	Compliant																										
Noise Management Plan																														
4	<p>Prior to recommending mining operations, unless the Secretary agrees otherwise, the Proponent must prepare a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA;</p> <p>(b) describe the measures that would be implemented to ensure compliance with the relevant noise criteria and operating conditions in this approval;</p> <p>(c) describe the proposed noise management system in detail; and</p> <p>(d) include a noise monitoring program that:</p> <ul style="list-style-type: none"> evaluates and reports on: <ul style="list-style-type: none"> the effectiveness of the noise management system; compliance against the noise conditions; and compliance against the noise operating conditions; and defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents. 	Noise management plan approval 13 Oct 2022	Noise management plan approved by the Department on 13 Oct 2022	Compliant																										
5	The Noise Management Plan approved by the Secretary must be implemented.	Coal haulage truck induction, Complaints register, complaint reports, TBTs attached	Evidence including noise monitoring reports, complaints & incidents register, training records etc indicate NMP implementation.	Compliant																										
Blasting																														
Blasting Criteria																														
6	<p>The Proponent must ensure that blasting on the site does not cause exceedance of the criteria in Table 3.</p> <p><i>Table 3: Blasting criteria</i></p> <table border="1"> <thead> <tr> <th>Location</th> <th>Airblast overpressure (dB(Lin Peak))</th> <th>Ground vibration (mm/s)</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td>Residence on privately owned land</td> <td>115</td> <td>5</td> <td>5% of the total number of blasts over a rolling period of 12 months</td> </tr> <tr> <td></td> <td>120</td> <td>10</td> <td>0%</td> </tr> </tbody> </table> <p>However, these criteria do not apply if the Proponent has a written agreement with the relevant owner to exceed these criteria, and has advised the Department in writing of the terms of this agreement.</p>	Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance	Residence on privately owned land	115	5	5% of the total number of blasts over a rolling period of 12 months		120	10	0%	EMS, Section 2 states that a Separate EMP titled 'Blast Management Plan' to be prepared and approved by regulatory agencies prior to any blasting on site.	Blasting not required as part of current extraction methods. No current or foreseen need for blasting during the life of the Southern Extension operations. No blasting conducted during audit period	Not triggered														
Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance																											
Residence on privately owned land	115	5	5% of the total number of blasts over a rolling period of 12 months																											
	120	10	0%																											
Blasting Hours																														
7	The Proponent must only carry out blasting on the site between 9 am and 5 pm Monday to Saturday. No blasting is allowed on Sundays or public holidays, or at any other time without the written approval of the Secretary.	As above	No blasting conducted during audit period	Not triggered																										

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
Blasting Frequency						
8	<p>The Proponent must not carry out more than: (a) 1 blast a day; and (b) 5 blasts a week, averaged over a calendar year, at the site.</p> <p>This condition does not apply to blasts that generate ground vibration of 0.5mm/s or less at any residence on privately-owned land, blast misfires or blasts required to ensure the safety of the mine or its workers.</p> <p>Notes:</p> <ul style="list-style-type: none"> For the purpose of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine. For the avoidance of doubt, should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast. In circumstances of recurring unfavourable weather conditions (following planned but not completed blast events), to avoid excess explosive sleep times and minimise any potential environmental impacts, the Proponent may seek agreement from the Secretary for additional blasts to be fired on a given day. 	As above	No blasting conducted during audit period	Not triggered		
Property Inspections						
9	<p>If the Proponent receives a written request from the owner of any privately-owned land within 2 kilometres of the Southern Extension Area for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the Proponent must:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:</p> <ul style="list-style-type: none"> establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and identify reasonable and feasible measures that should be implemented to minimise the potential blasting impacts of the project on the buildings and/or structures; and <p>(b) give the landowner a copy of the new or updated property inspection report.</p> <p>If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution.</p>	As above	No blasting conducted during audit period	Not triggered		
10	<p>If the owner of any privately-owned land within 2 kilometres of the Southern Extension Area, claims that buildings and/or structures on his/her land have damaged as a result of blasting on the site, then within 2 months of receiving this claim the Proponent must:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and</p> <p>(b) give the landowner a copy of the property investigation report.</p> <p>If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent must repair the damage to the satisfaction of the Secretary.</p> <p>If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution.</p>	As above	No blasting conducted during audit period	Not triggered		
Operating Conditions						
11	<p>During mining operations on site, the Proponent must:</p> <p>(a) implement reasonable and feasible measures to:</p> <ul style="list-style-type: none"> protect the safety of people and livestock in the surrounding area; protect public and/or private infrastructure/property both on the site and in the surrounding area from any damage; and minimise the dust and fume emissions of any blasting; <p>(b) ensure that blasting does not impact pagoda formations, cliff lines and escarpments;</p> <p>(c) ensure that blasting causes no more than a negligible impact to public infrastructure, including the Castlereagh Highway, Boulder Road, and any electricity transmission lines;</p> <p>(d) minimise the frequency and duration of any road closures, and avoid road closures school bus times;</p> <p>(e) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site and any associated road closures;</p> <p>(f) co-ordinate the timing of blasting on site with the timing of blasting at the Cullen Valley mine to minimise any cumulative blasting impacts; and</p> <p>(g) carry out regular monitoring to determine whether the project is complying with the relevant blasting conditions of this approval.</p>	As above	No blasting conducted during audit period	Not triggered		
12	<p>The Proponent must not undertake blasting on site within 500 metres of:</p> <p>(a) any public road; or</p> <p>(b) any land outside the site that is not owned by the Proponent, unless:</p> <ul style="list-style-type: none"> the Proponent has a written agreement with the applicable roads authority or landowner to allow blasting to be carried out closer to the public road or land, and the Proponent has advised the Department in writing of the terms of this agreement; or the Proponent has: <ul style="list-style-type: none"> demonstrated to the satisfaction of the Secretary that blasting can be carried out closer to the road or land without compromising the safety of people or livestock, or damaging buildings and/or structures; and updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the road or land outside the site that is not owned by the Proponent. 	As above	No blasting conducted during audit period	Not triggered		

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation																							
Blast Management Plan																													
13	Prior to recommencing mining operations, unless the Secretary agrees otherwise, the Proponent must prepare a Blast Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with the EPA (b) describe the measures that would be implemented to ensure compliance with the blasting criteria and operating conditions of this approval (c) include a road closure management plan for blasting within 500 m of a public road, that has been prepared in consultation with RMS and Council; and (d) include a monitoring program for evaluating the performance of the development, including: • compliance with the operating conditions; and • minimising the fume emissions from the site.	EMS	EMS, Section 2 states that a Separate EMP titled 'Blast Management Plan' to be prepared and approved by regulatory agencies prior to any blasting on site. No correspondence was sighted confirming an agreement by the Secretary to not prepare a Blast Management Plan. Whilst it could be inferred by the approval of the EMS, usual practice is letters as correspondence specific to individual matters. CC have advised that previous employees (including Mine Manager, and Environmental Manager) did satisfy the following conditions of MP07_0127 MOD 5 by submitting notifications and corresponding with the Department. The following information that was discussed was: •the correspondence to the Department regarding not having to prepare a Blast Management Plan	Administrative Non-Compliance	NC4	Engage with DPHI to seek confirmation of agreement by the Secretary to not prepare a Blast Management Plan for the current phase of mining activities.																							
14	The Blast Management Plan approved by the Secretary must be implemented.	EMS	No Blasting conducted during audit period	Not triggered																									
AIR QUALITY																													
Odour																													
15	The Proponent must ensure that no offensive odours are emitted from the site, as defined under the POEO Act.	Air Quality Management Plan and approval Daily gas sampling results Water Cart Procedure. See Daily run rate attached under 3. S2 C5-17 limits on approval. Rehab inspections attached detail ground cover	Air Quality Management Plan and approval sighted. Daily gas sampling conducted with no gases being recorded. It is understood that the coal resource has a low-gas potential. Water Cart Procedure sighted. RMP indicates low risk for spontaneous combustion, therefore low risk of adverse air quality impacts due to smoke / ash. See Daily run rate attached under 3. S2 C5-17 limits on approval. Rehab inspections attached detail ground cover. Negligible risk of impacts arising due to waste management - no landfill onsite. Septic pumped out on scheduled basis. Toolbox Talk (TBT) on Air Quality Control conducted on 18 September 2024.	Compliant																									
Air Quality Criteria																													
16	The Proponent must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that the particulate emissions generated by the project do not exceed the criteria listed in Tables 4, 5 and 6 at any residence on privately-owned land. Table 4: Long term criteria for particulate matter <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^a Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>^a 90 µg/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>^a 30 µg/m³</td> </tr> </tbody> </table> Table 5: Short term criterion for particulate matter <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^a Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>^a 50 µg/m³</td> </tr> </tbody> </table> Table 6: Long term criteria for deposited dust <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>^a Deposited dust</td> <td>Annual</td> <td>^a 2 g/m²/month</td> <td>^a 4 g/m²/month</td> </tr> </tbody> </table> Notes for Tables 4 to 6 • a Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to other sources); • incremental impact (i.e. incremental increase in concentrations due to the project on its own); • deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003:Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and • excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed to by the Secretary.	Pollutant	Averaging period	^a Criterion	Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³	Pollutant	Averaging period	^a Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	^a Deposited dust	Annual	^a 2 g/m ² /month	^a 4 g/m ² /month	As above Monthly EPL reports Tool Box Talk	Air quality monitoring undertaken once every 6 days (24-hour sample). Results reviewed by Environment Manager. No exceedances reported during audit period. Some instances where elevated results were noted (Abnormal occurrences) (results below criteria, but above expected levels), investigated however not considered indicative of a systemic issue. Site interview indicated CC are in the process of creating an online weekly survey. Air quality monitoring attached. Also within monthly EPL reports and annual reviews. Tool Box Talk attached regarding minimising idle hours.	Compliant		
Pollutant	Averaging period	^a Criterion																											
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³																											
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³																											
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^a Deposited dust	Annual	^a 2 g/m ² /month	^a 4 g/m ² /month																										
Mine-owned Land																													
17	The Proponent must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not cause exceedances of the criteria in Table 4-6 at any occupied residence on mine-owned land (including land owned by another mining company) unless: (a) the tenant and landowner (if the residence is owned by another mining company) has been notified of any health risks associated with such exceedances in accordance with the notification requirements in schedule 4 of this consent; (b) the tenant of any land owned by the Proponent can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice; (c) air mitigation measures (such as air filters, a first flush roof water drainage system and/or air condition) are installed at the residence, if requested by the tenant or landowner (if the residence is owned by another mining company) (d) air quality monitoring is regularly undertaken to inform the tenant or landowner (if the residence is owned by another mining company) for the likely concentrations of particulate emissions at the residence; and (e) data from this monitoring is presented to the tenant or landowner (if the residence is owned by another mining company) in an appropriate format for a medical practitioner to assist the tenant or landowner in making informed decisions on the health risks associated with occupying the residence, to the satisfaction of the Secretary.	NearMap image dated 6 March 2024	No occupied residences on mine-owned land associated with CC operations or land owned by other mining companies. Nearest occupied residence at Cullen Bullen village, approximately 4km south of mine site.	Not triggered																									

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
Operating Conditions						
18	The Proponent must: (a) implement all reasonable and feasible measures to minimise the odour, fume and dust emissions of the project (including those generated by spontaneous combustion) and the release of greenhouse gas emissions from the site; (b) minimise any visible off-site air pollution generated by the project; (c) ensure that all loaded trucks leaving the site are adequately covered at all times; (d) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see note d to Tables 4-6 above); (e) co-ordinate the air quality management on site with the air quality management at the Cullen Valley mine to minimise any cumulative air quality impacts; and (f) carry out regular monitoring to determine whether the development is complying with the relevant conditions of this approval.	Transport Management plan Also records relating to management of odour & air quality risks (refer above) Air Quality Management Plan and approval Daily gas sampling results Water Cart Procedure. See Daily run rate attached under 3. S2 C5-17 limits on approval. Rehab inspections attached detail ground cover	Transport Management Plan and odour / air quality management procedures and records sighted. Cullen Valley Mine is owned by Castlereagh Coal and is coordinated together. A Transport Management Plan is in place. However, there was a complaint about trucks leaving the site without properly covered loads. Watercart observed in operation. Key measures to address the AQ operating conditions are detailed in Section 4 and 5 of the AQMP. Evidence of implementation was not available for a range of commitments.	Non-compliant - Low Risk	NC5	Introduce a maintenance regime for cleaning the access road, existing the site following the wheel wash.
Air Quality Management Plan						
19	Prior to recommencing mining operations, unless the Secretary agrees otherwise, the Proponent must prepare an Air Quality Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with the EPA; (b) describe the measures that would be implemented to ensure compliance with air quality criteria and operating conditions of this approval; (c) describe the proposed air quality management system in detail; (d) include a review of all air quality management measures against best practice guidelines; and (e) include an air quality monitoring program that: • evaluates and reports on: ◦ the effectiveness of the air quality management system; ◦ compliance with the air quality criteria; ◦ compliance with the air quality operating conditions; and • defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents.	AQMP and approval attached	AQMP was approved on 17 November 2022 Pre-start meetings - include consideration of predicted weather conditions. Also positive, constant communications between operators and OCE's that includes consideration of weather conditions in context of current operations. Operations are modified in response to air quality / noise issues. An Air Quality Management Plan and its formal approval letter are in place. Toolbox Talks focused on mitigation measures Refer to Noise Comments: a connection identified between air quality and noise management practices, indicating that some mitigation strategies overlap between air quality and noise control.	Compliant		
20	The Air Quality Management Plan approved by the Secretary must be implemented.	Air Quality Management Plan and approval	Key measures to address the AQ operating conditions are detailed in Section 4 and 5 of the AQMP. Evidence of implementation was not available for a range of commitments.	Non-compliant - Low Risk	NC6	1. Review, and update where necessary, the Air Quality Management Plan (AQMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the AQMP is fit for purpose given the recommencement of operations and EIS commitments. 2. Ensure key measures to address Air Quality operating conditions and to protect air quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to Air Quality are mitigated. (Action also refers to EPL Condition O3.2)
Meteorological Monitoring						
21	During the life of the project, the Proponent must ensure that there is a meteorological station operating in the vicinity of the site that: (a) complies with the requirements in the <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> guideline; and (b) is capable of continuous real-time measurement of temperature inversions in accordance with the <i>NSW Industrial Noise Policy</i> , unless a suitable alternative is approved by the Secretary following consultation with the EPA.	MET data attached. Maps plans are within the AQMP Calibration records Meteorological data. Site interviews Quote & Purchase Order raised for replacement equipment.	Meteorological station is operating and maintained. Calibration records and monitoring data sighted. It is noted that the current equipment is aged, however is certified by ALS Hydrographics that it is operated and maintained in accordance with Australian Standard 3580.14 requirements for meteorological equipment. It is noted that this also complies with NSW EPA's current Approved Methods for Sampling of Air Pollutants in New South Wales (2022) and the Industrial Noise Policy 2000 (formerly the Industrial Noise Policy). The capability of the meteorological station to measure temperature inversions in accordance with the NSW Industrial Noise Policy could not be verified. Inferred compliance could be deduced on review of quarterly noise reports. Quote and PO request sighted for replacement meteorological station / sensors that comply with AS3580.14 requirements. This also complies with NSW EPA Approved Methods for Sampling of Air Pollutants in New South Wales (2022) and the Industrial Noise Policy 2000 (formerly the Industrial Noise Policy).	Compliant with Observation	OBS4	Complete a review of the existing and/or proposed upgraded meteorological station / sensors to ensure the meteorological station complies with requirements of Schedule 3, Condition 21, including the capability to measure temperature inversions in accordance with the NSW Industrial Noise Policy.
WATER						
Water Supply						
22	The Proponent must ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of operations on site to match its available water supply. <i>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Proponent is required to obtain all necessary water licences for the project.</i>	WMP and approval attached	GHD engaged to update site water balance. Main water use is for water cart dust mitigation. Potable water is trucked in. No wash house, therefore low potable water usage. Septic all pumped out. Water from the mine workings and leachate dam is pumped into the dam in accordance with the Water Management Plan. CC are looking at scope of work to balance low pH water body, possible implementation of water treatment to improve water quality for discharge. Since recommencement, the 188ML dam hasn't been drawn down below any immediate risk levels. Annual Review: Annual update of site water balance has been included within the 2023 Annual Review UG Ingress – Pumping Back: There is a system in place for underground water ingress, where water entering the underground areas is pumped back.	Not verified	NV1	1. Complete the current works program for updating the Site Water Balance. 2. Introduce a systematic method to ensuring the Site Water Balance is reviewed and reported in accordance with the Water Management Plan. 3. Include a clear and definitive description within the 2024 Annual Review of the outcomes of the current works program for updating the Site Water Balance.

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation														
Compensatory Water Supply																				
23	<p>The Proponent must provide a compensatory water supply to any landowner of privately owned land whose water supply is adversely and directly impacted (other than an impact that is negligible) as a result of the project, in consultation with DPI Water, and to the satisfaction of the Secretary.</p> <p>The compensatory water supply measures must provide an alternative long term supply of water that is equivalent to the loss attributed to the project. Equivalent water supply should be provided (at least on an interim basis) within 24 hours of the loss being identified.</p> <p>If the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p>If the Proponent is unable to provide an alternative long-term supply of water, then the Proponent must provide alternative compensation to the satisfaction of the Secretary.</p>	Not applicable	Not triggered - no compensatory water supply required for landowners.	Not Triggered																
Discharge Limits																				
24	<p>Any water discharged from the site must comply with Section 120 of the POEO Act and, unless expressly provided by an EPL, must not exceed:</p> <p>(a) the default ANZECC electrical conductivity trigger value for lowland rivers; and (b) all other default ANZECC trigger values for 95% species protection and relevant potential contaminants.</p>		<p>Water quality monitoring data includes discharge monitoring.</p> <p>Water quality data is being collected to track the characteristics of the discharged water.</p> <p>Ongoing monitoring is taking place</p> <p>Some Potential Exceedance of ANZECC: There have been instances where the water discharged has exceeded the ANZECC trigger values</p> <p>Exceedance Investigation: AGE Consulting is conducting an investigation into these exceedances, following the TARP (Trigger Action Response Plan).</p> <p>Compliance Status is accurate for date of site visit. Pending the outcome of the AGE Investigation, the compliance status may change.</p> <p>Action detailed in Annual Reviews regarding 2016 IEA NC7 could not be verified. Actions from the 2016 remain current and have been reproduced for this audit to simplify corrective action implementation for CC.</p>	Compliant																
Clean Water Diversion Strategy																				
25	<p>Prior to recommencing mining operations, unless the Secretary agrees otherwise, the Proponent must prepare a Clean Water Diversion Strategy for the project to the satisfaction of the Secretary. This strategy must:</p> <p>(c) be prepared in consultation with DPI Water; (d) investigate all reasonable and feasible measures to minimise the capture of clean water on site; and (e) include a detailed description of the measures to be implemented and a plan for the implementation of these measures.</p>	Water Management Plan	<p>Clean Water Diversion Strategy included as Section 3.2.2 of approved WMP. Current CWDS brief - indicates that implementation is not yet feasible / applicable to mine operations and voids.</p> <p>CC noted examples of CWD infrastructure installed during discussions.</p>	Compliant with Observation	OBS5	<p>1. Review, and update where necessary, the Water Management Plan (WMP) to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented.</p> <p>In the review, a suitably qualified and experienced person should be engaged to review water management systems and implementation measures for separate clean, dirty and mine water systems against requirements of Schedule 3, Condition 26.</p> <p>2. Ensure key measures to address Water Management and to protect water quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to Water Quality are mitigated.</p>														
Water Management Performance Measures																				
26	<p>The Proponent must comply with the performance measures in Table 7 to the satisfaction of the Secretary.</p> <p>Table 7: Water Management Performance Measures</p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measure</th> </tr> </thead> <tbody> <tr> <td>General</td> <td> <ul style="list-style-type: none"> Maintain separation between clean, dirty and mine water management systems. minimise the use of clean water on site. No direct discharge of water dewatered from the Ivanhoe No. 2 workings. Design, install operate and maintain water management systems in a proper and efficient manner. </td> </tr> <tr> <td>Clean water diversion & storage infrastructure</td> <td>Maximise, as far as reasonable and feasible, the diversion of clean water around the disturbed areas on site.</td> </tr> <tr> <td>Sediment dams</td> <td>Design, install and maintain the dams generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 and Volume 2E Mines and Quarries</i>.</td> </tr> <tr> <td>Mine water storages</td> <td>Design, install and/or maintain mine water storage infrastructure to ensure no unlicensed or uncontrolled discharge of mine water off-site.</td> </tr> <tr> <td>Overburden, CHPP reject materials</td> <td>Design, install and maintain emplacements to prevent or minimise the migration of pollutants due to seepage</td> </tr> <tr> <td>Chemical and hydrocarbon storage</td> <td>Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards.</td> </tr> </tbody> </table>	Feature	Performance Measure	General	<ul style="list-style-type: none"> Maintain separation between clean, dirty and mine water management systems. minimise the use of clean water on site. No direct discharge of water dewatered from the Ivanhoe No. 2 workings. Design, install operate and maintain water management systems in a proper and efficient manner. 	Clean water diversion & storage infrastructure	Maximise, as far as reasonable and feasible, the diversion of clean water around the disturbed areas on site.	Sediment dams	Design, install and maintain the dams generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 and Volume 2E Mines and Quarries</i> .	Mine water storages	Design, install and/or maintain mine water storage infrastructure to ensure no unlicensed or uncontrolled discharge of mine water off-site.	Overburden, CHPP reject materials	Design, install and maintain emplacements to prevent or minimise the migration of pollutants due to seepage	Chemical and hydrocarbon storage	Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards.	<p>Water Management Plan Daily Prestarts - weather & rainfall Daily Performance Meeting Minutes, dated 2 Oct 2024 - includes weather & rainfall, dam levels & conditions Dam Inspections Checklist - daily inspection records of dam levels, pumping etc. Site inspection - overburden, CHPP, reject materials, dams / water storage.</p>	<p>All mine water is pumped into MWSD in accordance with WMP, which is a degree of separation of mine water from dirty water.</p> <p>No discharge of water from Ivanhoe #2 workings - project not yet working deep into Southern Extension area.</p> <p>No new dams constructed. Have engaged contractors to come and do bathymetric surveys of dams, to assess sediment levels, capacity for 90percentile / 100yr rain event storage capacity to minimise environmental pollution risk.</p> <p>Inspections triggered after 20mm rain event - not triggered recently.</p> <p>Have engaged with ALS Hydrographics to install gauge monitors and telemetry systems for real-time monitoring of dam levels - waiting on costing.</p> <p>Management of pumps and sediment dams is ongoing, with diesel pump inspections being conducted regularly.</p> <p>Routine daily inspections of dams are conducted, and records are maintained.</p> <p>Regular meetings are held to discuss dam levels, weather conditions, and performance, with minutes kept for accountability.</p> <p>Independent Erosion and Sediment Control (ESC) inspections are conducted, with any actions transferred to an action register for follow-up and resolution.</p> <p>It is noted that the hydrocarbon separation system is in place in accordance with the approved WMP. The effectiveness of this system require review.</p> <p>It is noted that the non-compliance status relates particularly to the following points</p> <p>No current system installed to separate clean, dirty and mine water.</p> <p>It is noted that EPA have included a Pollution Reduction Program on the site EPL regarding seepage associated with historic reject materials (Refer to EPL Findings).</p> <p>Improvements are required for the wastewater, oily water separator and associated infrastructure. Actions from the 2016 remain current and have been reproduced for this audit to simplify corrective action implementation for CC.</p> <p>Invincible Main Dam LD02 Community concern regarding water volume discharged: Site have planned works to correct the drainage to restore the natural flow, which will divert water away from the highway and restore flow path back into the natural watercourse. This should resolve the issues with water draining inappropriately from the site.</p>	Non-compliant - Medium Risk	NC7	<p>1. As per Schedule 3, Condition 25 (OBS5).</p> <p>2. Complete an improvement program for the wastewater, oily water separator and associated infrastructure. (Refer also to findings at Schedule 3, Condition 15).</p> <p>3. Complete drainage repairs for LPD2 to divert water away from the highway and restore</p> <p>Note: Recommendations regarding the EPL PRP are included within the EPL Checklist</p>
Feature	Performance Measure																			
General	<ul style="list-style-type: none"> Maintain separation between clean, dirty and mine water management systems. minimise the use of clean water on site. No direct discharge of water dewatered from the Ivanhoe No. 2 workings. Design, install operate and maintain water management systems in a proper and efficient manner. 																			
Clean water diversion & storage infrastructure	Maximise, as far as reasonable and feasible, the diversion of clean water around the disturbed areas on site.																			
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Mine water storages	Design, install and/or maintain mine water storage infrastructure to ensure no unlicensed or uncontrolled discharge of mine water off-site.																			
Overburden, CHPP reject materials	Design, install and maintain emplacements to prevent or minimise the migration of pollutants due to seepage																			
Chemical and hydrocarbon storage	Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards.																			

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation															
Water Management Plan																					
27	<p>Prior to recommending mining operations, unless the secretary agrees otherwise, the Proponent must prepare a Water Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with DPI Water and the EPA, by suitably qualified and experienced persons whose appointment has been approved by the Secretary;</p> <p>(b) include detailed performance criteria and describe measures to ensure that the Proponent complies with the water management performance measures;</p> <p>(c) in addition to the standard requirements for management plans (see Condition 3 of schedule 6), this plan must involve a:</p> <p>(i) <u>Site Water Balance</u> that:</p> <ul style="list-style-type: none"> includes details of: <ul style="list-style-type: none"> sources and security of water supply, including contingency planning for future reporting periods; water use and management on site, including details of water sharing between neighbouring mining operations; any off-site water transfers and discharges; reporting procedures, including the preparation of a site water balance for each calendar year; and investigates and implements all reasonable and feasible measures to minimise water use on site; <p>(ii) <u>Surface Water Management Plan</u>, that includes:</p> <ul style="list-style-type: none"> detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project; a program to argument the baseline data over the life of the project; a detailed description of the relevant discharge limits as required by condition 24 of schedule 3; a detailed description of the water management system on site, including the, <ul style="list-style-type: none"> clean water diversions, as informed by condition 25 of this schedule; sediment dams and associated infrastructure; mine water management system; measures to be implemented to ensure that water from Ivanhoe No.2 workings is not directly discharged off-site; and 	<p>WMP and approval attached</p>	<p>As above.</p> <p>Water MP approved November 2022.</p> <p>Table 2 of WMP indicates where each sub-clause of Condition 27 has been addressed.</p> <p>Subclause (a) - no evidence provided in WMP to confirm that the plan was authored by suitably qualified and experienced persons whose appointment has been approved by the Secretary. I.E There is no evidence that the DPHI formally endorsed the plan's authors - additional verification required.</p> <p>Consideration should be given to ongoing management of integrity testing or pipeline/pump failure risks for infrastructure associated with seepage management.</p> <p>Consideration should also be given to undertaken regular reviews of dam integrity.</p>	Administrative Non-Compliance	NC8	<ol style="list-style-type: none"> Engage with DPHI to seek confirmation of expert endorsement of the approved Water Management Plan (Water MP). If endorsement was completed, seek a copy of the correspondence. If endorsement cannot be verified, submit an updated request for expert endorsements for the next management plan revision trigger. Undertake an assessment of the surface water management system and associated implementation measures by a suitably qualified person. Undertake Dam Integrity Inspections on key dam embankments such as the Main Storage Dam. Implement measures to manage pipeline/pump failure risks for infrastructure associated with seepage management. Review the current operations against the Aquifer Interference Policy. Engage with the EPA for a modification of the Environment Protection Licence to permit discharge via the underground workings. Undertake Dam Integrity Inspections on key dam embankments such as the Main Storage Dam. Document staged Progressive Erosion and Sediment Control Plans (PESCPs) as per the Water MP for key areas across the site. 															
28	The Water Management Plan approved by the Secretary must be implemented.		<p>Evidence of implementation for key actions detailed in the WMP was not available at the time of the audit. Examples including:</p> <ul style="list-style-type: none"> - SD3 Expansion (s3.1) - Hydrocarbon management at the workshop - General erosion and sediment controls across site - Progressive erosion and sediment control plans - not developed / implemented - Inspections and Maintenance - daily inspections, no sediment fences installed recently - Annual Site Water Balance Updates 	Non-compliant - Medium Risk	NC9	As for Schedule 3, Condition 25. (OBS4)															
Biodiversity																					
Biodiversity Offset Strategy																					
29	<p>The Proponent must implement the biodiversity offset strategy for the project, as summarised in Table 8 and shown in Appendix 5:</p> <table border="1"> <caption>Table 8: Biodiversity Offset Strategy</caption> <thead> <tr> <th>ID</th> <th>Offset Area</th> <th>Minimum Size(ha)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Lot 112, DP 877190</td> <td></td> </tr> <tr> <td>2</td> <td>"Renown Farm" (Lot 1, DP 180294)</td> <td>114.5</td> </tr> <tr> <td>3</td> <td>Lot 113, DP 877190</td> <td></td> </tr> <tr> <td>4</td> <td>Hillcroft Offset Site</td> <td>NA</td> </tr> </tbody> </table>	ID	Offset Area	Minimum Size(ha)	1	Lot 112, DP 877190		2	"Renown Farm" (Lot 1, DP 180294)	114.5	3	Lot 113, DP 877190		4	Hillcroft Offset Site	NA	<p>Biodiversity reports provide evidence for the following</p> <p>Biodiversity Offset Strategy – Invincible, letter to Department dated 29/06/2024</p> <p>Invincible Coal Project (PA07_0127) – SHOW CAUSE, 26/08/2024</p> <p>Response to INV-73599217 Invincible Coal Project (PA07_0127) – SHOW CAUSE, 12/09/2024</p>	<p>BMP Approval: The Biodiversity Management Plan (BMP) received approval from the Department of Planning and Environment (DPE) on 13 July 2023.</p> <p>A submission for revisions to the BMP was originally due in September, but the timeline was extended until June 2024. The team is still working through these revisions.</p> <p>On 29 June 2024, there was communication (CC) with the Department of Planning, Industry, and Environment (DPHI) (Crown Lands) regarding the status of the BMP and endorsement of the proposed approach to the Biodiversity Offset Strategy to transition the offset area from grazing land. No response was received.</p> <p>On 26 Aug 2024, the Department issued a Show Cause letter issued wrt biodiversity offset strategy, alleging that CC had not submitted a Conservation Bond (the Bond), Biodiversity Offset Strategy (BOS) or an updated Biodiversity Management Plan (BMP) as required under Invincible consent PA07_0127 (Modification 5), Schedule 3 Conditions 30, 32, 33 and 35. CC response to the Department pointed out the BOS forwarded to the Department for approval on 26 June 2024, indicating Conservation Bond not pursued pending approval of BOS, and no identified need for BMP update once BOS approved.</p> <p>It is noted that CC received a Warning Letter with regarding to the Show Cause outside of the audit period (30/10/2024). For the purposes of this audit and the audit period, the compliance status is nominated based on the timing of the site inspection.</p>	Administrative Non-Compliance	NC10	<ol style="list-style-type: none"> Prepare and implement a detailed action plan to resolve all outstanding requirements / commitments / conditions related to Biodiversity. Provide quarterly updates of action plan implementation to relevant agencies.
ID	Offset Area	Minimum Size(ha)																			
1	Lot 112, DP 877190																				
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3	Lot 113, DP 877190																				
4	Hillcroft Offset Site	NA																			
30	<p>Within 2 years of the recommencement of mining operations, unless the Secretary agrees otherwise, the Proponent must make suitable arrangements to provide appropriate long-term security for Offset Areas 1-3 as identified in Table 8, to the satisfaction of the Secretary.</p> <p>Note: The long-term security of Offset Areas 1-3 may be achieved through one or a combination of the following: Deed of agreement with the Minister, rezoning the land under the Lithgow Environment Plan, caveats on the title under the Conveyancing Act 1919, or another mechanism as agreed by the Secretary</p>	<p>Biodiversity Offset Strategy – Invincible, letter to Department dated 29/06/2024</p> <p>Invincible Coal Project (PA07_0127) – SHOW CAUSE, 26/08/2024</p> <p>Response to INV-73599217 Invincible Coal Project (PA07_0127) – SHOW CAUSE, 12/09/2024</p>	<p>CC forwarded a BOS to the Department for approval to use Hillview property as 'like-for-like' Biodiversity Offset area. No response to approval request received to date.</p> <p>On 26 Aug 2024, the Department issued a Show Cause letter issued wrt biodiversity offset strategy, alleging that CC had not submitted a Conservation Bond (the Bond), Biodiversity Offset Strategy (BOS) or an updated Biodiversity Management Plan (BMP) as required under Invincible consent PA07_0127 (Modification 5), Schedule 3 Conditions 30, 32, 33 and 35. CC response to the Department pointed out the BOS forwarded to the Department for approval on 26 June 2024, indicating Conservation Bond not pursued pending approval of BOS, and no identified need for BMP update once BOS approved.</p> <p>It is noted the Department has commenced compliance processes for this condition during the audit period. No Compliance Status is nominated on this basis.</p> <p>It is noted that CC received a Warning Letter with regarding to the Show Cause outside of the audit period (30/10/2024). For the purposes of this audit and the audit period, the compliance status is nominated based on the timing of the site inspection.</p>	Not Verified	NV2	As for Schedule 3, Condition 29. (NC10)															

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation																						
Retirement of Credits																												
31	<p>Prior to the recommencement of mining operations, the Proponent must review and update the ecosystem and species credit requirements in Table 9 and 10 to reflect the final mine plan, in consultation with OEH and to the satisfaction of the Secretary.</p> <table border="1"> <caption>Table 9: Ecosystem Credit Requirements</caption> <thead> <tr> <th>Biometric Vegetation Type</th> <th>Code (BVT)</th> <th>Code (PCT)</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td>Brittle Gum – Broad-leaved Peppermint – Red Stringybark open forest in the north-western part (Yass to Orange) of the South Eastern Highlands Bioregion</td> <td>CW117</td> <td>PCT351</td> <td>542</td> </tr> <tr> <td>Inland Scribbly Gum grassy open forest on hills in the Mudgee Region, NSW central western slopes</td> <td>CW263</td> <td>PCT324</td> <td>2893</td> </tr> </tbody> </table> <table border="1"> <caption>Table 10: Species Credit Requirements</caption> <thead> <tr> <th>Species</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td><i>Eucalyptus Cannonii</i> (Capertee Stringybark)</td> <td>468</td> </tr> <tr> <td><i>Petaurus norfolcensis</i> (Squirrel Glider)</td> <td>1047</td> </tr> <tr> <td><i>Hoplocephalus bungaroides</i> (Broad-headed Snake)</td> <td>388</td> </tr> <tr> <td><i>Paralucia spinifera</i> (Bathurst Copper Butterfly)</td> <td>15</td> </tr> </tbody> </table> <p>Notes: 1. The review and update of ecosystem and species credit is to be undertaken in accordance with the NSW Offsets Policy for Major Projects. 2. The Ecosystem and Species Credits identified in Table 9 and Table 10 were calculated using the Framework for Biodiversity Assessment.</p>	Biometric Vegetation Type	Code (BVT)	Code (PCT)	Credits Required	Brittle Gum – Broad-leaved Peppermint – Red Stringybark open forest in the north-western part (Yass to Orange) of the South Eastern Highlands Bioregion	CW117	PCT351	542	Inland Scribbly Gum grassy open forest on hills in the Mudgee Region, NSW central western slopes	CW263	PCT324	2893	Species	Credits Required	<i>Eucalyptus Cannonii</i> (Capertee Stringybark)	468	<i>Petaurus norfolcensis</i> (Squirrel Glider)	1047	<i>Hoplocephalus bungaroides</i> (Broad-headed Snake)	388	<i>Paralucia spinifera</i> (Bathurst Copper Butterfly)	15	<p>Biodiversity Offset Strategy – Invincible, letter to Department dated 29/06/2024 Invincible Coal Project (PA07_0127) – SHOW CAUSE, 26/08/2024 Response to INV-73599217 Invincible Coal Project (PA07_0127) – SHOW CAUSE, 12/09/2024 Site Interviews</p>	<p>Interviews conducted as part of the site inspection discussed that CC has engaged with NSW Environment and Heritage on a number of occasions to resolve this matter.</p> <p>This is an ongoing matter between CC, the Department and NSW Environment and Heritage. For the purposes of this audit, a noncompliance status is nominated as the requirement was not resolved prior to the recommencement of mining and is not subject to an ongoing compliance process by the Department.</p> <p>It is noted that CC received a Warning Letter with regarding to the Show Cause outside of the audit period (30/10/2024). For the purposes of this audit and the audit period, the compliance status is nominated based on the timing of the site inspection.</p>	Non-compliant - Low Risk	NC11	As for Schedule 3, Condition 29. (NC10)
Biometric Vegetation Type	Code (BVT)	Code (PCT)	Credits Required																									
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32	<p>Within two years of the recommencement of mining operations, unless otherwise agreed by the Secretary, the Proponent must retire the biodiversity credit of a number and class identified in the review carried out under condition 31 above.</p> <p>The retirement of these credits must be carried out using the Hillcroft Biobanking Site, as shown in Appendix 5. Any residual offset requirements not achieved by the retirement of the Hillcroft Biobanking Site must be retired in accordance with the <i>NSW Offsets Policy for Major Projects</i> and can be achieved by: (a) acquiring or retiring credits under an offset scheme developed by the NSW Government; (b) making payments into an offset fund that has been developed by the NSW Government; or (c) providing supplementary measures.</p>	<p>Biodiversity Offset Strategy – Invincible, letter to Department dated 29/06/2024 Invincible Coal Project (PA07_0127) – SHOW CAUSE, 26/08/2024 Response to INV-73599217 Invincible Coal Project (PA07_0127) – SHOW CAUSE, 12/09/2024</p>	<p>CC forwarded a BOS to the Department for approval to use Hillview property as 'like-for-like' Biodiversity Offset area. No response to approval request received to date.</p> <p>On 26 Aug 2024, the Department issued a Show Cause letter issued wrt biodiversity offset strategy, alleging that CC had not submitted a Conservation Bond (the Bond), Biodiversity Offset Strategy (BOS) or an updated Biodiversity Management Plan (BMP) as required under Invincible consent PA07_0127 (Modification 5), Schedule 3 Conditions 30, 32, 33 and 35. CC response to the Department pointed out the BOS forwarded to the Department for approval on 26 June 2024, indicating Conservation Bond not pursued pending approval of BOS, and no identified need for BMP update once BOS approved.</p> <p>It is noted the Department has commenced compliance processes for this condition during the audit period. No Compliance Status is nominated on this basis.</p> <p>It is noted that CC received a Warning Letter with regarding to the Show Cause outside of the audit period (30/10/2024). For the purposes of this audit and the audit period, the compliance status is nominated based on the timing of the site inspection.</p>	Not Verified	NV3	As for Schedule 3, Condition 29. (NC10)																						
Biodiversity Management Plan																												
33	<p>Prior to recommencing mining operations, unless the Secretary agrees otherwise, the Proponent must prepare a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with OEH; (b) describe how the implementation of the biodiversity offset strategy would be integrated with the overall rehabilitation of the site; (c) establish baseline data for the existing habitat in the offset biodiversity offset area and on the site; (d) describe the short, medium, and long term measures that would be implemented to: • manage the remnant vegetation and habitat on the site; and • translocate the <i>Bursaria spinosa</i> located within the Southern Extension area • implement the biodiversity offset strategy; (e) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary); (f) include a detailed description of the measures that would be implemented to: • enhance the quality of existing vegetation and fauna habitat in the biodiversity offset areas; • maximising the salvage of resources within the approved disturbance area; • collecting and propagating seed to be used for rehabilitation; • minimising the impacts on fauna on site, including undertaking pre-clearance surveys; • managing any potential conflicts between the proposed restoration works in the biodiversity areas and any Aboriginal heritage values (both cultural and archaeological); • manage salinity; • control weeds and feral pests; • control erosion • control access; and • manage bushfire risk</p> <p>(g) include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria; (h) include a translocation plan for the <i>Bursaria spinosa</i> that includes: • an investigation into translocation options, including rehabilitated areas of the site, and areas off site; • describes the measure that would be undertaken to translocate the species; and • a detailed description of a monitoring and maintenance program. (i) identify the potential risks to the successful implementation of the biodiversity offset strategy, and include a description of the contingency measures that would be implemented to mitigate these risks; and (j) include details of who would be responsible for monitoring, reviewing, and implementing the plan.</p> <p>Notes: • With the approval of the Secretary, the Biodiversity Management Plan may exclude offset areas secured under a Biobanking Agreement. • The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated mine site.</p>	<p>Biodiversity Management Plan, R1, July 2023 Department approval of updated BMP, 13 July 2023</p>	<p>The BMP, dated July 2023 was approved by DPE, subject to conditions. A submission for revisions to the BMP was originally due in September 2024, but the timeline was extended until June 2024. Revisions to the BMP are ongoing.</p> <p>Consultation with OEH was completed over an extended period with latest comments dated 4 July 2023. NSW Environment and Heritage note a number of residual matters from previous comments.</p> <p>Section 3 and 4 describes measures to be implemented and integration into site rehabilitation.</p> <p>Section 3 describes short, medium and long term management actions for remnant areas. Consideration to producing a similar table (7) for the offset strategy and translocation measures should be undertaken.</p> <p>Section 5.11 details performance and completion criteria</p> <p>Section 5 describes a seasonal monitoring program.</p> <p>Appendix A described the translocation program.</p> <p>On 26 Aug 2024, the Department issued a Show Cause letter issued wrt biodiversity offset strategy, alleging that CC had not submitted a Conservation Bond (the Bond), Biodiversity Offset Strategy (BOS) or an updated Biodiversity Management Plan (BMP) as required under Invincible consent PA07_0127 (Modification 5), Schedule 3 Conditions 30, 32, 33 and 35. CC response to the Department pointed out the BOS forwarded to the Department for approval on 26 June 2024, indicating Conservation Bond not pursued pending approval of BOS, and no identified need for BMP update once BOS approved.</p> <p>It is noted the Department has commenced compliance processes for this condition. No Compliance Status is nominated on this basis.</p> <p>It is noted that CC received a Warning Letter with regarding to the Show Cause outside of the audit period (30/10/2024). For the purposes of this audit and the audit period, the compliance status is nominated based on the timing of the site inspection.</p>	Not Verified	NV4	As for Schedule 3, Condition 29. (NC10)																						

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
34	The Biodiversity Management Plan approved by the Secretary must be implemented.	Biodiversity Management Plan, R1, July 2023 Department approval of updated BMP, 13 July 2023 Biodiversity Monitoring Reports 2022 & 2023 Weed spraying records - 20240408 Drays Rural Spraying Record Post-clearance reports - 8Aug2024 Next Box Monitoring Reports	Examples of BMP Implementation include weed management, seed collection, next box monitoring and management, weed management. Evidence of implementation for key actions detailed in the BMP was not available at the time of the audit. Examples including: - Implementation of actions from Biodiversity Reports - Demarcation of site clearing limits and no-go areas - Exclusion fencing of translocation areas	Non-compliant - Low Risk	NC12	1. Review, and update where necessary, the Biodiversity Management Plan (BMP) to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented. 2. Ensure key measures to address Biodiversity Management and to protect biodiversity are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to biodiversity are mitigated. 3. Ensure site clearing limits and no-go areas are clearly delineated and/or fenced. 4. Reinstate exclusion fencing around translocation areas. 5. Undertake assessment of the need for vertebrate pest control and implement as required.
Conservation Bond						
35	Within 6 months of the approval of the Biodiversity Management Plan, the Proponent must lodge a conservation bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria described in the Biodiversity Management Plan. The sum of the bond shall be determined by: (a) calculating the full cost implementing the biodiversity offset strategy (other than land acquisition costs); and (b) employing a suitably qualified quantity surveyor, whose appointment has been endorsed by the Secretary, to verify the calculated costs. If the biodiversity offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Secretary will release the bond. If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Secretary will call in all, or part, of the conservation bond, and arrange for the satisfactory completion of the relevant works. Note: • Alternative funding arrangements for long term management of the biodiversity offset strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement or transfer to conservation reserve estate can be used to reduce the liability of the conservation and biodiversity bond. • The sum of the bond may be reviewed in conjunction with any revision to the biodiversity offset strategy.	Biodiversity Offset Strategy – Invincible, letter to Department dated 29/06/2024 Invincible Coal Project (PA07_0127) – SHOW CAUSE, 26/08/2024 Response to INV-73599217 Invincible Coal Project (PA07_0127) – SHOW CAUSE, 12/09/2024	CC forwarded a BOS to the Department for approval to use Hillview property as 'like-for-like' Biodiversity Offset area. No response to approval request received to date. On 26 Aug 2024, the Department issued a Show Cause letter issued wrt biodiversity offset strategy, alleging that CC had not submitted a Conservation Bond (the Bond), Biodiversity Offset Strategy (BOS) or an updated Biodiversity Management Plan (BMP) as required under Invincible consent PA07_0127 (Modification 5), Schedule 3 Conditions 30, 32, 33 and 35. CC response to the Department pointed out the BOS forwarded to the Department for approval on 26 June 2024, indicating Conservation Bond not pursued pending approval of BOS, and no identified need for BMP update once BOS approved. It is noted the Department has commenced compliance processes for this condition. No Compliance Status is nominated on this basis. It is noted that CC received a Warning Letter with regarding to the Show Cause outside of the audit period (30/10/2024). For the purposes of this audit and the audit period, the compliance status is nominated based on the timing of the site inspection.	Not Verified	NV5	As for Schedule 3, Condition 29. (NC10)
HERITAGE						
Management of Aboriginal Heritage Site Invincible OS1						
36	The Proponent must prevent any further disturbance to the Aboriginal heritage site Invincible OS1, unless: (a) the Secretary agrees otherwise; and (b) the disturbance is undertaken in accordance with the procedures recommended by the Bathurst Local Aboriginal Land Council in its letter dated 17 June 2007 and reproduced in the EA.	ACHMP attached. Within appendix is correspondence	Site Fenced: The Invincible OS1 site has been fenced off. Communication and control procedures are in place within the mining operation to prevent unauthorized access. The site is included in the BOs (Boundaries of Operations), and is recognized within the operational boundaries as a protected area and managed accordingly.	Compliant		
Aboriginal Cultural Heritage Management Plan						
37	Prior to recommencing mining operations, unless the Secretary agrees otherwise, the Proponent must prepare an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Secretary. The plan must: (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary; (b) be prepared in consultation with ORH and the RAPs; (c) include the following for the management of Aboriginal heritage: • ensure any workers on site receive suitable heritage inductions prior to carrying out any project on site, and that suitable records are kept of these inductions; • a program and description of the measures/procedures that would be implemented for: ◦ protecting, monitoring and/or managing Aboriginal cultural heritage on site including collection and salvage of including artefact scatters, isolated finds and modified trees, ◦ maintaining and managing reasonable access to cultural heritage sites for Aboriginal stakeholders; ◦ managing the discovery of human remains or previously unidentified Aboriginal artefacts; and ◦ protocol for the ongoing consultation and involvement of the Aboriginal community in the conservation and management of the Aboriginal heritage of the objects/sites on site; • ongoing consultation with and involvement of RAPs in the conservation and/or management of Aboriginal cultural heritage in site; • a strategy for the storage of heritage items salvaged on site, both during the project and in the long term.	As above	The HMP, dated 31 January 2023 was prepared by an OzArch endorsed by DPE 21 January 2023. No evidence of approval for the HMP was sighted during the audit. The HMP includes consultation records with OEH and RAPs. Section 6.6.2 described training to be undertaken as part of implementing the ACHMP. Section 6 includes descriptions of measures implemented to protect monitoring and managing heritage items, access to items, ongoing consultation and storage. Section 7 details recording of keeping	Administrative Non-Compliance	NC13	1. Engage with DPPI to seek confirmation regarding approval of the Aboriginal Cultural Heritage (ACH) Management Plan. If approval was completed, seek a copy of the correspondence. If correspondence cannot be verified, submit a retrospective approval.

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
38	The Aboriginal Cultural Heritage Management Plan approved by the Secretary must be implemented.	maps/ plans within the ACHMP	Environmental Training is undertaken through induction packages. Further detailed training content is required to address ACHMP commitments. The current site database was reviewed as part of the audit. A number of measures described are linked to the event of blasting and have not been triggered.	Compliant with Observation	OBS6	1. Review, and update where necessary, the Aboriginal Cultural Heritage Management Plan (ACHMP) to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented. 2. Ensure key measures to address ACH Management and to protect ACH are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to ACH are mitigated. 3. Review current ACH management status and approved management strategies as part of updating the ACH Database for ongoing use as part of Ground Disturbance Permitting.
TRANSPORT						
Coal Haulage						
39	The Proponent must ensure that all coal haulage from the project within the Lithgow local government area is conveyed only on the Castlereagh Highway, the Great Western Highway and Boulder Road, except with the approval of the Secretary.	TMP attached with approval.	TMP: A Traffic Management Plan is in place to guide coal haulage routes and ensure compliance with route restrictions. Coal Haulage Truck Induction Records: Drivers receive specific induction related to the approved haulage routes. Complaint: There has been one complaint related to trucking - to be investigated.	Compliant		
40	The Proponent must: (a) Keep accurate records of the : • amount of coal transported from the project in each calendar year (on a monthly basis); • number of coal truck movements generated by the project to the Mt Piper Power Station and the Shoalhaven Starches Plant (on a daily basis); and (b) include these records in the Annual Review.	Coal haulage truck induction, extraction records are saved under Limits on approval Truck movements attached, Truck movements also saved on the website	A tracking spreadsheet with records of coal transported and truck movements are maintained. This data is available on the website. The data is also documented in the 2023 Annual Review, specifically in section 4.2.	Compliant		
Approved Plans to be On-Site						
41	The Proponent must: (a) implement all reasonable and feasible mitigation measures to minimise the traffic impacts of the project on public roads; (b) ensure all laden vehicles leaving the site are covered; (c) ensure that all trucks leaving the site pass through an effective and operating wheel cleaning facility to minimise any dust/debris on public roads; and (d) minimise haulage during school bus times.	As above	Complaint Investigation: There was a community complaint received via EPA, specifically regarding whether loads were covered. An investigation found no direct evidence that uncovered loads were leaving the site, suggesting the complaint was unsubstantiated. There are ongoing discussions related to wheel wash facilities and truck movements to control dust and debris on public roads. The wheel wash was observed during the site inspection. A maintenance program for cleaning of access roads between the wheel wash and the site exit would further reduce tracking of dirt and coal fines from the premises. CC received a complaint via the EPA in June 2024 regarding coal spillage. Investigation response to EPA noted wheel wash was in operation. Reminders to truck operators issued. It is Coal materials were also observed along road verges of the Castlereagh Highway near the site entrance that may have originated from the mine.	Compliant with Observation	OBS7	1. Clean up coal tracked onto Castlereagh Highway near the site entrance. 2. Review and advance the arrangements to prevent coal tracking onto the Castlereagh Highway. (Actions also apply at EPL1095, Condition O3.4) (NC26)
Hours of Work						
42	Prior to recommending mining operations, unless the Secretary agrees otherwise, the Proponent must prepare a Transport Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with RMS and Council; (b) include a driver's code of conduct for the project; (c) describe the measures that would be implemented to ensure: • compliance with the operating conditions i this approval; • drivers are aware of potential safety issues along the haulage route; • drivers of project-related vehicles comply with the driver's code of conduct; • compliance with the relevant conditions of this consent; and (d) include a program to monitor and report on the effectiveness of the implementation of these measures and compliance with the operating conditions.	Transport Management Plan	Transport Management Plan was approved on 12 September 2022. Consultation with RMS and Council maintained.	Compliant		
43	The Proponent must implement the approved Transport Management Plan for the Project.	Transport Management Plan Truck records attached and on website CCC Meeting Minutes - March 2023, October 2023 & April 2023	The Site Personnel conducts monthly inspections focused on road environment and public safety. There are ongoing discussions related to wheel wash facilities and truck movements to control dust and debris on public roads. Records are maintained to document transport-related activities. Monthly inspection list included. Training Manual: A manual is in place. Manuals and assessments are available for all site personnel. Evidence of implementation was not available during the audit, including - Timestamped data to show trucking was outside of school hours - Signed copies of DoC (Driver's Code of Conduct) - Drivers WHS Plan (Work Health and Safety Plan) - short safety checks for site personnel complete to assess risks before commencing work. - Monthly Inspection for traffic related elements	Non-compliant - Low Risk	NC14	1. Review, and update where necessary, the Transport Management Plan (TMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the TMP is fit for purpose given the recommencement of operations and EIS commitments. (Action also applies at EPL Condition O3.1) 2. Ensure key measures to address Transport Management and to protect environmental and amenity quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to the environment and amenity are mitigated.
VISUAL						
44	The Proponent must: (a) implement all reasonable and feasible measures to minimise the visual and off site lighting impacts of the project; (b) ensure no fixed outdoor lights shine above the horizontal or above the building line or any illuminated structure; (c) ensure no in-pit lighting rigs shine directly above the pit wall and other mobile lighting does not shine above the horizontal; (d) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting, or its latest version; to the satisfaction of the Secretary.	Minimal lighting impacts as site runs off generators and only operates during the day period. No visual complaints have been received.	The site operates with minimal lighting at night. The site does not include night-time plant and stockpile operations - further reduces the need for lighting. In pit lighting is not used as daytime only operations. Completion of reviews against Australian Standard AS4282 would be required in the event of night time lighting.	Compliant		

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation												
WASTE																		
45	The Proponent must: (a) implement all reasonable and feasible measures to minimise the waste generated by the project (including coal rejects and tailings); (b) ensure that the waste generated by the project is appropriately stored, handled and disposed of; (c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and (d) only dispose of building and demolition wastes and tyres on-site in accordance with an EPL; and (e) monitor and report on effectiveness of the waste minimisation and management measures in the Annual Review.	Waste Oil Tank scope attached. SWP attached. Minimal waste removal from site. Waste tracking attached. Site Inspection	No Washery: The Proponent reduces the production of coal rejects, contributing to waste minimization. Waste Tracking: Waste tracking is in place, and the licence is provided to ensure all waste handling is compliant. Segregation Bins: Waste segregation bins are used. Waste Tyres: There is no waste input related to tyres. Waste Summary: Waste management is summarized in sections 6.9 and 6.10 of the report. The level of detail on waste management has been very effective in managing site waste.	Compliant														
BUSHFIRE MANAGEMENT																		
46	The Proponent must: (a) ensure that the project is suitably equipped to respond to any fires on site; and (b) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site.	TARP-EMP-05 Bushfire Response Procedure Fire Equipment Register Site inspection	TARP: A Trigger Action Response Plan (TARP) is in place as part of the emergency management process. Firefighting Register: The site maintains a register of firefighting equipment, ensuring that all necessary fire response tools are tracked and available. Fire extinguishers sighted during site inspection.	Compliant														
REHABILITATION																		
Rehabilitation Objectives																		
47	The Proponent must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must be consistent with the final layout plans required under condition 10 of schedule 2, and complete with the objectives in Table 11. <table border="1" data-bbox="281 829 816 1102"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>Mine site (as a whole)</td> <td> <ul style="list-style-type: none"> Safe, stable and non-polluting Final landforms designed to minimise visual impacts as far as is reasonable and feasible, and integrate with surrounding landforms Slopes of final landforms are minimised as far as is reasonable and feasible Free draining Constructed landforms to drain to the natural environment via natural drainage lines </td> </tr> <tr> <td>Final Voids</td> <td> <ul style="list-style-type: none"> No final voids on site </td> </tr> <tr> <td>Rehabilitation areas and other vegetated land</td> <td> <ul style="list-style-type: none"> Restore self-sustaining woodland ecosystems on the site that comprise flora species from locally occurring vegetation communities. Establish areas of self-sustaining habitat for threatened flora and fauna species. </td> </tr> <tr> <td>Surface infrastructure</td> <td> <ul style="list-style-type: none"> To be decommissioned and removed, unless the Secretary agrees otherwise </td> </tr> <tr> <td>Community</td> <td> <ul style="list-style-type: none"> Ensure public safety Minimise the adverse socio-economic effects associated with mine closure </td> </tr> </tbody> </table>	Feature	Objective	Mine site (as a whole)	<ul style="list-style-type: none"> Safe, stable and non-polluting Final landforms designed to minimise visual impacts as far as is reasonable and feasible, and integrate with surrounding landforms Slopes of final landforms are minimised as far as is reasonable and feasible Free draining Constructed landforms to drain to the natural environment via natural drainage lines 	Final Voids	<ul style="list-style-type: none"> No final voids on site 	Rehabilitation areas and other vegetated land	<ul style="list-style-type: none"> Restore self-sustaining woodland ecosystems on the site that comprise flora species from locally occurring vegetation communities. Establish areas of self-sustaining habitat for threatened flora and fauna species. 	Surface infrastructure	<ul style="list-style-type: none"> To be decommissioned and removed, unless the Secretary agrees otherwise 	Community	<ul style="list-style-type: none"> Ensure public safety Minimise the adverse socio-economic effects associated with mine closure 	Rehabilitation Management Plan Rehabilitation Strategy	Final rehabilitation has not been reached within the audit period. Rehabilitation Documents have been prepared detailing these objectives. Progressive rehabilitation appears to be generally in line with these objectives.	Compliant		
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Surface infrastructure	<ul style="list-style-type: none"> To be decommissioned and removed, unless the Secretary agrees otherwise 																	
Community	<ul style="list-style-type: none"> Ensure public safety Minimise the adverse socio-economic effects associated with mine closure 																	
50	The Proponent must rehabilitate the site progressively as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies must be employed when areas prone to dust generation cannot be permanently rehabilitated. <i>Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development. It is also accepted that delays in rehabilitation due to extended wet or dry conditions may occur.</i>	2023 Annual Review Rehabilitation Management Plan 2023 Forward Program	Status of Mining and Rehabilitation reported in the 2023 Annual Review is inconsistent with Three-yearly forecast cumulative disturbance and rehabilitation progression detailed in the Forward Program (2023 to 2025). A total of 10.07 Ha was forecasted in Year 1 and 32.93 was forecasted in Year 2 of the Forward Program. Correspondence from CC notes the following related to rehabilitation at the mine: - Recommencement of operations was delayed and did not begin until July 2023. This has affected the forward program. - There have been significant delays in 2024 with downtime affecting the rehabilitation program. - This is an error in the annual review as the rehabilitation status and forecast is not accurate to the current operations. - In Yr1, Growth medium development was undertaken in the brown hatched area including spreading of topsoil and subsoil. - As of Dec 2023 landform establishment, growth medium development was underway although not completed. - Throughout Yr2 of the project subsoil and topsoil dumping and spreading has been undertaken in the Southeastern area. Planning is still being undertaken to conduct land prep for rehab in the Northern and North-East void areas. The confirmation of this plan will require update to the FWP and RMP The mine currently has in the order of 95 Hectares of active disturbance. Dumping is currently occurring within the Eastern Void. Rehabilitation has not occurred in accordance with the Schedule outlined in the RMP, Rehabilitation Strategy and Forward Program. Discussions during the site inspection included a description of works commissioned to advance rehabilitation, including the development of a material balance, Forward Program and Rehabilitation Cost Estimate. No timeframe for completion was confirmed. Discussions during the site inspection included a confirmation from site management of commitments to mine rehabilitation. Two Section 240 Notices issued by the Resources Regulator outside of the audit period (2021). The notices included: Notice NTCE0008970: Rehabilitation Materials Inventory. Based on the observations from the inspection outlined above, the Regulator has formed the view that there is a risk of an adverse impact on the environment due to: a) the uncertainty of the rehabilitation material inventories presents a risk that suitable types and quantities of rehabilitation cover material cannot be placed over overburden and/or waste emplacements to support the final land use (establishment of native vegetation). • Notice NTCE0008971: Landform and surface water management structures. Based on the observations from the inspection outlined above, the Regulator has formed the view that there is a risk of adverse impact to the environment due to: a) erosion of the final landform associated with unstable surface water management structures, which may lead to landform stability issues (e.g. gullyng). This may lead to the post closure release of sediment to the surrounding environment at a level significantly higher than natural landscape quantities. b) potential instability of the final landform which may result in it being unable support the nominated final land use(s). Following review of a technical investigation report, dated May 2022, Castlereagh Coal submitted an action plan (23 July 2022) outlining actions to address recommendations from the technical report. The actions consist of monitoring, detailed surveys, landform designs and material inventories. The 2023 Annual Review reported ongoing implementation of the actions. Evidence of the current status of the items in the Action Plan was not available during the audit. It is noted that on 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes. This has been deemed as a non-compliance medium risk on the basis of the Section 240 Notices, The Warning Letter issued by the Resources Regulator, agency engagement comments and the status of the Forward Program reports and progressions. It is acknowledged that consultants have been engaged to undertake mine planning and reporting requirements, however defined timing of these actions was not available during the audit. Overall, the risk rating reflects that the Resources Regulator had formed the view that there is a risk of adverse impact to the environment related to rehabilitation progress and landform stability.	Non-compliant - Medium Risk	NC15	As for Schedule 2, Condition 11. (NC2)												

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
Rehabilitation Strategy						
51	By the end of May 2018, unless the Secretary agrees otherwise, the Proponent must prepare a Rehabilitation Strategy to the satisfaction of the Secretary. This strategy must: (a) investigate options to backfill the Northern and Eastern voids as soon as practicable; (b) investigate options to avoid the disturbance of vegetation in proximity to the Eastern Void; and (c) include a detailed description of the measures to be implemented and a plan for the implementation of these measures.	Rehabilitation strategy attached	The Rehabilitation Strategy, dated November 2022 (Rev 1) was approved by the Department on 12 December 2022. Section 3.4 describes options to backfill voids. Section 4.2.1 describes options to avoid disturbance in proximity of the Eastern Void. Section 4.1 describes measures for implementation.	Compliant with Observation	OBS8	1. Review, and update where necessary, the Rehabilitation Strategy (RS) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the RS is fit for purpose given the recommencement of operations and EIS commitments. 2. Undertake a detailed review of all commitments, requirements and regulatory/enforcement actions related to rehabilitation to ensure key rehabilitation measures are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to the environment are mitigated. Incorporate the outcomes of the detailed review into the revised Rehabilitation Strategy and/or Rehabilitation management Plan.
52	The Rehabilitation Strategy approved by the Secretary must be implemented.	Biodiversity reports entail this information.	Status of Mining and Rehabilitation reported in the 2023 Annual Review is inconsistent with Three-yearly forecast cumulative disturbance and rehabilitation progression detailed in the Forward Program (2023 to 2025). A total of 10.07 Ha was forecasted in Year 1 and 32.93 was forecasted in Year 2 of the Forward Program. Correspondence from CC notes the following related to rehabilitation at the mine: - Recommencement of operations was delayed and did not begin until July 2023. This has affected the forward program. - There have been significant delays in 2024 with downtime affecting the rehabilitation program. - This is an error in the annual review as the rehabilitation status and forecast is not accurate to the current operations. - In Yr1, Growth medium development was undertaken in the brown hatched area including spreading of topsoil and subsoil. - As of Dec 2023 landform establishment, growth medium development was underway although not completed. - Throughout Yr2 of the project subsoil and topsoil dumping and spreading has been undertaken in the Southeastern area. Planning is still being undertaken to conduct land prep for rehab in the Northern and North-East void areas. The confirmation of this plan will require update to the FWP and RMP The mine currently has in the order of 95 Hectares of active disturbance. Dumping is currently occurring within the Eastern Void. Rehabilitation has not occurred in accordance with the Schedule outlined in the RMP, Rehabilitation Strategy and Forward Program. Discussions during the site inspection included a description of works commissioned to advance rehabilitation, including the development of a material balance, Forward Program and Rehabilitation Cost Estimate. No timeframe for completion was confirmed. Discussions during the site inspection included a confirmation from site management of commitments to mine rehabilitation. Two Section 240 Notices issued by the Resources Regulator outside of the audit period (2021). The notices included: Notice NTCE0008970: Rehabilitation Materials Inventory. Based on the observations from the inspection outlined above, the Regulator has formed the view that there is a risk of an adverse impact on the environment due to: a) the uncertainty of the rehabilitation material inventories presents a risk that suitable types and quantities of rehabilitation cover material cannot be placed over overburden and/or waste emplacements to support the final land use (establishment of native vegetation). • Notice NTCE0008971: Landform and surface water management structures. Based on the observations from the inspection outlined above, the Regulator has formed the view that there is a risk of adverse impact to the environment due to: a) erosion of the final landform associated with unstable surface water management structures, which may lead to landform stability issues (e.g. gullyng). This may lead to the post closure release of sediment to the surrounding environment at a level significantly higher than natural landscape quantities. b) potential instability of the final landform which may result in it being unable support the nominated final land use(s). Following review of a technical investigation report, dated May 2022, Castlereagh Coal submitted an action plan (23 July 2022) outlining actions to address recommendations from the technical report. The actions consist of monitoring, detailed surveys, landform designs and material inventories. The 2023 Annual Review reported ongoing implementation of the actions. Evidence of the current status of the items in the Action Plan was not available during the audit. It is noted that on 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes. This has been deemed as a non-compliance medium risk on the basis of the Section 240 Notices, The Warning Letter issued by the Resources Regulator, agency engagement comments and the status of the Forward Program reports and progressions. It is acknowledged that consultants have been engaged to undertake mine planning and reporting requirements, however defined timing of these actions was not available during the audit. Overall, the risk rating reflects that the Resources Regulator had formed the view that there is a risk of adverse impact to the environment related to rehabilitation progress and landform stability.	Non-compliant - Medium Risk	NC16	As for Schedule 2, Condition 11. (NC2)
Rehabilitation Management Plan						
52	Prior to recommencing mining operations, unless the Secretary agrees otherwise, the Proponent must prepare a Rehabilitation Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with DPI Water, OEH, Council and the CCC; (b) be prepared in accordance with any relevant DRG guideline and be consistent with the rehabilitation objectives in the EA and in Table 11; (c) describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategy; (d) include a detailed rehabilitation schedule for the life of the mine and an annual program for reviewing and revising this schedule, as informed by condition 51 of this schedule; (e) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary); (f) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform, and final land se; (g) provide for detailed mine closure planning, including measures to minimise socio-economic effects due to mine closure, to be conducted prior to the site being placed on care and maintenance; (h) include interim rehabilitation where necessary to minimise the area exposed for dust generation; (i) include a program to monitor and report on the effectiveness of the rehabilitation of the site, and progress against the detailed performance and completion criteria; and (j) be integrated with the other management plans required under this consent. Note: The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitation mine-site.	RMP and approval attached. Rehabilitation inspections attached.	The RMP (Rev 1.1), dated November 2022 was approved by DPE on 12 December 2022. a) Consultation is included within Appendix D (completed in 2018). Section 4.2 outlines consultation undertaken. b) The RMP has been drafted to comply with the Consent and the Mining Act reforms of 2022. c) Section 6.2.6 outlines how rehabilitation and offset areas are integrated d) Section 6.1 detailed the LOM process and rehabilitation schedule, linking to the Forward Program. It is noted that CC has recently commissioned consultants to undertake detailed LOM mine planning. e) Section 4 and 8.3 detailed completion objectives and criteria. Rehabilitation Objectives statements is included in Appendix B of the RMP. f) Section 6 describes the rehabilitation measures to be implemented. g) Section 6.2.1 describes closure actions specific to socio economic reviews. h) Section 6.2.1 describes temporary rehabilitation activities to minimise dust emissions. i) Section 8 and 10 detail monitoring programs and a TARP j) Measures described in Section 6, 8 and 10 have been bought across from other management plans. The non-compliance relates to the RMP not including Completion Criteria. It noted that the Objectives Statements is currently with the Resources Regulator for approval and Appendix B does not contain preliminary criteria. It is noted that the Objective statement can only be following approval of the rehabilitation objectives statement. The NSW Resource Regulator recently advised that final rehabilitation completion criteria are only required to be submitted no later than the due date of the forward program that covers a period which includes completion of rehabilitation for the mining area or part thereof. The RMP and Objectives are generally consistent with the Consent	Non-compliant - Low Risk	NC17	1. Following approval of the Rehabilitation Objectives and Criteria, revise the Rehabilitation Management Plan (RMP) based on the amendment requirements of current Mining Lease Conditions. 2. Ensure RMP measures are implemented in accordance with planned activities and timings.

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
51 (2 = sic)	The Rehabilitation Management Plan approved by the Secretary must be implemented.	Approval attached.	<p>Rehabilitation has not occurred in accordance with the Schedule outlined in the RMP, Rehabilitation Strategy and Forward Program (see findings for Schedule 3, Condition 11, 50 and 52)</p> <p>Some elements of the RMP applicable to the audit period have not been implemented, including (LOM Schedule, Temporary Rehabilitation for Air Quality, delineation of disturbance boundaries)</p> <p>It is noted that on 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes.</p> <p>This has been deemed as a non-compliance medium risk on the basis of the Section 240 Notices, The Warning Letter issued by the Resources Regulator, agency engagement comments and the status of the Forward Program reports and progressions. It is acknowledged that consultants have been engaged to undertake mine planning and reporting requirements, however defined timing of these actions was not available during the audit. Overall, the risk rating reflects that the Resources Regulator had formed the view that there is a risk of adverse impact to the environment related to rehabilitation progress and landform stability. .</p>	Non-compliant - Medium Risk	NC18	<p>1. Review, and update where necessary, the Rehabilitation Management Plan (RMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the RMP is fit for purpose given the recommencement of operations and EIS commitments.</p> <p>2. Ensure key rehabilitation measures are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to the environment are mitigated.</p>
SCHEDULE 4						
ADDITIONAL PROCEDURES						
NOTIFICATION OF LANDOWNERS/TENANTS						
1	Prior to the recommencement of mining operations, the Proponent must: (a) notify in writing the owners of any privately-owned land within 2 kilometres of the Southern Extension Area that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated; (b) notify the tenants of any mine-owned land of their rights under this approval; and (c) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EA identify that dust emissions generated by the project are likely to be greater than the relevant air quality criteria in schedule 3 at any time during the life of the project.	Site Inspection	Billabong and Hillview are within the 2km radius and do not have any residents currently residing on the properties.	Not Triggered		
2	Prior to entering into any tenancy agreement for any land owned by the Proponent that is predicted to experience exceedances of the recommended dust and/or noise criteria, the Proponent must: (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); (b) advise prospective tenants of the rights they would have under this consent.	Site Inspection	Billabong and Hillview are within the 2km radius and do not have any residents currently residing on the properties.	Not Triggered		
3	As soon as practicable after obtaining monitoring results showing: (a) an exceedance of any relevant criteria in Schedule 3, the Proponent must notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the project is again complying with the relevant criteria; and (b) an exceedance of any relevant air quality criteria in Schedule 3, the Proponent must send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).	Site Inspection	Billabong and Hillview are within the 2km radius and do not have any residents currently residing on the properties.	Not Triggered		
INDEPENDENT REVIEW						
4	If an owner of privately-owned land considers the project to be exceeding the relevant criteria in schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the project on his/her land. If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision the Proponent must: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to: • consult with the landowner to determine his/her concerns; • conduct monitoring to determine whether the project is complying with the relevant criteria in schedule 3; and • if the project is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and (b) give the Secretary and landowner a copy of the independent review. Note: Where the independent review finds that the development is not complying with applicable criteria, the Department may take enforcement action under the EP&A Act to ensure compliance with the approval.	No independent review request received during the audit period.	No independent review request received during the audit period.	Not Triggered		
LAND ACQUISITION						
5	Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent must making a binding written offer to the landowner based on: (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 project, 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: • relocating within the Lithgow local government area, or to any other local government area determined by the Secretary; and • obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and (c) reasonable compensation for any disturbance caused by the land acquisition process. However, if at the end of this period, the Proponent 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 Secretary for resolution. Upon receiving such a request, the Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to: • consider submissions from both parties; • determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above; • prepare a detailed report setting out the reasons for any determination; and • provide a copy of the report to both parties. within 14 days of receiving the independent valuer's report, the Proponent must make a binding written offer to the landowner to purchase the land at the price not less than the	No acquisition request received during the audit period.	No acquisition request received during the audit period.	Not Triggered		
6	The Proponent must pay all reasonable costs associated with the land acquisition process described in condition 5 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.	No acquisition request received during the audit period.	No acquisition request received during the audit period.	Not Triggered		

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
SCHEDULE 5						
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING						
ENVIRONMENTAL MANAGEMENT						
Environmental Management Strategy						
1	The Proponent must prepare an Environmental Management Strategy for the project to the satisfaction of the Secretary, and carry out the project in accordance with this strategy. This strategy must: (a) Be submitted to the Secretary for approval prior to carrying out any development under this consent; (b) provide for the strategic framework for the environmental management of the project; (c) identify the statutory approvals that apply to the project; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project; (e) describe the procedures that would be implemented to: • keep the local community and relevant agencies informed about the operation and environmental performance of the project; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the project; • respond to any non-compliance; • respond to emergencies; and (f) include: • copies of any strategies, plans and programs approved under the conditions of this approval; and • a clear plan depicting all the monitoring to be carried out in relation to the project.	EMS and approval attached CC website Site inspection	The EMS, dated November 2022 was approved by the Department on 1 November 2022. The EMS describes - the environmental framework of strategies, plans and programs. - Roles and responsibilities for environmental management - Communication with community / stakeholders - management of complaints - monitoring carried out It is noted that copies of any strategies, plans and programs are not attached to the EMS. However Section 3.1 lists each document and provides a link to the CC website where each is can be accessed. Sample links verified during audit site inspection.	Compliant with Observation	OBS9	1. Review, and update where necessary, the EMS to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented. 2. Ensure key measures to address Environmental Management and to protect environmental quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to Environmental Quality are mitigated.
Adaptive Management						
2	The Proponent must assess and manage project-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this approval and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation. Where any exceedance of these criteria and/or performance measures has occurred, the Proponent must, at the earliest opportunity: (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur; (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and (c) implement remediation measures as directed by the Secretary.	Evidence saved under biodiversity and water values	Some Potential Exceedance of ANZECC: There have been instances where the water discharged has exceeded the ANZECC trigger values Exceedance Investigation: AGE Consulting is conducting an investigation into these exceedances, following the TARP (Trigger Action Response Plan). Compliance Status is accurate for date of site visit. Pending the outcome of the AGE Investigation, the compliance status may change	Compliant		
Management Plan Requirements						
3	The Proponent must ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and includes: (a) detailed baseline data; (b) a description of: • the relevant statutory requirements (including any relevant approval, licence or lease conditions); • any relevant limits or performance measures/criteria; • the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures; (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; (d) a programme to monitor and report on the: • impacts and environmental performance of the project; • effectiveness of any management measures (see c above); (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible; (f) a program to investigate and implement ways to improve the environmental performance of the project over time; (g) a protocol for managing and reporting any: • incidents; • complaints; • non-compliances with statutory requirements; and • exceedances of the impact assessment criteria and/or performance criteria; and (h) a protocol for periodic review of the plan.	Noise Management Plan Air Quality Management Plan Water Management Plan Biodiversity Management Plan Aboriginal Cultural Heritage Management Plan Transport Management Plan Rehabilitation Management Plan Rehabilitation Strategy Environmental Management Strategy Blasting Management Plan - not prepared due to no blasting undertaken.	Plans generally contain: a) Baseline information b) Regulatory Requirements, Criteria and Performance indicators, which generally adopt criteria trigger values c) management measures d) monitoring programs (summary provided in EMS) e) Contingency Plans in most plans generally refer to Adaptive Management steps post recording exceedances. Consideration should be given to introducing TARPs into management plans f) Review and improvement is link to Schedule 5 triggers g) Complaint, exceedance, incident management h) Review and improvement is link to Schedule 5 triggers The Rehabilitation Management Plan has been prepared primarily to address the 2022 Rehabilitation Reforms and the Rehabilitation Strategy and EMS have been prepared to address specific condition requirements. It is noted that the management plans were drafted and approved in 2022, while the site was on care and maintenance. The activities described in MOD5 were approved in February 2018. Given this time period review, and update where necessary, management plans to revise the current status of the operation, consider implementation status of mitigation measures and consider if the level of detail is fit for purpose given the recommencement of operations and EIS commitments. Consideration should also be given to increasing the timing and specificity of outlining the measures to be implemented and how / when these are to be implemented.	Compliant		
Annual Review						
4	By the end of March each year, or other timing as may be agreed by the Secretary, the Proponent must review the environmental performance of the project to the satisfaction of the Secretary. This review must: (a) describe the project (including any rehabilitation) that was carried out in the past financial year, and the project that is proposed to be carried out over the next year; (b) include a comprehensive review of the monitoring results and complaints records of the project over the past financial year, which includes a comparison of these results against the: • relevant statutory requirements, limits or performance measures/criteria; • requirements of any plan or program required under this approval; • monitoring results of previous years; and • relevant predictions in the EA; (c) identify any non-compliance over the past financial year, and describe what actions were (or are being) taken to ensure compliance; (d) identify any trends in the monitoring data over the life of the project; (e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and (f) describe what measures will be implemented over the current financial year to improve the environmental performance of the project. <i>Note: The "Post Approval Requirements for State Significant Developments - Annual Review Guideline 2015, NSW Government, October 2015" (or its latest version) provides a reporting framework to integrate the reporting requirements of the Annual Review required by the Department under the development consent and the Annual Environment Management Report (AEMR) required by DRE under the Mining Lease.</i>	2023 Annual Review	The 2023 Annual Review, dated 11 June 2023 was prepared and submitted to DPPI past the due date of 30 March 2024. Sections 6, 7, 9 and 11 provide an overview of environmental performance. Section 4 provides an operational overview, Section 8 describes rehabilitation activities and Section 12 details activities to be conducted in the next reporting period. Section 6 provides a review of monitoring data, trends and comparisons of EA predictions. Consideration should be given to increasing the comprehensive analysis of trends and comparisons across environmental aspects and also for key risks. Section 9 describes community complaints and Section 11 details incidents and non-compliances for the reporting period. Section 6 includes references to actions to improve environmental performance. It is noted that a range of commitments have been included in management plans for reporting within Annual Reviews that are in addition to the requirements of this condition. The audit found example of where these commitments have not been carried over (annual revision of the site water balance). It is also noted that future Annual Reviews should provide a comprehensive analysis of trends and comparisons against EA predictions for all environment aspects and to a greater level of detail than in previous Annual Reviews.	Non-compliant - Low Risk	NC19	Introduce a systematic process to ensure commitments that have been included in management plans for reporting within Annual Reviews are addressed for future submissions.

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
Revision of Strategies, Plans and Programs						
5	<p>Within 3 months of:</p> <ul style="list-style-type: none"> the submission of an annual review under condition 4 above; the submission of an incident report under condition 7 below; the submission of an audit report under condition 9 below; or any modification to the conditions of this approval, (unless the conditions require otherwise), the Proponent must review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within 4 weeks of the review, unless the Secretary agrees otherwise, the revised document must be submitted to the Secretary for approval. <p><i>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.</i></p>	Annual Review Management Plans	<p>The 2023 Annual Review submission is a trigger in the audit period for a review and if necessary revision to site strategies, plans, programs.</p> <p>Evidence documenting a review of site strategies, plans, programs following submission of the 2023 Annual Review was not available at the time of the audit. The annual review was submitted on 12/06/24 and the management plans, strategies and programs were review by 11/09/24 as per the letter to DPHI dated 19/09/24.</p> <p>Site strategies, plans, programs were not updated following the 2023 Annual Review Submission.</p>	Compliant		
Updating and Staging Strategies, Plans or Programs						
6	To ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project, the Proponent may submit revised strategies, plans or programs required under this approval at any time. With the agreement of the Secretary, the Proponent may also submit any strategy, plan or program required by this consent on a staged basis.	Noted	Noted	Note		
7	The Secretary may approve a revised strategy, plan or program required under this consent, or the staged submission of any of these documents, at any time. With the agreement of the Secretary, the Proponent may prepare the revised or staged strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this consent.	Noted	Noted	Note		
Community Consultation Committee						
8	<p>The Proponent must operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Secretary. This CCC must be operated in general accordance with the <i>Community Consultative Committee Guidelines for State Significant Project</i> (Department of Planning and Environment, 2016, or its latest version).</p> <p>Within the agreement of the Secretary, the operation of this CCC may be combined with the operation of the CCC for the Cullen Valley mine.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval. In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Proponent, Council, and the local community. 	CCC minutes and presentation attached. Also on website.	<p>The CCC held meetings in October 2023 and April 2024.</p> <p>CCC is held jointly with Cullen Valley Mine and has operated this way since 2012. Approval from the Secretary.</p> <p>There is no reference to the updated CCC Guidelines (2023) in meeting minutes.</p>	Compliant with Observation	OBS10	Confirm that the CCC has adopted and is operating in accordance with the 2023 CCC Guidelines.
REPORTING						
Incident Reporting						
9	The Proponent must immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Proponent must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.	Incidents register saved under Schedule 2. Also reported in Annual reviews and returns.	There were no environmental incidents causing or threatening material environmental harm at Invincible Colliery during the audit period. The Invincible Pollution Incident Response Management Plan was not activated during the reporting period	Not Triggered		
Regular Reporting						
10	The Proponent must provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.	Noted. Check website. Monthly EPL reports, truck movements, RMP.	<p>Website Reviewed. https://ccoal.com.au/environmental-reporting-compliance/.</p> <p>Annual Reviews, Monthly EPL Reports, Complaints Register sighted on the website.</p> <p>Annual Rehabilitation Report had not been published during the reporting period. It is noted that the website has been updated.</p>	Administrative Non-Compliance	NC20	Introduce a systematic process to ensure commitments that have been included in management plans for reporting within Annual Reviews are addressed for future submissions.
INDEPENDENT ENVIRONMENTAL AUDIT						
11	<p>Within 1 year of recommencing mining operations, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent must commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <ol style="list-style-type: none"> be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; include consultation with the relevant agencies; assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals); review the adequacy of strategies, plans or programs required under the abovementioned approvals; and recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals. <p><i>Note: The "Post Approval Requirements for State Significant Developments - Independent Audit Guideline, NSW Government, October 2015" (or latest version) provides an audit and reporting framework for the independent audit that will guide compliance with this condition.</i></p>	Auditor endorsement This Audit	<p>Auditor endorsement was received</p> <p>This audit report addresses the condition requirements</p>	Compliant		
12	Within 3 months of commissioning this audit, or as otherwise agreed by the Secretary, the Proponent must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of these recommendations as required. The Proponent must implement these recommendations, to the satisfaction of the Secretary.	Extension request grant evidence	<p>An extension was granted by the Department for submission of the audit report and response.</p> <p>It is understood that CC intend on submitting the audit report and response by the due date nominated on the extension letter</p>	Compliant		

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation																																																								
ACCESS TO INFORMATION																																																														
13	The Proponent must: a) make copies of the following publicly available on its website: • the EA; • current statutory approvals for the project; • approved strategies, plans and programs required under the conditions of this approval; • a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs; • a complaints register, which is to be updated monthly; • minutes of CCC meetings; • the annual reviews of the project; • any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit; • any other matter required by the Secretary; and b) keep this information up-to-date	Website Review	Website Reviewed. https://ccoal.com.au/environmental-reporting-compliance/ The website is easy to following and easily accessible, Most items required by the consent are located on the website, a few items not uploaded to the website, for example some Authorisations. It is noted that the Proponents response to the previous IEA has been uploaded as an attachment iwthin the 2016 IEA report. Although outside of the audit period, monthly monitoring reports for August and September are not uploaded. It is noted that outstanding monitoring data is yet to be received by CC (Chapter 2, Part 3.5, Condition 66(6) of the Protection of the Environment operations Act 1997).	Administrative Non-Compliance	NC21	Introduce a systematic process to ensure website uploads occur in accordance with the Consent.																																																								
APPENDIX 4																																																														
NOISE COMPLIANCE ASSESSMENT																																																														
Applicable Meteorological Conditions																																																														
1	The noise criteria in Table 1 of schedule 3 are to apply under all meteorological conditions except the following: b) wind speeds greater than 3 m/s at 10 m above ground level; or c) temperature inversion conditions between 1.5 °C and 3°C/100m and wind speeds greater than 2 m/s at 10 m above ground level; or d) temperature inversion conditions greater than 3°C/100m.	Noise monitoring reports	Noise Monitoring Reports note noise criteria application conditions within the report and consider these elements in assessing compliance. No exceedances were observed during the audit period.	Compliant																																																										
Determination of Meteorological Conditions																																																														
2	Except for wind speed at microphone height, the data to be used for determining meteorological conditions must be that recorded by the meteorological station location on the site.	MET data attached. Maps plans are within the AQMP Calibration records Meteorological data. Site interviews Quote & Purchase Order raised for replacement equipment.	Meteorological station is operating and maintained. Calibration records and monitoring data sighted. It is noted that the current equipment is aged, however is certified by ALS Hydrographics that it is operated and maintained in accordance with Australian Standard 3580.14 requirements for meteorological equipment. It is noted that this also complies with NSW EPA's current Approved Methods for Sampling of Air Pollutants in New South Wales (2022) and the Industrial Noise Policy 2000 (formerly the Industrial Noise Policy). The capability of the meteorological station to measure temperature inversions in accordance with the NSW Industrial Noise Policy could not be verified. Inferred compliance could be deduced on review of quarterly noise reports. Quote and PO request sighted for replacement meteorological station / sensors that comply with AS3580.14 requirements. This also complies with NSW EPA Approved Methods for Sampling of Air Pollutants in New South Wales (2022) and the Industrial Noise Policy 2000 (formerly the Industrial Noise Policy).	Not verified	NV6	As for Schedule 3, Condition 21. (OBS4)																																																								
Compliance Monitoring																																																														
3	Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.	Noise monitoring reports Annual Review Website	Noise Monitoring Reports evaluate noise performance following attended monitoring against conditions of this consent. It is noted that attended monitoring of night time noise is not undertaken due to CC operating as a daytime only operation	Compliant																																																										
4	This monitoring must be carried out at least 4 times a year, unless the Secretary directs otherwise.	Noise monitoring reports Annual Review Website	Noise monitoring has been undertaken 4 times a year	Compliant																																																										
5	Unless otherwise agreed with the Secretary, this monitoring is to be carried out generally in accordance with the relevant requirements for reviewing performance set out in the <i>NSW Industrial Noise Policy</i> (as amended from time to time), in particular the requirements relating to: a) monitoring locations from the collection of representative noise data; b) meteorological conditions during which collection of noise data is not appropriate; c) equipment used to collect noise data, and conformance with Australian Standards relevant to such equipment; and d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration and low frequency noise.	Noise monitoring reports Annual Review Website Noise Management Plan	Meteorological station is operating and maintained. Calibration records and monitoring data sighted. It is noted that the current equipment is aged, however is certified by ALS Hydrographics that it is operated and maintained in accordance with Australian Standard 3580.14 requirements for meteorological equipment. It is noted that this also complies with NSW EPA's current Approved Methods for Sampling of Air Pollutants in New South Wales (2022) and the Industrial Noise Policy 2000 (formerly the Industrial Noise Policy). The capability of the meteorological station to measure temperature inversions in accordance with the NSW Industrial Noise Policy could not be verified. Inferred compliance could be deduced on review of quarterly noise reports. Quote and PO request sighted for replacement meteorological station / sensors that comply with AS3580.14 requirements. This also complies with NSW EPA Approved Methods for Sampling of Air Pollutants in New South Wales (2022) and the Industrial Noise Policy 2000 (formerly the Industrial Noise Policy).	Not verified	NV7	As for Schedule 3, Condition 21. (OBS4)																																																								
6	The assessment of excessive levels of low frequency noise generated by the mine shall be as follows: Measure/assess C- and A-weighted Leq,T levels over same time period. Where the C minus A level is 15dB or more and: • Where any of the 1/3 octave noise levels in Table 4-1 are exceeded by up to 5dB and cannot be mitigated, a 2 dB(A) positive adjustment to measured/predicted A weighted levels applies for the evening/night period. • where any of the 1/3 octave noise levels in Table 4-1 are exceeded by more than 5dB and cannot be mitigated, a 5 dB(A) positive adjustment to measured/predicted A weight levels applies for the evening/night period and a 2dB positive adjustment applies for the daytime period. Table 4-1: One-third octave low frequency noise thresholds <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Hz/dB(Z)</th> <th colspan="12">One-third octave low frequency noise thresholds</th> </tr> <tr> <th></th> <th>10</th> <th>12.5</th> <th>16</th> <th>20</th> <th>25</th> <th>31.5</th> <th>40</th> <th>50</th> <th>63</th> <th>80</th> <th>100</th> <th>125</th> <th>160</th> </tr> </thead> <tbody> <tr> <td>Frequency (Hz)</td> <td>10</td> <td>12.5</td> <td>16</td> <td>20</td> <td>25</td> <td>31.5</td> <td>40</td> <td>50</td> <td>63</td> <td>80</td> <td>100</td> <td>125</td> <td>160</td> </tr> <tr> <td>dB(Z)</td> <td>92</td> <td>89</td> <td>86</td> <td>77</td> <td>69</td> <td>61</td> <td>54</td> <td>50</td> <td>50</td> <td>48</td> <td>48</td> <td>46</td> <td>44</td> </tr> </tbody> </table>	Hz/dB(Z)	One-third octave low frequency noise thresholds													10	12.5	16	20	25	31.5	40	50	63	80	100	125	160	Frequency (Hz)	10	12.5	16	20	25	31.5	40	50	63	80	100	125	160	dB(Z)	92	89	86	77	69	61	54	50	50	48	48	46	44				Not triggered		
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APPENDIX 6																																																														
VOLUNTARY PLANNING AGREEMENT - TERMS																																																														
1	Castlereagh Coal will contribute \$0.05 per tonne of product for each financial year of the operation of the Southern Extension Project to be utilised in the Cullen Bullen township and surrounds.	LCC VPA, dated 5 July 2017 Site Interviews	Planning Agreement established 5 July 2017. \$0.05/tonne product coal payable to Council for community purposes. CC has entered into a Voluntary Planning Agreement (VPA) with council It is noted that payment for 2023 reporting year is in progress (PO request raised) with a due date of July 20th Each Year.	Compliant with Observation	OBS11	Introduce a systematic method to ensuring payments are made in accordance with the nominated agreement timeframes.																																																								

Environment Protection Licence

Proponent Shoalhaven Coal Pty Ltd trading as Castlereagh Coal
Approval: MP0_0127 MOD 5
Project: Invincible Coal Project
Land: Part Ben Bullen State Forest, Lot 1/DP 180294, Lot 113/DP 877190, Lot 112/DP 877190
Approval Authority Minister for Planning
Lead Auditor Anna Cochrane
Audit Team Stephen Shoemith
 Samuel McDonald
Audit Period 13 July 2023 - 13 July 2024
Site Visit Date 2 October 2023 - 4 October 2024

Licence Details
Issuing Authority Environment Protection Authority

Number: EPL 1095
Anniversary Date: 28 February 2024

Licensee Shoalhaven Coal Pty Ltd
 PO Box 3011, Bowenfels NSW 2790
Premises The Invincible Colliery
 Castlereagh Highway, Cullen Bullen NSW 2790

Scheduled Activity Coal works
 Mining for coal

Compliance Status Legend
Compliant
Compliant with Observation
Not verified
Non-compliant - High Risk
Non-compliant - Medium Risk
Non-compliant - Low Risk
Administrative Non-Compliance
Not Triggered
Note

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation									
1 - ADMINISTRATIVE CONDITIONS															
A1 What the licence authorises and regulates															
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> <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Coal works</td> <td>Coal works</td> <td>0 - 2000000 T annual handing capacity</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>> 500000 - 2000000 T annual production capacity</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	0 - 2000000 T annual handing capacity	Mining for coal	Mining for coal	> 500000 - 2000000 T annual production capacity	<p>Coal deliveries register Annual Review 2023 Invincible Mine Forward Program 1 Jan 2023 to 31 Dec 2025</p>	<p>Weighbridge records, collated weekly by site admin show that production is within the limited prescribed.</p>	Compliant		
Scheduled Activity	Fee Based Activity	Scale													
Coal works	Coal works	0 - 2000000 T annual handing capacity													
Mining for coal	Mining for coal	> 500000 - 2000000 T annual production capacity													
A2 Premises or plant to which this licence applies															
A2.1	<p>The licence applies to the following premises:</p> <table border="1"> <thead> <tr> <th>Premises Details</th> </tr> </thead> <tbody> <tr> <td>THE INVINCIBLE COLLIERY</td> </tr> <tr> <td>CASTLEREAGH HIGHWAY</td> </tr> <tr> <td>CULLEN BULLEN</td> </tr> <tr> <td>NSW 2790</td> </tr> <tr> <td>LOT 1 DP 180294, LOT 16 DP 755769, PART LOT 112 DP 877190, LOT 113 DP 877190</td> </tr> <tr> <td>PART BEN BULLEN STATE FOREST. INVINCIBLE COLLIERY HOLDING</td> </tr> </tbody> </table>	Premises Details	THE INVINCIBLE COLLIERY	CASTLEREAGH HIGHWAY	CULLEN BULLEN	NSW 2790	LOT 1 DP 180294, LOT 16 DP 755769, PART LOT 112 DP 877190, LOT 113 DP 877190	PART BEN BULLEN STATE FOREST. INVINCIBLE COLLIERY HOLDING	Noted	Noted	Note				
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LOT 1 DP 180294, LOT 16 DP 755769, PART LOT 112 DP 877190, LOT 113 DP 877190															
PART BEN BULLEN STATE FOREST. INVINCIBLE COLLIERY HOLDING															
A3 Information supplied to the EPA															
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. 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>	Noted	Noted	Note											

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation																												
P1 Location of monitoring/discharge points and areas																																		
P1.1	<p>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.</p> <table border="1"> <thead> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>Dust monitoring</td> <td></td> <td>High Volume Air Sampler identified as IDD1 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23121715-2.</td> </tr> <tr> <td>4</td> <td>Dust monitoring</td> <td></td> <td>Dust depositional gauge identified as IDD2 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23121715-2.</td> </tr> <tr> <td>5</td> <td>Dust monitoring</td> <td></td> <td>Dust depositional gauge identified as IDD3 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23121715-2.</td> </tr> <tr> <td>6</td> <td>Dust monitoring</td> <td></td> <td>Dust depositional gauge identified as IDD4 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23121715-2.</td> </tr> <tr> <td>7</td> <td>Dust monitoring</td> <td></td> <td>Dust depositional gauge identified as IDD5 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23121715-2.</td> </tr> <tr> <td>8</td> <td>Dust monitoring</td> <td></td> <td>Dust depositional gauge identified as IDD6 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23121715-2.</td> </tr> </tbody> </table>	EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	3	Dust monitoring		High Volume Air Sampler identified as IDD1 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23121715-2.	4	Dust monitoring		Dust depositional gauge identified as IDD2 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23121715-2.	5	Dust monitoring		Dust depositional gauge identified as IDD3 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23121715-2.	6	Dust monitoring		Dust depositional gauge identified as IDD4 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23121715-2.	7	Dust monitoring		Dust depositional gauge identified as IDD5 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23121715-2.	8	Dust monitoring		Dust depositional gauge identified as IDD6 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23121715-2.	<p>Site Plan: EPL 1085 Premises and Monitoring Points Annual Review Reports EPL Annual Returns Website reporting Dust Monitoring Results 17059-703 Castlereagh Invincible 2024, dated 24/3/2024 Monitoring data spreadsheets & associated laboratory reports Site inspection</p>	Dust monitoring locations were as per EPL requirements during the audit period.	Compliant		
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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.	Noted	Noted	Note																														
P1.3	<p>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.</p> <table border="1"> <thead> <tr> <th colspan="4">Water and land</th> </tr> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>Discharge to waters; Discharge quality monitoring</td> <td>Discharge to waters; Discharge quality monitoring</td> <td>Discharge from water storage dam labelled as LD002 on figure titled "Figure 1: Invincible EPL Boundary and Monitoring Points (Umwelt 2020)" - EPA reference DOC22/454121.</td> </tr> </tbody> </table>	Water and land				EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	2	Discharge to waters; Discharge quality monitoring	Discharge to waters; Discharge quality monitoring	Discharge from water storage dam labelled as LD002 on figure titled "Figure 1: Invincible EPL Boundary and Monitoring Points (Umwelt 2020)" - EPA reference DOC22/454121.	<p>Site Plan: EPL 1085 Premises and Monitoring Points Annual Review Reports EPL Annual Returns Website reporting Monitoring data spreadsheets & associated laboratory reports Site inspection</p>	Water monitoring locations were as per EPL requirements during the audit period.	Compliant																		
Water and land																																		
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2	Discharge to waters; Discharge quality monitoring	Discharge to waters; Discharge quality monitoring	Discharge from water storage dam labelled as LD002 on figure titled "Figure 1: Invincible EPL Boundary and Monitoring Points (Umwelt 2020)" - EPA reference DOC22/454121.																															
3 Limit Conditions																																		
L1 Pollution of waters																																		
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.	<p>Annual Review Reports EPL Annual Returns Monitoring results & reports Site inspection - fuel spill</p>	<p>No PIRMP Triggers / Material Harm events associated with Section 120 were reported by CC during the audit period.</p> <p>A diesel spill leading from a pump into the Environmental Dam was observed during the site inspection. The spill included staining of soil underneath and downgradient from the pump towards the Environmental Dam. It is noted that the Environmental Dam is subject of a PRP and is already in a contaminated state. Following observation of the spill, CC prepared an incident report and commenced investigation - report sighted during site interviews.</p> <p>NOTES: 1. POEO Act 1997, Section 120 Prohibition of pollution of waters: (1) A person who pollutes any waters is guilty of an offence. Note— An offence against subsection (1) committed by a corporation is an offence attracting special executive liability for a director or other person involved in the management of the corporation—see section 169. (2) In this section— pollute waters includes cause or permit any waters to be polluted.</p> <p>2. Definitions: Apply as per POEO Act 1997, Schedule 6 - Dictionary, including: * harm * environment * pollution * pollution incident * water pollution / pollution of waters * waters</p>	Not Verified	NV8	<p>1. Investigate potential diesel contamination of the Environmental Dam, including an assessment of compliance against Section 120 of the Protection of the Environment Operations Act 1997, noting also the definitions provided in Schedule 6 of that Act for harm, environment, pollution, pollution incident, water pollution / pollution of waters and waters.</p> <p>2. Ensure actions are taken to remove the source of the diesel spill and remediate any contamination of surrounding land, water or groundwater that may have occurred due to the spill.</p> <p>3. Following the assessment outlined in Item 2, in the event that environmental harm and/or non-compliance with EPL1095 Condition L1.1 is indicated, provide notification to EPA and DPHI in accordance with Conditions R2.1 and R2.2 of EPL1095 and Schedule 5, Condition 9 of MP07_0127 MOD 5 respectively.</p>																												
L2 Concentration limits																																		
L2.1	For each monitoring/discharge point or utilisation area specified in the table/s 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.	<p>Site Plan: EPL 1085 Premises and Monitoring Points Annual Review Reports EPL Annual Returns Website reporting Monitoring data spreadsheets & associated laboratory reports Site inspection</p>	<p>Data provided for audit review covering period 1 January 2024 to end of audit period (13 July 2024). No data provided for period 13 July 2023 to 31 December 2023. Exceedances for pH were reported on 7 days during January 2024 and on 2 days up to 13 July 2024.</p>	Not triggered	NC22	Investigate the pH results reported outside the parameters of the EPL and implement corrective actions as necessary to mitigate non-compliance with Conditions L2.1 and L2.2 of EPL1095.																												
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	<p>Site Plan: EPL 1085 Premises and Monitoring Points Annual Review Reports EPL Annual Returns Website reporting Monitoring data spreadsheets & associated laboratory reports Site inspection</p>	<p>As above.</p> <p>Less than 100% of pH results were within the specified range.</p>	Non-compliant - Low Risk	NC23	As per Condition L2.1.																												
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/s.	Noted	Noted	Note																														
L2.4 Water and/or Land Concentration Limits																																		
Point 2	<table border="1"> <thead> <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> </thead> <tbody> <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>30</td> </tr> </tbody> </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				30	Noted	Noted	Note						
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Total suspended solids	milligrams per litre				30																													

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
L3 Waste						
L3.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.	Site interviews Site inspection	Not receiving any waste from other sites.	Compliant		
L4 Noise limits						
L4.1	Noise from the premises must not exceed: a) At "Billabong" - 40 dB(A) LAeq(15 minute) during the day and evening, 35 dB(A) LAeq(15 minute) and 45 dB(A) LA1(1 minute) at night; b) At "Hillview" - 43 dB(A) LAeq(15 minute) during the day and evening, 35 dB(A) LAeq(15 minute) and 45 dB(A) LA1(1 minute) at night; and c) At all other privately owned land - 35 dB(A) LAeq(15 minute) during the day, evening and night and 45 dB(A) LA1(1 minute) at night. Note: The above noise limits do not apply at properties where the licensee has a written agreement with the landowner regarding the applicable noise limit.	Quarterly noise monitoring (attended) Noise monitoring reports (on website)	Quarterly noise monitoring undertaken to verify compliance. Published to CC website. Examples viewed from during audit period indicated noise levels at locations were not exceeded (imperceptible noise levels).	Compliant		
L4.2	For the purpose of Condition L4.1: a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays, b) Evening is defined as the period from 6pm to 10pm c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays d) LAeq(15minute) is defined as the equivalent continuous 'A' weighted sound pressure level- the energy average of the noise measured over a 15 minute period. e) LA1 (1 minute) is defined as the sound pressure level exceeded for one percent of a 1 minute measurement period.	Noted	Noted	Note		
L4.3	The noise emission limits set out in this licence apply under all meteorological conditions except for the following: a) Wind speeds greater than 3m/s at 10 metres above ground level; or b) Stability category F temperature inversion conditions and wind speeds greater than 2m/s at 10 metres above the ground level; or c) Stability category G temperature inversion conditions.	Quarterly noise monitoring (attended) Noise monitoring reports (on website)	Quarterly noise monitoring undertaken to verify compliance. Published to CC website. Examples viewed from during audit period indicated noise levels at locations were not exceeded (imperceptible noise levels).	Compliant		
L4.4	To determine compliance: a) with the Leq(15 minute) noise limits in condition L4.1, the noise measurement equipment must be located: i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or 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 iii) within approximately 50 metres of the boundary of a National Park or Nature Reserve 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. c) with the noise limits in condition L4.1, the noise measurement equipment must be located: i) at the most affected point at a location where there is no dwelling at the location; or ii) at the most affected point within an area at a location prescribed by conditions L4.4(a) or L4.4(b).	Quarterly noise monitoring (attended) Noise monitoring reports (on website)	Quarterly noise monitoring reports do not specifically reference these requirements or L4.4. The monitoring report references the 2015 EPL as the latest version. It was not clear that all parameters required by Condition L4.4 are considered in these results.	Not Verified	NV9	1. Review noise monitoring protocols, including the Noise Management Plan and associated procedures as relevant, and update as relevant to reference current requirements of EPL1095 Condition L4.4 and also Schedule 3, Conditions 1-3 and Appendix 4 of MP07_0127 MOD5. 2. Following Item 1, implement updated noise monitoring protocols to ensure compliance with requirements of EPL1095 Condition L4.4 and also Schedule 3, Conditions 1-3 and Appendix 4 of MP07_0127 MOD5.
L5 Blasting						
L5.1	The air blast overpressure level from blasting operations at the premises must not exceed 120 dB (line Peak) at any time at any noise sensitive locations. 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.	Environmental Management Strategy	Blasting not required as part of current extraction methods. No current or foreseen need for blasting during the life of the Southern Extension operations. No Blasting conducted during audit period.	Not triggered		
L5.2	The air blast overpressure level from blasting operations at the premises must not exceed 115 dB (Lin Peak) at any noise sensitive locations for more than five percent 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.	Environmental Management Strategy	Blasting not required as part of current extraction methods. No current or foreseen need for blasting during the life of the Southern Extension operations. No Blasting conducted during audit period.	Not triggered		
L5.3	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10 mm/sec at any time at noise sensitive locations. 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.	Environmental Management Strategy	Blasting not required as part of current extraction methods. No current or foreseen need for blasting during the life of the Southern Extension operations. No Blasting conducted during audit period.	Not triggered		
L5.4	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5 mm/sec at any noise sensitive locations for more than five percent 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. Note: "Noise sensitive locations" includes buildings used as a residence, hospital, school, child care centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building.	Environmental Management Strategy	Blasting not required as part of current extraction methods. No current or foreseen need for blasting during the life of the Southern Extension operations. No Blasting conducted during audit period.	Not triggered		
L5.5	Blasting in or on the premises must only be carried out between 0900 hours and 1700 hours, Monday to Saturday. Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.	Environmental Management Strategy	Blasting not required as part of current extraction methods. No current or foreseen need for blasting during the life of the Southern Extension operations. No Blasting conducted during audit period.	Not triggered		

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
L5.6	<p>Offensive blast fume must not be emitted from the premises.</p> <p>Definition:</p> <p>Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:</p> <ol style="list-style-type: none"> are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted; interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises to which it is emitted. 	Environmental Management Strategy	<p>Blasting not required as part of current extraction methods. No current or foreseen need for blasting during the life of the Southern Extension operations.</p> <p>No Blasting conducted during audit period.</p>	Not triggered		
L6 Potentially offensive odour						
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 odour was emitted in accordance with the conditions of a licence directed at minimising odour.</p>	<p>Air Quality Management Plan and approval</p> <p>Daily gas sampling results</p> <p>Water Cart Procedure. See Daily run rate attached under 3. S2 C5-17 limits on approval. Rehab inspections attached detail ground cover</p>	<p>Air Quality Management Plan and approval attached. Daily gas sampling conducted with no gases being recorded. It is understood that the coal resource has a low-gas potential</p> <p>Water Cart Procedure attached.</p> <p>RMP indicates low risk for spontaneous combustion, therefore low risk of adverse air quality impacts due to smoke / ash.</p> <p>See Daily run rate attached under 3. S2 C5-17 limits on approval.</p> <p>Rehab inspections attached detail ground cover.</p> <p>Negligible risk of impacts arising due to waste management - no landfill onsite. Septic pumped out on scheduled basis.</p> <p>Toolbox Talk (TBT) on Air Quality Control conducted on 18 September 2024.</p> <p>It is noted that 3 complaints were received in July and August 2024 regarding odour relates to the Cullen Valley Mine.</p>	Compliant		
4 Operating Conditions						
O1 Activities must be carried out in a competent manner						
O1.1	<p>Licensed activities must be carried out in a competent manner.</p> <p>This includes:</p> <ol style="list-style-type: none"> the processing, handling, movement and storage of materials and substances used to carry out the activity; and the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity. 	<p>Toolbox Talks</p> <p>Maintenance records</p> <p>Training package - RII Resources and Infrastructure Industry Training Package Version 3.0</p> <p>Calibration records are saved under limits on approval. TBTs saved, Procedures saved.</p> <p>2023 Annual Return</p> <p>IEA review and evidence as detailed in this audit checklist.</p>	<p>The facility has implemented and maintains systems to ensure that only licensed activities are conducted at the site. Compliance against relevant systems relevant to the EPL is reviewed annually and reported in the EPL Annual return. Systems are outlined in site records, however it was noted that these records have not been collated for the purposes of documenting EPL Annual Reporting evidence.</p> <p>Annual reviews during EPL reporting indicate ongoing relevance and compliance with implemented systems. Verified throughout IEA process.</p> <p>Dedicated maintenance team conduct daily pre-starts for plant and equipment. Documented processes are in place to guide proper equipment use and maintenance.</p> <p>Maintenance system - planned & breakdown maintenance.</p> <p>CC's Training program includes training manuals, guides, practical and competency modules. Competency assessment, e.g. operating a haul truck. Completed example from within audit period sighted (dated 28 Feb 2022).</p> <p>Calibration certificates - HVAS, Water Quality Meters, Weather Station - records applicable to audit period sighted.</p> <p>Toolbox Talks: Regular briefings to discuss safety, equipment handling, and maintenance practices.</p> <p>Return of Operations Checklist: A checklist to verify that equipment has been checked and is functioning properly before it's put back into use.</p> <p>OCE (Open Cut Examiner) Inductions and Training: Training programs for operators.</p> <p>Improvements are required for the wastewater, oily water separator and associated infrastructure. Actions from the 2016 remain current and have been reproduced for this audit to simplify corrective action implementation for CC.</p> <p>The 2016 IEA noted that A risk assessment regarding the utilisation of the system will be undertaken prior to the system being recommissioned. The waste oil collection system will be reinstated prior to recommencing mining</p>	Compliant with Observation	OBS12	<p>Consideration should be given to establishing a fit for purpose compliance database to capture commitments and obligations across all approvals, authorisations and licences, and for collation of records and evidence that demonstrate compliance against applicable requirements.</p>

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
O2 Maintenance of plant and equipment						
O2.1	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.	Toolbox Talks Maintenance records Training package - RII Resources and Infrastructure Industry Training Package Version 3.0 Calibration records are saved under limits on approval. TBTs saved, Procedures saved.	Dedicated maintenance team conduct daily pre-starts for plant and equipment. Documented processes are in place to guide proper equipment use and maintenance. Maintenance system - planned & breakdown maintenance. CC's Training program includes training manuals, guides, practical and competency modules. Competency assessment, e.g. operating a haul truck. Completed example from within audit period sighted (dated 28 Feb 2022). Calibration certificates - HVAS, Water Quality Meters, Weather Station - records applicable to audit period sights. Toolbox Talks: Regular briefings to discuss safety, equipment handling, and maintenance practices. Return of Operations Checklist: A checklist to verify that equipment has been checked and is functioning properly before it's put back into use. OCE (Open Cut Examiner) Inductions and Training: Training programs for operators.	Compliant		
O3 Dust						
O3.1	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.	Transport Management plan also records relating to management odour & air quality risks (refer above) Air Quality Management Plan and approval Daily gas sampling results Water Cart Procedure. See Daily run rate attached under 3. S2 C5-17 limits on approval. Rehab inspections attached detail ground cover	Watercart observed in operation Key measures to address the AQ operating conditions are detailed in Section 4 and 5 of the AQMP. Evidence of implementation was not available for a range of commitments.	Non-compliant - Low Risk	NC24	1. Review, and update where necessary, the Transport Management Plan (TMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the TMP is fit for purpose given the recommencement of operations and EIS commitments. (Action also applies at MP07_0127 MOD5, Schedule 3, Condition 43) 2. Review, and update where necessary, the Air Quality Management Plan (AQMP) to reflect the current status of the operation. In undertaking the review, consider implementation status of mitigation measures. Also give consideration whether the level of detail within the AQMP is fit for purpose given the recommencement of operations and EIS commitments. (Action also refers to MP07_0127 MOD5 Schedule 3, Condition 20) 3. Ensure key measures to address Air Quality operating conditions and to protect air quality are implemented, including monitoring for ongoing effectiveness and implementation of corrective actions as required to ensure risks to Air Quality are mitigated. (Action also refers to MP07_0127 MOD5 Schedule 3, Condition 20)
O3.2	All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.	Transport Management plan also records relating to management odour & air quality risks (refer above) Air Quality Management Plan and approval Daily gas sampling results Water Cart Procedure. See Daily run rate attached under 3. S2 C5-17 limits on approval. Rehab inspections attached detail ground cover	Watercart observed in operation Key measures to address the AQ operating conditions are detailed in Section 4 and 5 of the AQMP. Evidence of implementation was not available for a range of commitments.	Non-compliant - Low Risk	NC25	As per Condition O3.1. (NC24)
O3.3	Trucks transporting coal from the premises must be covered immediately after loading to prevent windblown emissions and spillage. The covering must be maintained until immediately before unloading the trucks.	Coal haulage truck induction, extraction records are saved under Limits on approval Truck movements attached, Truck movements also saved on the website	A tracking spreadsheet with records of coal transported and truck movements are maintained. This data is available on the website. The data is also documented in the 2023 Annual Review, specifically in section 4.2. Complaint Investigation: There was an EPA complaint, specifically regarding whether loads were covered. An investigation found no direct evidence that uncovered loads were leaving the site, suggesting the complaint was unsubstantiated. School Bus Times Reference: There is lack of specific reference to school bus times in the Transport Management Plan (TMP).	Compliant		
O3.4	The tailgates of all haulage trucks leaving the premises must be securely fixed prior to loading or immediately after unloading to prevent loss of material.	Transport Management Plan Haulage Induction Pack	CC self-reported an incident to the EPA in June 2024 regarding coal spillage. Investigation response to EPA noted wheel wash was in operation. Reminders to truck operators issued. Discussions with the RMS are still being undertaken to remove the material During the site inspection, coal materials were observed along road verges of the Castlereagh Highway near the site entrance that may have originated from the mine.	Non-compliant - Low Risk	NC26	1. Clean up coal tracked onto Castlereagh Highway near the site entrance. 2. Review and advance the arrangements to prevent coal tracking onto the Castlereagh Highway. (Actions also apply at MP07_0127 MOD5, Schedule 3, Condition 41)

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation																
O4 Other operating conditions																						
O4.1	A truck wheel wash must be maintained and operated at the premises to minimise the tracking of dirt and coal fines from the premises on to the Castlereagh Highway.	Site interviews Site inspection	There are ongoing discussions related to wheel wash facilities and truck movements to control dust and debris on public roads. The wheel wash was observed during the site inspection. A maintenance program for cleaning of access roads between the wheel wash and the site exit would further reduce tracking of dirt and coal fines from the premises. CC self-report an incident to the EPA in June 2024 regarding coal spillage. Investigation response to EPA noted wheel wash was in operation. Reminders to truck operators issued. Discussions with the RMS are still being undertaken to remove the material Coal materials were also observed along road verges of the Castlereagh Highway near the site entrance that may have originated from the mine.	Compliant with Observation	OBS13	As per Condition 03.4. (NC26)																
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.	2023/24 ENVIRONMENTAL REPORT: Water, Dust, HVAS, Dataloggers, Groundwaters EPL Monthly	Monitoring / Sampling / Analysis has been undertaken by CC and its suppliers in accordance with this condition.	Compliant																		
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.	2023/24 ENVIRONMENTAL REPORT: Water, Dust, HVAS, Dataloggers, Groundwaters EPL Monthly	Monitoring records are undertaken by CC and its suppliers in accordance with this condition.	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.	2023/24 ENVIRONMENTAL REPORT: Water, Dust, HVAS, Dataloggers, Groundwaters EPL Monthly	Monitoring records are undertaken by CC and its suppliers in accordance with this condition.	Compliant																		
M2 Requirement to monitor concentration of pollutants discharged																						
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:	Noted	Noted	Note																		
M2.2	Air Monitoring Requirements	2023/24 ENVIRONMENTAL REPORT: Water, Dust, HVAS, Dataloggers, Groundwaters EPL Monthly 2023 Annual Review Site interviews	Air quality monitoring undertaken once every 6 days (24-hour sample). Results reviewed by Environment Manager. No exceedances reported during audit period. Some instances where elevated results were noted (Abnormal occurrences) (results below criteria, but above expected levels), investigated however not considered indicative of a systemic issue. Deposition Dust monitoring was undertaken generally in accordance with the EPL during the audit period. HVAS1 missed data runs through July, August, September and October due contractual issues. Data was also missed in December 2023, April 2024 and June 2024 as a result of unit or laboratory issues. In site interviews, CC indicated that new contractual arrangements were being established with environmental monitoring contractor/s to ensure timely collection of environmental monitoring data. Noncompliance reported in Annual Review	Non-compliant - Low Risk	NC27	1. Review environmental sample collection and monitoring data protocols and procedures to ensure timely collection, compliance review and investigation of environmental quality data is carried out and followed up where necessary. 2. Finalise and implement contractual arrangements with monitoring contractors to ensure timely collection of environmental monitoring data in accordance with EPL1095 and MP07_0127 MOD5 requirements.																
Point 3	<table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Particulate matter</td> <td>micrograms per cubic metre</td> <td>Every 6 days</td> <td>AM-15</td> </tr> <tr> <td>Particulates - Deposited Matter</td> <td>grams per square metre per month</td> <td>Once a month (min. of 4 weeks)</td> <td>AM-19</td> </tr> <tr> <td>PM10</td> <td>micrograms per cubic metre</td> <td>Every 6 days</td> <td>AM-18</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Particulate matter	micrograms per cubic metre	Every 6 days	AM-15	Particulates - Deposited Matter	grams per square metre per month	Once a month (min. of 4 weeks)	AM-19	PM10	micrograms per cubic metre	Every 6 days	AM-18					
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Pollutant	Units of measure	Frequency	Sampling Method																			
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M2.3	Water and/ or Land Monitoring Requirements	Site Plan: EPL 1085 Premises and Monitoring Points Annual Review Reports EPL Annual Returns Website reporting Monitoring data spreadsheets & associated laboratory reports Site inspection	Monitoring reports and data spreadsheets indicate that monitoring is undertaken based on the EPL units of measure, frequency and sampling method.	Compliant																		
Point 2	<table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Oil and Grease</td> <td>milligrams per litre</td> <td>Monthly during discharge</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Monthly during discharge</td> <td>In situ</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Monthly during discharge</td> <td>Grab sample</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Oil and Grease	milligrams per litre	Monthly during discharge	Grab sample	pH	pH	Monthly during discharge	In situ	Total suspended solids	milligrams per litre	Monthly during discharge	Grab sample					
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M3 Testing methods - concentration limits																						
M3.1	Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with: a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.	2023/24 ENVIRONMENTAL REPORT: Water, Dust, HVAS, Dataloggers, Groundwaters	Monitoring / Sampling / Analysis has been undertaken by CC and its suppliers in accordance with this condition.	Compliant																		
M3.2	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. Note: The Protection of the Environment Operations (Clean Air) Regulation 2022 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".	2023/24 ENVIRONMENTAL REPORT: Water, Dust, HVAS, Dataloggers, Groundwaters	Monitoring / Sampling / Analysis has been undertaken by CC and its suppliers in accordance with this condition.	Compliant																		

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
M4 Recording of pollution complaints						
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.	Complaints Register Complaints Register - Website Posting	Complaint Reports are established following each complaint. Complaint Registers are maintained and published on the CC Website	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.	Complaints Register Complaints Register - Website Posting	Complaint Reports generally include the items listed in M4.2.	Compliant with Observation	OBS14	Review the format of Complaint Reports and update as relevant to explicitly address each item of EPL1095 Condition M4.2 (a to f).
M4.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Noted	Noted	Note		
M4.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Not Triggered	Not Triggered	Not Triggered		
M5 Telephone complaints line						
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.	CC Website	A complaint line and after hours contacts are listed on the CC 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.	CC Website	A complaint line and after hours contacts are listed on the CC Website	Compliant		
M5.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	Not Triggered	Not Triggered	Not Triggered		
M6 Blasting						
M6.1	To determine compliance with condition(s) L5.1 to L5.4: a) Air blast overpressure and ground vibration levels experienced at the following noise sensitive locations must be measured and recorded for all blasts carried out on the premises; i) "Erin Park" - 30 Farley Street, Cullen Bullen; and ii) Lot 25 King Street, Cullen Bullen b) Instrumentation used to measure and record the air blast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.	Environmental Management Strategy	Blasting not required as part of current extraction methods. No current or foreseen need for blasting during the life of the Southern Extension operations. No Blasting conducted during audit period.	Not Triggered		
M6.2	A breach of the licence will still occur where air blast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in conditions L5.1 to L5.4 at any "noise sensitive locations" other than the locations identified in the above condition. The air blast overpressure and ground vibration levels in conditions L5.1 to L5.4 do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to air blast overpressure and ground vibration levels, between the licensee and land owner.	Environmental Management Strategy	Blasting not required as part of current extraction methods. No current or foreseen need for blasting during the life of the Southern Extension operations. No Blasting conducted during audit period.	Not Triggered		
6 Reporting Conditions						
R1 Annual return documents						
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.	2023 Annual Return Site interview	The 2023 Annual Return was prepared and submitted in format that addresses the EPL Requirements. Previous Annual Returns were prepared by others (previous owner).	Compliant		
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below.	2023 Annual Return	The 2023 Annual Return was prepared and submitted in format that addresses the EPL Requirements.	Compliant		
R1.3	Where this licence is transferred from the licensee to a new licensee: 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 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.	Not Triggered	Not Triggered	Not Triggered		
R1.4	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: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.	Not Triggered	Not Triggered	Not Triggered		
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or 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').	2023 Annual Return POEO Register	The 2023 Annual Return was submitted on 26 April 2024 (58 Days), as noted on the POEO Register	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.	2023 Annual Return POEO Register	Annual Returns are available via the EPA portal. The EPA portal does not currently support download of Annual return data as a PDF or other format to support storage within the site compliance management information. Evidence sighted.	Compliant		

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
R1.7	Within the Annual Return, the Statements 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.	2023 Annual Return POEO Register	Annual Returns are available via the EPA portal. Annual Returns are digitally signed within the EPA portal. Evidence sighted.	Compliant		
R1.8	The licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents. Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period. Note: An application to transfer a licence must be made in the approved form for this purpose.	Site interviews Site inspection	No blasting was undertaken during the audit period.	Not Triggered		
R2 Notification of environmental harm						
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	Incident register Site interviews Site inspection	According to site interviews and incident register review, no event to trigger a notification of environmental harm was reported during the audit period.	Not Triggered		
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident. 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.	Incident register Site interviews Site inspection	According to site interviews and incident register review, no event to trigger a notification of environmental harm was reported during the audit period.	Not Triggered		
R3 Written report						
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.	EPA Correspondence records Incident register Site interviews Site inspection	According to site interviews and records review, no event to trigger a written report to EPA was reported during the audit period. Review of the PIRMP *was last updated following an incident in December 2023 and is available on the Project Website. *details ongoing testing and revision events. *nominates the current General Manager as the responsible person. *requires some updates to align with updated requirements released in 2022. Opportunity for Improvement (Rec X). As an opportunity for improvement Consideration should be given to updating the site PIRMP to address the updated Regulations Protection of the Environment Operations (General) Regulation 2022 (the General Regulation) and the updated Guideline: Pollution Incident Response Management Plans (2022).	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.	EPA Correspondence records Incident register Site interviews Site inspection	According to site interviews and records review, no event to trigger a written report to EPA was reported during the audit period.	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; 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.	EPA Correspondence records Incident register Site interviews Site inspection	According to site interviews and records review, no event to trigger a written report to EPA was reported during the audit period.	Not Triggered		
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.	EPA Correspondence records Incident register Site interviews Site inspection	According to site interviews and records review, no event to trigger a written report to EPA was reported during the audit period.	Not Triggered		
7 General Conditions						
G1 Copy of licence kept at the premises or plant						
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Site interviews Site inspection	A copy of the EPL is available on the CC Website, On display in the site Office and available via company share drive	Compliant		
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Site interviews Site inspection	A formal request from an EPA Officer was not received during the audit period.	Not Triggered		
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Site interviews Site inspection	A copy of the EPL is available on the CC Website, On display in the site Office and available via company share drive	Compliant		

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
8 Pollution Studies and Reduction Programs						
U1 Low pH Water Investigation and Management						
U1.1	The licensee must engage a suitably qualified person to undertake an investigation of low pH surface and groundwater within the vicinity of the Environmental Dam and former coal washery tailings dams. The investigation must incorporate, but not necessarily be limited to, the following components: 1. Investigation - characterise the chemical composition of the low pH water and determine the lateral extent and the source of this contamination. 2. Management - identify all appropriate short, mid and long term management options that can be reasonably and feasibly implemented to minimise the migration of any contaminated surface and/or groundwater contamination from its source (prior to source remediation) and how the effectiveness of such actions will be measured. 3. Remediation/Rehabilitation - identify all appropriate options available to the licensee to remediate and/or rehabilitate that portion of the premises that may be causing the contaminated water. 4. Time frames - for points 2 and 3 above, identify the time frames for all of the options identified. 5. Preferred options - where a number of options have been identified under points 2 and 3 above, the report must list these options in order of preference and provide a description of the advantages and disadvantages for each option.	Investigation Report: Invincible Environmental Dam pH Exceedance Investigation, dated February 2024	AGE Consultants were engaged to complete the Investigation. A report dated, February 2024 was submitted to the EPA for review. The EPA responded to the submission, dated 30 April 2024. The EPA noted the reports inclusions but flagged its view that the report did not address the U1.1 requirements. The EPA issued a draft notice to vary EPL 1095 on 30 April 2024. Site provided a variation response letter on 21 May 2024. The matter is ongoing and is currently sitting with EPA.	Non-compliant - Low Risk	NC28	Engage with EPA regarding the proposed EPL Variation (DOC24/308221).
U1.2	By no later than 5:00 pm on 31 October 2023, the licensee must notify the EPA in writing (info@epa.nsw.gov.au) of the appropriately qualified person that will be engaged to undertake the investigations required under condition U1.1 above.	Investigation Report: Invincible Environmental Dam pH Exceedance Investigation, dated February 2024	Correspondence from EPA suggesting compliance was achieved against this requirement was sighted.	Compliant		
U1.3	By no later than 5:00 pm on 17 November 2023, the licensee must provide the EPA with a copy of the proposed scope of works for the investigation that is required under condition U1.1.	Investigation Report: Invincible Environmental Dam pH Exceedance Investigation, dated February 2024	Correspondence from EPA suggesting compliance was achieved against this requirement was sighted.	Compliant		
U1.4	By no later than 5:00 pm on 16 February 2024, the licensee must provide the EPA with a report that summarises the findings of the investigation required by condition U1.1.	Investigation Report: Invincible Environmental Dam pH Exceedance Investigation, dated February 2024	Correspondence from EPA confirming submission on 15 Febv 2024 was sighted.	Compliant		
U1.5	Notwithstanding conditions U1.2 to U1.4, the licensee must immediately undertake all reasonable and feasible actions that will minimise the potential for contaminated surface water to impact on off-site receiving waters. Such action may include the routine pumping of water from all dams immediately below the Environmental Dam back on to the premises.	Site interviews Site inspection	Pump infrastructure was viewed as part of the Site inspection. Discussions with the CC indicate that the contaminated surface water is pumped to the Main Storage Dam. The pumping infrastructure consists of small pumps and poly pipelines running between dams. Consideration should be given the pipeline / pumping failures as the infrastructure is upstream of flow paths that connect to offsite discharge channels (refer to improvement opportunity recommendations).	Compliant		
U1.6	The licensee must prepare monthly summary reports (submitted by 5:00 pm on the last Friday of each month starting from October 2023) summarising the actions completed that month with respect to managing the contaminated water issue including the progression of the investigation and of any remedial/rehabilitation works on the premises.		Evidence regarding the submission to EPA was not available during the audit	Not verified	NV10	As per Condition U1.1 (NC28)

Mining Amendment (Standard Conditions of Mining Lease - Rehabilitation) Regulation 2021

Proponent: Shoalhaven Coal Pty Ltd trading as Castlereagh Coal
Approval: MP0_0127 MOD 5
Project: Invincible Coal Project

Land: Part Ben Bullen State Forest, Lot 1/DP 180294, Lot 113/DP 877190, Lot 112/DP 877190

Approval Authority: Minister for Planning

Lead Auditor: Anna Cochrane
Audit Team: Stephen Shoesmith
 Samuel McDonald

Audit Period: 13 July 2023 - 13 July 2024
Site Visit Date: 2 October 2023 - 4 October 2024

Compliance Status Legend
Compliant
Compliant with Observation
Not verified
Non-compliant - High Risk
Non-compliant - Medium Risk
Non-compliant - Low Risk
Administrative Non-Compliance
Not Triggered
Note

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendations
PART 2 - Standard Conditions						
DIVISION 1 - Protection of the environment and rehabilitation						
4	Must prevent or minimise harm to environment (1) The holder of a mining lease must take all reasonable measures to prevent, or if that is not reasonably practicable, to minimise, harm to the environment caused by activities under the mining lease. (2) In this clause— harm to the environment has the same meaning as in the Protection of the Environment Operations Act 1997.	2023 Annual Review Rehabilitation Management Plan 2023 Forward Program Site Inspection	Whilst no material harm incidents have been reported during the audit period. Review of management plan implementation has found that a range of measures to prevent and/or minimise material harm to the environment have not been implemented.	Non-compliant - Low Risk	NC29	Refer to Items Below
5	Rehabilitation to occur as soon as reasonably practicable after disturbance The holder of a mining lease must rehabilitate land and water in the mining area that is disturbed by activities under the mining lease as soon as reasonably practicable after the disturbance occurs.	2023 Annual Review Rehabilitation Management Plan 2023 Forward Program	Status of Mining and Rehabilitation reported in the 2023 Annual Review is inconsistent with Three-yearly forecast cumulative disturbance and rehabilitation progression detailed in the Forward Program (2023 to 2025). A total of 10.07 Ha was forecasted in Year 1 and 32.93 was forecasted in Year 2 of the Forward Program. Correspondence from CC notes the following related to rehabilitation at the mine: - Recommencement of operations was delayed and did not begin until July 2023. This has affected the forward program. - There have been significant delays in 2024 with downtime affecting the rehabilitation program. - This is an error in the annual review as the rehabilitation status and forecast is not accurate to the current operations. - In Yr1, Growth medium development was undertaken in the brown hatched area including spreading of topsoil and subsoil. - As of Dec 2023 landform establishment, growth medium development was underway although not completed. - Throughout Yr2 of the project subsoil and topsoil dumping and spreading has been undertaken in the Southeastern area. Planning is still being undertaken to conduct land prep for rehab in the Northern and North-East void areas. The confirmation of this plan will require update to the FWP and RMP The mine currently has in the order of 95 Hectares of active disturbance. Dumping is currently occurring within the Eastern Void. Rehabilitation has not occurred in accordance with the Schedule outlined in the RMP, Rehabilitation Strategy and Forward Program. Discussions during the site inspection included a description of works commissioned to advance rehabilitation, including the development of a material balance, Forward Program and Rehabilitation Cost Estimate. No timeframe for completion was confirmed. Discussions during the site inspection included a confirmation from site management of commitments to mine rehabilitation. Two Section 240 Notices issued by the Resources Regulator outside of the audit period (2021). The notices included: Notice NTCE0008970: Rehabilitation Materials Inventory. Based on the observations from the inspection outlined above, the Regulator has formed the view that there is a risk of an adverse impact on the environment due to: a) the uncertainty of the rehabilitation material inventories presents a risk that suitable types and	Non-compliant - Medium Risk	NC30	As for MP07_0127 MOD 5, Schedule 2, Condition 11. (NC2)

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendations
			<p>• Notice NTCE0008971: Landform and surface water management structures. Based on the observations from the inspection outlined above, the Regulator has formed the view that there is a risk of adverse impact to the environment due to:</p> <p>a) erosion of the final landform associated with unstable surface water management structures, which may lead to landform stability issues (e.g. gullying). This may lead to the post closure release of sediment to the surrounding environment at a level significantly higher than natural landscape quantities.</p> <p>b) potential instability of the final landform which may result in it being unable support the nominated final land use(s).</p> <p>Following review of a technical investigation report, dated May 2022, Castlereagh Coal submitted an action plan (23 July 2022) outlining actions to address recommendations from the technical report. The actions consist of monitoring, detailed surveys, landform designs and material inventories. The 2023 Annual Review reported ongoing implementation of the actions. Evidence of the current status of the items in the Action Plan was not available during the audit.</p> <p>It is noted that on 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes.</p> <p>This has been deemed as a non-compliance medium risk on the basis of the Section 240 Notices, The Warning Letter issued by the Resources Regulator, agency engagement comments and the status of the Forward Program reports and progressions. It is acknowledged that consultants have been engaged to undertake mine planning and reporting requirements, however defined timing of these actions was not available during the audit. Overall, the risk rating reflects that the Resources Regulator had formed the view that there is a risk of adverse impact to the environment related to rehabilitation progress and landform stability.</p> <p>See MP07_0127 MOD 5, Schedule 3, Condition 11.</p>			
6	<p>Rehabilitation must achieve final land use</p> <p>(1) The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area.</p> <p>(2) The holder of the mining lease must ensure any planning approval has been obtained that is necessary to enable the holder to comply with subclause (1).</p> <p>(3) The holder of the mining lease must identify and record any reasonably foreseeable hazard that presents a risk to the holder's ability to comply with subclause (1).</p> <p>Note— Clause 7 requires a rehabilitation risk assessment to be conducted whenever a hazard is identified under this subclause.</p> <p>(4) In this clause—</p> <p>final land use for the mining area means the final landform and land uses to be achieved for the mining area—</p> <p>(a) as set out in the rehabilitation objectives statement and rehabilitation completion criteria statement, and</p> <p>(b) for a large mine—as spatially depicted in the final landform and rehabilitation plan, and</p> <p>(c) if the final land use for the mining area is required by a condition of development consent for activities under the mining lease—as stated in the condition.</p> <p>planning approval means—</p> <p>(a) a development consent within the meaning of the Environmental Planning and Assessment Act 1979, or</p> <p>(b) an approval under that Act, Division 5.1.</p>	2023 Annual Review Rehabilitation Management Plan 2023 Forward Program	<p>1) Rehabilitation within the ML has been completed (prior to audit period) with a target final land use of native ecosystem.</p> <p>2) The RMP and Rehabilitation Strategy aligned with the Rehabilitation Conditions of the Consent. It is noted that no applications for Rehabilitation Completion have been submitted.</p> <p>3) A Rehabilitation Risk Assessment was completed as part of developing the RMP in 2022.</p> <p>Note: Appendix 1 of the RMP includes FLRP Plan 1 detailed the final land uses of Native Ecosystem and Water Storage. Preliminary Objectives and Criteria are included in Appendix B of the RMP and include specific reference to Consent Rehabilitation Objectives.</p>	Compliant		

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendations
DIVISION 2 - Risk Assessment						
7	<p>Rehabilitation risk assessment</p> <p>(1) The holder of a mining lease must conduct a risk assessment (a rehabilitation risk assessment) that—</p> <p>(a) identifies, assesses and evaluates the risks that need to be addressed to achieve the following in relation to the mining lease—</p> <p>(i) the rehabilitation objectives,</p> <p>(ii) the rehabilitation completion criteria,</p> <p>(iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan, and</p> <p>(b) identifies the measures that need to be implemented to eliminate, minimise or mitigate the risks.</p> <p>(2) The holder of the mining lease must implement the measures identified.</p> <p>(3) The holder of a mining lease must conduct a rehabilitation risk assessment—</p> <p>(a) for a large mine—before preparing a rehabilitation management plan, and</p> <p>(b) for a small mine—before preparing the rehabilitation outcome documents for the mine, and</p> <p>(c) whenever a hazard is identified under clause 6(3)—as soon as reasonably practicable after it is identified, and</p> <p>(d) whenever given a written direction to do so by the Secretary.</p>	<p>2023 Annual Review Rehabilitation Management Plan 2023 Forward Program</p>	<p>1) A Rehabilitation Risk Assessment was completed by a suitably qualified team of experts.</p> <p>2) In considering implementation of controls identified within the current audit period (mine recommenced operations) focus was given to the risk category of 'Poor Integration of rehabilitation into daily business, short term and long-term mining planning'. The audit found that Key controls identified were not implemented during the audit period, particularly the 2024 Annual Rehabilitation Report and Forward Program, including updates to the Rehabilitation Cost Estimate. It is noted however that these works had been commenced by an external consultant.</p> <p>3) A Rehabilitation Risk Assessment was completed as part of developing the RMP in 2022. No revisions were completed during the audit period.</p> <p>Resourcing, Planning and Scheduling of rehabilitation activities required increased focus to mitigate risks in this risk category.</p> <p>It is noted that on 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes.</p> <p>This has been deemed as a non-compliance medium risk on the basis of the Section 240 Notices, The Warning Letter issued by the Resources Regulator, agency engagement comments and the status of the Forward Program reports and progressions. It is acknowledged that consultants have been engaged to undertake mine planning and reporting requirements, however defined timing of these actions was not available during the audit. Overall, the risk rating reflects that the Resources Regulator had formed the view that there is a risk of adverse impact to the environment related to rehabilitation progress and landform stability.</p>	Non-compliant - Medium Risk	NC31	Introduce Rehabilitation Resourcing, Planning and Scheduling process that is linked to budget cycles and considers the forward program to ensure key rehabilitation risks are mitigated.
DIVISION 3 - Rehabilitation documents						
8	<p>Application of Division</p> <p>This Division does not apply to a mining lease unless—</p> <p>(a) the security deposit required under the mining lease is greater than the minimum deposit prescribed under the Act, section 261BF in relation to that type of mining lease, or</p> <p>(b) the Secretary gives a written direction to the holder of the mining lease that this Division, or a provision of this Division, applies to the mining lease.</p>	RCE (2022)	Security deposits required under the mining leases are greater than minimum deposits prescribed under the Act, section 261BF. Therefore, the Division (for Rehabilitation documents) applies.	Compliant		
9	<p>General requirements for documents</p> <p>A document required to be prepared under this Division must—</p> <p>(a) be in a form approved by the Secretary, and</p> <p>Note— The approved forms are available on the Department's website.</p> <p>(b) include any matter required to be included by the form, and</p> <p>(c) if required to be given to the Secretary—be given in a way approved by the Secretary.</p>	<p>2023 Annual Review Rehabilitation Management Plan 2023 Forward Program</p>	<p>Documents were observed to be prepared generally in accordance with the rehabilitation guidelines.</p> <p>Timing of submission for the 2023 Annual Rehabilitation Report and Forward Program could not be confirmed. Submission of the 2024 Annual Rehabilitation Report and Forward Program is to be completed.</p>	Not Verified	NV11	Introduce a systematic process to ensure website uploads occur in accordance with the ML.
10	<p>Rehabilitation management plans for large mines</p> <p>(1) The holder of a mining lease relating to a large mine must prepare a plan (a rehabilitation management plan) for the mining lease that includes the following—</p> <p>(a) a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area,</p> <p>(b) a description of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation,</p> <p>(c) a summary of rehabilitation risk assessments conducted by the holder,</p> <p>(d) the risk control measures identified in the rehabilitation risk assessments,</p> <p>(e) the rehabilitation outcome documents for the mining lease,</p> <p>(f) a statement of the performance outcomes for the matters addressed by the rehabilitation outcome documents and the ways in which those outcomes are to be measured and monitored.</p> <p>(2) If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must include a proposed version of the document.</p> <p>(3) A rehabilitation management plan is not required to be given to the Secretary for approval.</p> <p>(4) The holder of the mining lease—</p> <p>(a) must implement the matters set out in the rehabilitation management plan, and</p> <p>(b) if the forward program specifies timeframes for the implementation of the matters set out in the rehabilitation management plan, must implement those matters within those timeframes.</p>	<p>2023 Annual Review Rehabilitation Management Plan 2023 Forward Program</p>	<p>1) The RMP generally covers items a to F</p> <p>2) The RMP includes preliminary rehabilitation objectives</p> <p>3) Noted</p> <p>4) Rehabilitation has not occurred in accordance with the Schedule outlined in the RMP, Rehabilitation Strategy and Forward Program. Some elements of the RMP applicable to the audit period have not been implemented, including (LOM Schedule, Temporary Rehabilitation for Air Quality, delineation of disturbance boundaries).</p> <p>It is noted that on 14 November 2024, SLR received verbal confirmation from Castlereagh Coal that recent consultation had occurred and that the Resources Regulator advised that a warning letter was issued for not completing the notices in the specified timeframes.</p> <p>This has been deemed as a non-compliance medium risk on the basis of the Section 240 Notices, The Warning Letter issued by the Resources Regulator, agency engagement comments and the status of the Forward Program reports and progressions. It is acknowledged that consultants have been engaged to undertake mine planning and reporting requirements, however defined timing of these actions was not available during the audit. Overall, the risk rating reflects that the Resources Regulator had formed the view that there is a risk of adverse impact to the environment related to rehabilitation progress and landform stability.</p>	Non-compliant - Medium Risk	NC32	As for MP07_0127 MOD 5, Schedule 2, Condition 11. (NC2)

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendations
11	<p>Amendment of rehabilitation management plans</p> <p>The holder of a mining lease must amend the rehabilitation management plan for the mining lease as follows—</p> <p>(a) to substitute the proposed version of a rehabilitation outcome document with the version approved by the Secretary—within 30 days after the document is approved,</p> <p>(b) as a consequence of an amendment made under clause 14 to a rehabilitation outcome document—within 30 days after the amendment is made,</p> <p>(c) to reflect any changes to the risk control measures in the prepared plan that are identified in a rehabilitation risk assessment—as soon as practicable after the rehabilitation risk assessment is conducted,</p> <p>(d) whenever given a written direction to do so by the Secretary—in accordance with the direction.</p>	Rehabilitation Management Plan	<p>a) The RMP, dated November 2022 included preliminary Rehabilitation Objectives</p> <p>b) Not Triggered</p> <p>c) No Changes</p> <p>d) None Received</p>	Not Triggered		
12	<p>Rehabilitation outcome documents</p> <p>(1) The holder of a mining lease must prepare the following documents (the rehabilitation outcome documents) for the mining lease and give them to the Secretary for approval—</p> <p>(a) the rehabilitation objectives statement, which sets out the rehabilitation objectives required to achieve the final land use for the mining area,</p> <p>(b) the rehabilitation completion criteria statement, which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives,</p> <p>(c) for a large mine, the final landform and rehabilitation plan, showing a spatial depiction of the final land use.</p> <p>(2) If the final land use for the mining area is required by a condition of development consent for activities under the mining lease, the holder of the mining lease must ensure the rehabilitation outcome documents are consistent with that condition.</p>	Rehabilitation Management Plan	<p>a) Rehabilitation Objectives statements is included in Appendix B of the RMP</p> <p>b) The RMP states that Preliminary Rehabilitation Criteria statements is included in Appendix B of the RMP. It noted that the Objectives Statements is currently with the Resources Regulator for approval and Appendix B does not contain preliminary criteria. It is noted that the Objective statement can only be following approval of the rehabilitation objectives statement. The NSW Resource Regulator recently advised that final rehabilitation completion criteria are only required to be submitted no later than the due date of the forward program that covers a period which includes completion of rehabilitation for the mining area or part thereof.</p> <p>c) Plans are included in the RMP</p> <p>d) the RMP and Objectives are generally consistent with the Consent</p>	Non-compliant - Low Risk	NC33	As for MP07_0127 MOD 5, Schedule 3, Condition 52. (NC16)
13	<p>Forward program and annual rehabilitation report</p> <p>(1) The holder of a mining lease must prepare a program (a forward program) for the mining lease that includes the following—</p> <p>(a) a schedule of mining activities for the mining area for the next 3 years,</p> <p>(b) a summary of the spatial progression of rehabilitation through its various phases for the next 3 years,</p> <p>(c) a requirement that the rehabilitation of land and water disturbed by mining activities under the mining lease must occur as soon as reasonably practicable after the disturbance occurs.</p> <p><u>Records, reporting and notification</u></p>	2023 Annual Review Rehabilitation Management Plan 2023 Forward Program	<p>The 2023 Forward Program is available on the website.</p> <p>The 2024 Annual Rehabilitation Report and Forward Program is currently in development</p>	Non-compliant - Low Risk	NC34	Finalise and Submit the 2024 Annual Rehabilitation Report and Forward Program.
13	<p>(2) The holder of a mining lease must prepare a report (an annual rehabilitation report) for the mining lease that includes—</p> <p>(a) a description of the rehabilitation undertaken over the annual reporting period,</p> <p>(b) a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period,</p> <p>(c) a report demonstrating progress made towards the achievement of the following—</p> <p>(i) the objectives set out in the rehabilitation objectives statement,</p> <p>(ii) the criteria set out in the rehabilitation completion criteria statement,</p> <p>(iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan.</p>	2023 Annual Review Rehabilitation Management Plan 2023 Forward Program	<p>The 2023 Annual Rehabilitation Report is not available on the website.</p> <p>The 2024 Annual Rehabilitation Report and Forward Program is currently in development</p>	Non-compliant - Low Risk	NC35	As for RMP ML Condition 13(1). (NC34)
13	<p>(3) If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must rely on a proposed version of the document.</p> <p>(4) The holder of the mining lease must give the forward program and annual rehabilitation report to the Secretary.</p> <p>(5) In this clause—</p> <p>annual reporting period means each period of 12 months commencing on—</p> <p>(a) the date on which the mining lease is granted, or</p> <p>(b) if the Secretary approves another date in relation to the mining lease—the other date.</p>	Rehabilitation Management Plan	<p>3) The Rehabilitation Objectives has not been approved by the Resources Regulator. The RMP Appendix B included Objectives relied on by CC.</p> <p>4) The 2023 Forward Program was submitted by the Portal</p> <p>5) Noted</p>	Compliant		

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendations
14	Amendment of rehabilitation outcome documents and forward program (1) This clause applies to— (a) a rehabilitation outcome document if it has been approved by the Secretary, and (b) a forward program if it has been given to the Secretary. (2) The holder of a mining lease must not amend a document to which this clause applies that relates to the mining lease unless— (a) the Secretary gives the holder a written direction to do so, or (b) the Secretary, on written application by the holder, gives a written approval of the amendment. (3) The holder of the mining lease must amend the document in accordance with the Secretary's direction or approval. (4) Nothing in this clause prevents the holder of a mining lease preparing a draft amendment for submission to the Secretary for approval.	Rehabilitation Management Plan	1a and 2) No advised on outcome document approval has been received 1b and 2) No amendments proposed 3 and 4) Noted.	Compliant		
15	Times at which documents must be prepared and given (1) The holder of a mining lease must do the following before the end of the initial period— (a) prepare a rehabilitation management plan, and (b) prepare rehabilitation outcome documents and give them, other than the rehabilitation completion criteria statement, to the Secretary for approval, and (c) prepare a forward program and give it to the Secretary.	2023 Annual Review Rehabilitation Management Plan 2023 Forward Program Website	The 2023 Annual Rehabilitation Report was uploaded to the website in November 2024. The 2024 Annual Rehabilitation Report and Forward Program is currently in development	Non-compliant - Low Risk	NC36	As for RMP ML Condition 13(1). (NC34)
15	(2) The holder of the mining lease must prepare a forward program and annual rehabilitation report and give them to the Secretary before— (a) 60 days after the last day of each annual reporting period, commencing with the annual reporting period in which the forward program was given to Secretary under subclause (1)(c), or (b) a later date approved by the Secretary.	2023 Annual Review Rehabilitation Management Plan 2023 Forward Program Website	The 2023 Annual Rehabilitation Report was uploaded to the website in November 2024. The 2024 Annual Rehabilitation Report and Forward Program is currently in development	Non-compliant - Low Risk	NC37	As for RMP ML Condition 13(1). (NC34)
15	(3) A rehabilitation completion criteria statement relating to completion of rehabilitation during a period covered by a forward program must be given to the Secretary for approval when the forward program is required to be given to the Secretary.		Not Triggered	Not Triggered		
15	(4) The holder of the mining lease must prepare updated rehabilitation outcome documents for the mining lease and give them to the Secretary for approval before— (a) 60 days after a development consent is modified following an application referred to in clause 20(1)(b), or (b) a later date approved by the Secretary.		Not Triggered	Not Triggered		
15	(5) A rehabilitation completion criteria statement is not required to be given to the Secretary under subclause (4) unless a rehabilitation completion criteria statement has already been given to the Secretary under subclause (3). (6) The Secretary may, by written notice, direct the holder of a mining lease to prepare, or give to the Secretary, a document required to be prepared under this Division at a time other than that specified in this clause. (7) The holder of the mining lease must comply with the direction.		Noted	Note		
15	(8) In this clause— initial period means the period commencing when the mining lease is granted and ending— (a) 30 days, or other period approved by the Secretary, after this Division first applies to the mining lease, or (b) if this Division applies to the mining lease because of an increase in the required security deposit— (i) when the surface of the mining area is disturbed by activities under the mining lease, or (ii) at a later date approved by the Secretary.		Noted	Note		
16	Certain documents to be publicly available (1) This clause applies to the following documents— (a) a rehabilitation management plan, (b) a forward program, (c) an annual rehabilitation report.		Noted	Note		
16	(2) The holder of a mining lease must make a document to which this clause applies publicly available by— (a) publishing it on its website in a prominent position, or (b) if the holder does not have a website— providing a copy of it to a person— (i) on the written request of a person, and (ii) without charge, and (iii) within 14 days after the request is received.	Rehabilitation Management Plan 2023 Forward Program Website	a) The RMP and 2023 Forward Program are available on the project website. https://ccoal.com.au/environmental-reporting-compliance/ . The 2023 Annual Rehabilitation Plan as well as the 2024 documents are not available on the website. b) Not Applicable The 2023 Annual Rehabilitation Report was uploaded to the website in November 2024	Non-compliant - Low Risk	NC38	As for RMP ML Condition 9. (NV11)

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendations
16	<p>(3) If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published—</p> <p>(a) for a rehabilitation management plan—within 14 days after it is prepared or amended, or</p> <p>(b) for a forward program or an annual rehabilitation report—within 14 days after it is given to the Secretary or amended.</p> <p>(4) Personal information within the meaning of the Privacy and Personal Information Protection Act 1998 is not required to be included in a document made available to a person under this clause.</p>	<p>Rehabilitation Management Plan 2023 Forward Program Website</p>	<p>3) Timing of posting to the website was not verified during the audit. 4) Noted</p>	Not Verified	NV12	As for RMP ML Condition 9. (NV11)
DIVISION 4 - Records, reporting and notification						
17	<p>Records demonstrating compliance</p> <p>The holder of a mining lease must create and maintain records of all actions taken that demonstrate compliance with each of the conditions set out in this Part.</p> <p>Note— The Act, sections 163D and 163E provide for the form in which records must be kept and the period for which they must be retained.</p>	<p>Site Inspection Site Interviews</p>	<p>An action tracker has been recently introduced to capture actions. Maintenance of Records during the audit period was limited.</p>	Non-compliant - Low Risk	NC39	Consider the development of a comprehensive system / tool for compliance management. The system / tool would identify regulatory commitments and obligations with actions and timeframes to facilitate planning and execution of compliance actions.
18	<p>Report on non-compliance</p> <p>(1) The holder of a mining lease must provide the Minister with a written report detailing any non-compliance with—</p> <p>(a) a condition of the mining lease, or</p> <p>Note— The Act, section 364A contains provisions relating to the use and disclosure of information provided under this condition.</p> <p>(b) a requirement of the Act or this Regulation relating to activities under the mining lease.</p> <p>(2) The holder of the mining lease must provide the report within 7 days after becoming aware of the non-compliance.</p> <p>(3) The holder of the mining lease must ensure the report—</p> <p>(a) identifies the condition of the mining lease, or the requirement of the Act or this Regulation, to which the non-compliance relates, and</p> <p>(b) describes the non-compliance and specifies the date or dates on which, or the period during which, the non-compliance occurred, and</p> <p>(c) describes the causes or likely causes of the non-compliance, and</p> <p>(d) describes the action that has been taken, or will be taken, to mitigate the effects, and to prevent any recurrence, of the non-compliance.</p>	<p>Site Inspection Site Interviews</p>	<p>Discussions during the site inspections noted that no non-compliances during the audit period were observed or reported.</p>	Not Triggered		
19	<p>Nominated contact person</p> <p>(1) The holder of a mining lease must nominate a natural person to be the contact person with whom the Secretary can communicate in relation to the mining lease for the purposes of the Act.</p> <p>Note— The Act, section 383 sets out the ways in which notices or other documents may be issued or given to, or served on, a person for the purposes of the Act.</p> <p>(2) The holder of the mining lease must give written notice to the Secretary of—</p> <p>(a) the full name and contact details of the nominated person—within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation, and</p> <p>(b) any change in nomination or in the nominated person's contact details—within 28 days after the change occurs.</p> <p>(3) The holder of the mining lease must ensure that the contact details for the nominated person include the person's phone number and postal and email addresses.</p>	<p>Site Inspection Site Interviews</p>	<p>Nominate of contact person was via email on tim.haig@ccoal.com.au Contact person is Tim Haig</p>	Compliant with Observation	OBS15	Confirm with the Resources Regulator portal that Tim Haig is the nominated contact person for CC.
DIVISION 5 - Applications relating to development consent						
20	<p>Additional requirements—application for or to modify development consent</p> <p>(1) The holder of a mining lease must give written notice to the Secretary within 10 days after—</p> <p>(a) making an application for development consent that relates to the mining area, or</p> <p>(b) making an application for modification of a development consent—</p> <p>(i) under the Environmental Planning and Assessment Act 1979, section 4.55(2), and</p> <p>(ii) that proposes to modify a condition of the consent that relates to rehabilitation of the mining area in a way that may affect an obligation under the mining lease relating to rehabilitation of the mining area.</p> <p>(2) This clause does not apply if the development is State significant development</p>		<p>MP07_0127 is a State Significant Development</p>	Not Triggered		

Water Access Licence

Proponent Shoalhaven Coal Pty Ltd trading as Castlereagh Coal
Approval: Water Access Licence WLA 36485
Project: Invincible Coal Project
Land: Part Ben Bullen State Forest, Lot 1/DP 180294, Lot 113/DP 877190, Lot 112/DP 877190
Approval Authority Minister for Planning
Lead Auditor Anna Cochrane
Audit Team Stephen Shoesmith
 Samuel McDonald
Audit Period 13 July 2023 - 13 July 2024
Site Visit Date 2 October 2023 - 4 October 2024

Compliance Status Legend
Compliant
Compliant with Observation
Not verified
Non-compliant - High Risk
Non-compliant - Medium Risk
Non-compliant - Low Risk
Administrative Non-Compliance
Not Triggered
Note

Condition of Consent Number	Compliance Requirement	Evidence Collected	Independent Audit Findings and Comments	Compliance Status	Unique Finding Identifier	Recommendation
ADMINISTRATIVE CONDITIONS						
Share Component						
Share Component	Share - 120 Units Water Source - Sydney Basin Coxs River Groundwater Source Water Sharing Plan - Greater Metropolitan Region Groundwater Sources 2011	Water Access Licence WAL 36485 WATER ACCOUNT STATEMENT	A Water account statement for the audit period was not available for review.	Not verified	NV13	Engage with WaterNSW to obtain copies of current water accounts.
Part A						
Conditions	Part A Conditions	Water Access Licence WAL 36485 WATER ACCOUNT STATEMENT	Part A Conditions was not available for assessment / verification as part of the audit. It is understood that Part A was not provided to CC as part of asset sale transactions.	Not verified	NV14	Engage with WaterNSW to obtain copies of the WAL Part A conditions and include a detailed compliance report as part of the next annual review. Additionally the report should address: - storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2018 - Water metering at the site is in accordance with the NSW Non-Urban Metering Framework - Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from

Previous Audit Non-Compliance and Recommendations

Proponent: Shoalhaven Coal Pty Ltd trading as Castlereagh Coal
Approval: MPO_0127 MOD 5
Project: Invincible Coal Project

Land: Part Ben Bullen State Forest, Lot 1/DP 180294, Lot 113/DP 877190, Lot 112/DP 877190
Approval Authority: Minister for Planning
Lead Auditor: Anna Cochrane
Audit Team: Stephen Shoesmith
 Samuel McDonald
Audit Period: 13 July 2023 - 13 July 2024
Site Visit Date: 2 October 2023 - 4 October 2024

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC1	PA 07_0127, S2, C1	The Proponent 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 project.	CC	Implement Recommendations described below	As per the 2023 annual review update, continued implementation of the audit action plan undertaken during 2022, as they relate to project Approval (07_0127) as modified on 2 February 2018 Site remained in care and maintenance as new management plans were finalised and approved toward commencement of mining the Invincible Southern Extension in 2023.	In response to the auditors opinion stated in the previous audit, Environmental Management Plans have been updated in 2022 and 2023, prior to the recommitment of operations. It is noted that during the reporting period Sedgman and Atlantec were engaged in an environmental management capacity. Prior to undertaking the site inspection, CC employed an Environmental Superintendent. For the purposes of the 2016 Audit this action is completed and can be closed.	CLOSED
NC2	PA 07_0127 S2, C2	The Proponent shall carry out the project generally in accordance with the: (a) EA; (b) statement of commitments; (c) the modification application 07_0127 MOD 2 and accompanying documents entitled: • 'Proposed Modification to Project Approval 07_0127 for the Invincible Colliery Open Cut Mine, May 2009'; and • 'Addendum to the Proposed Modification to Project Approval 07_0127 for the Invincible Colliery Open Cut Mine, July 2009'; and (d) modification application 07_0127 – MOD 3 and the accompanying Environmental Assessment prepared by Hansen Bailey and dated June 2010; and	CC	Implementation of the recommendations in this audit will assist in ensuring the project is carried out in accordance with the Project Approval and Statement of Commitments.	As per the 2023 annual review update, continued implementation of the audit action plan undertaken during 2022, as they relate to project Approval (07_0127) as modified on 2 February 2018 Site remained in care and maintenance as new management plans were finalised and approved toward commencement of mining the Invincible Southern Extension in 2023.	Implementation of audit actions is detailed in Annual Reviews and the following summary. Results of the current audit are detailed in the Audit Report. For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC3	PA 07_0127, S2, C4A	The Proponent shall prepare revisions of any strategies, plans or programs required under this project approval if directed to do so by the Director General. Such revisions shall be prepared to the satisfaction of, and within a timeframe approved by, the Director-General.	Coalpac	Consult with the DPE to confirm the status of the approval of the Energy Savings Action Plan. Upon approval of any application to continue mining activities, review the Energy Savings Action Plan to ensure it includes the assessment and monitoring of greenhouse gas emissions, including the duty to report under the National Greenhouse and Energy Reporting Scheme (NGERS).	As per the 2017 annual review update, the ESAP was a NSW Government initiative which ran from 28 October 2005 to 31 December 2012. Following the approval of the Invincible Southern Extension Project on 2 February 2018, the consolidated Project Approval (PA 07_0127) (as modified) removed the requirements of this condition. No further action is required. As per the 2018 annual review update, no further action required.	PA 07_0127 (MOD5) no longer includes a requirements for an Energy Savings Action Plan. For the purposes of the 2016 Audit this action can be closed.	CLOSED

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC4	PA 07_0127, S2, C11(a)	The Proponent may: (a) with the approval of the Director-General, submit any management plan or monitoring program required by this approval on a progressive basis;	Coalpac	Consult with the DPE to obtain approval for an alternative timetable for the submission of a Mine Closure Plan, in consideration of the proposal to extend mining operations at the site.	As per the 2018 annual review update, Management Plans will be updated during 2019 to include the requirements of the Project Approval (Mod 5). A range of management plans were submitted to stakeholders for comment during late 2018.	PA 07_0127 (MOD5) no longer includes a requirements for a Mine Closure Plan. It is noted that a recommendation has been included as an Improvement Recommendation for mine closure planning processes (OBS20) For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC5	PA 07_0127, S2, C14(a)	The Proponent shall ensure that all the plant and equipment used on site is: (a) maintained in a proper and efficient condition;	CC	Undertake maintenance and cleaning of the wastewater catch drain system. Conduct a maintenance inspection and integrity test of the wastewater collection system including bunding, tanks and piping. Repair the breakage in the piping that leads from the wastewater catch drain to the oil/water separator and waste oil collection tank. Investigate whether any soil contamination has resulted from the breakage. Install bunding around the waste oil collection tank (if it is to remain operational). Retain maintenance and servicing records for all plant and equipment used at the site.	As per the 2023 annual review update, the waste oil system was not utilised during the 2022 report period. A risk assessment regarding the utilisation of the system will be undertaken prior to the system being recommissioned. The waste oil collection system will be reinstated prior to recommencing mining.	These actions remain relevant and have been reproduced in OBS2 For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC6	PA 07_0127, S3, C12	Except as may be expressly provided for by an EPL, or in accordance with section 120 of the Protection of the Environment Operations Act 1997, the Proponent shall not discharge any mine water from the site.	Coalpac	Review the current operations against the Aquifer Interference Policy. Apply to the EPA for a modification of the Environment Protection Licence to permit discharge via the underground workings.	As per the 2023 annual review update, an updated water management plan (WMP) was approved in November 2022 following extensive stakeholder and agency consultation. The WMP addresses requirements associated with water storage and licencing. The Invincible Environment Protection Licence was subsequently varied in consultation with the EPA in March 2023.	There is no reference to underground discharge in the 2023 EPL Variation and the WMP 2022 includes no discussion on the AIP. These actions remain relevant and have been reproduced in MP07_0127 MOD 5, Schedule 3, Condition 27 and NC8. For the purposes of the 2016 Audit this action can be closed	CLOSED
NC7	PA 07_0127, S3, C13(c)(ii)	Water Management Plan This Plan must include an erosion and sediment control plan for all surface works in the mining area that is consistent with the requirements of Managing Urban Stormwater: Soils and Construction Manual (Landcom 2004, or its latest version);	Coalpac	Update the Erosion and Sediment Control Plan with reference to the latest guidelines for Managing Urban Stormwater: Soils and Construction, Volume 2E Mines and Quarries (Blue Book).	As per the 2023 annual review update, an updated water management plan (WMP) was approved in November 2022 following extensive stakeholder and agency consultation. The WMP addresses requirements associated with erosion and sediment control plans.	The Water Management Plan was updated in 2022 and references the Blue Book). It is noted that PESCPs could not be verified and have been included as recommendations NC8 For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC8	PA 07_0127, S3, C13(c)(iv)	This Plan must include a groundwater monitoring program with: - baseline data of groundwater levels and quality in the region, including details of any privately-owned groundwater bores which could be affected by the development; - groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts of the development; and - a program to monitor: o groundwater inflows to the open cut mining operations; & o impacts of the development on the region's aquifers, groundwater bores and surrounding watercourses; and	Coalpac	Update the Water Management Plan to include a groundwater monitoring program that satisfies the requirements of the Project Approval.	As per the 2023 annual review update, an updated water management plan (WMP) was approved in November 2022 following extensive stakeholder and agency consultation. The WMP addresses requirements associated with groundwater monitoring.	The Water Management Plan was updated in 2022 and addresses these recommendation. For the purposes of the 2016 Audit this action can be closed.	CLOSED

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC9	PA 07_0127, S3, C14	<p>Monitoring of Coal Transport</p> <p>The Proponent shall keep records of the amount of coal transported from the mine site and number of coal truck movements each year and include these records in the AEMR.</p>	Coalpac	The 2013 AEMR (Coalpac, 2013b) did not report the total number of truck movements during the audit period. As this condition relates to previous mining operations by Coalpac, there are no current recommendations related to this non-compliance.	As per the 2018 annual review update, a revised Transport Management Plan will be submitted to DPE for approval during the 2019 report period. A draft Transport Management Plan was submitted to RMS and Council for comment during the 2018 report period.	<p>Truck Movements are provided on the CC Website and in the Annual Review.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC10	PA 07_0127, S3, C18A	<p>Coal Haulage Limits</p> <p>The Proponent shall install a truck wheel wash with sprays by 31 December 2010 and following this date, must ensure that all coal trucks have their tyres and vehicles cleaned of mud and dust prior to exiting the Colliery, to the satisfaction of the Director-General. The truck wheel wash with sprays must remain in place unless replaced by equivalent mitigation measures to the satisfaction of the Director-General.</p>	Coalpac	<p>The truck wheel wash was not installed by Coalpac by the required date.</p> <p>There are no recommendations required to address this administrative non-compliance.</p>	As per the 2018 annual review update, a revised Transport Management Plan will be submitted to DPE for approval during the 2019 report period. A draft Transport Management Plan was submitted to RMS and Council for comment during the 2018 report period.	<p>There are ongoing discussions related to wheel wash facilities and truck movements to control dust and debris on public roads.</p> <p>The wheel wash was observed during the site inspection. A maintenance program for cleaning of access roads between the wheel wash and the site exit would further reduce tracking of dirt and coal fines from the premises.</p> <p>CC received a complaint via the EPA in June 2024 regarding coal spillage. Investigation response to EPA noted wheel wash was in operation. Reminders to truck operators issued.</p> <p>Coal materials were also observed along road verges of the Castlereagh Highway near the site entrance that may have originated from the mine.</p> <p>Actions relevant have been reproduced in OBS6.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC11	PA 07_0127, S3, C32	<p>Biodiversity Offsets</p> <p>Within 2 years of the date of this approval, the Proponent shall provide appropriate long term security for the biodiversity offset strategy, to the satisfaction of the Director-General.</p> <p>Note: <i>The long-term security of the offset can be achieved through one, or a combination, of the following: Deed of Agreement with the Minister, rezoning the land under the Lithgow Local Environment Plan, caveats on the title under the Conveyancing Act 1919, etc.</i></p>	Coalpac	<p>It is recommended that the leaseholder provide appropriate security for the Biodiversity Offset Strategy such as rezoning of Lot 112 DP877190, Lot 113 DP 877190 and Lot 1 DP180294 or the application of a protective covenant (such as a Section 88B Covenant) on title.</p> <p>Consult with the DPE.</p>	As per the 2023 annual review update, the Invincible Colliery Biodiversity Management Plan (BMP) is undergoing further consultation with BCD prior to finalising. The BMP addresses the revised Southern Extension Biodiversity Offset Strategy and related security mechanism.	<p>These actions remain relevant and have been reproduced in MP07_0127 MOD 5, Schedule 3, Condition 35.</p> <p>It is noted the Department has commenced compliance processes for this condition. No Compliance Status is nominated for MP07_0127 MOD 5, Schedule 3, Condition 35 on this basis.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC12	PA 07_0127, S3, C33	The Proponent shall progressively rehabilitate the site in a manner that is generally consistent with the final landform set out in the EA (shown conceptually in Figure 5 of Appendix 1) to the satisfaction of the Director General and I&I NSW	CC	Whilst no new rehabilitation has been established during CC operations and rehabilitation performance is assessed annually, it is recommended that CC review Rehabilitation progress and performance, including the establishment of failed rehabilitation areas on steep slopes. Any recommendations from the annual review process should be reflected in future rehabilitation plans.	As per the 2023 annual review update, the Invincible rehabilitation strategy was approved in December 2022 following extensive stakeholder and agency consultation. The Invincible Colliery Biodiversity Management Plan (BMP) is undergoing further consultation with BCD prior to finalising. Annual Biodiversity and Rehabilitation monitoring and an Erosion and Sediment Control (Physical Landform) Assessment was undertaken at the end of the 2022 reporting period and is discussed in the Annual Review.	<p>Status of Mining and Rehabilitation reported in the 2023 Annual Review is inconsistent with Three-yearly forecast cumulative disturbance and rehabilitation progression detailed in the Forward Program (2023 to 2025).</p> <p>These actions remain relevant and have been reproduced in MP07_0127 MOD 5, Schedule 3, Condition 52. Refer to NC15 and NC16</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC13	PA 07_0127, S3, C34(a)	The Proponent shall prepare and implement a detailed Landscape Management Plan for the site to the satisfaction of the Director-General and I&I NSW. This plan must: (a) be prepared in consultation with Lithgow City Council and NOW by suitably qualified expert/s whose appointment/s have been approved by the Director-General;	CC	Ensure the Lithgow City Council and the DPI-Water is consulted during any future revisions to the Water Management Plan, and evidence of consultation is retained. Implement the LMP in terms of achieving performance criteria for rehabilitation, and following recommendations from Annual Flora, Fauna and Rehabilitation Monitoring	As per the 2023 annual review update, an updated water management plan (WMP) was approved in November 2022 following extensive stakeholder and agency consultation. The WMP addresses requirements associated with groundwater monitoring. The Invincible rehabilitation strategy was approved in December 2022 following extensive stakeholder and agency consultation. The Invincible Colliery Biodiversity Management Plan (BMP) is undergoing further consultation with BCD prior to finalising. The BMP replaces an independent Landscape Management Plan.	The WMP was updated in consultation with stakeholders in 2022. The RMP and BMP address performance criteria for rehabilitation and monitoring programs. These actions remain relevant and have been reproduced in MP07_0127 MOD 5, Schedule 3, Condition 52. Refer to NC15 and NC16 For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC14	PA 07_0127, S3, C34(c)	Landscape Management Plan This plan must: (c) include a: <ul style="list-style-type: none"> • Rehabilitation and Offset Management Plan; and • Mine Closure Plan. Note: <i>The Department accepts that the initial Landscape Management Plan may not include the detailed Mine Closure Plan. However, if this occurs, the Proponent will be required to seek approval from the Director-General for an alternative timetable for the completion and approval of the Mine Closure Plan.</i>	Coalpac	The MCP was not submitted by Coalpac by the agreed alternative timetable date of 30 June 2010. Consult with the DPE to obtain approval for an alternative timetable for the submission of a Mine Closure Plan, in consideration of the proposal to extend mining operations at the site	As per the 2018 annual review update, a revised Rehabilitation Management Plan was submitted to agencies for comment during 2018 and will be finalised during the 2019 report period.	PA 07_0127 (MOD5) no longer includes a requirements for a Mine Closure Plan. It is noted that a recommendation has been included as an Improvement Recommendation for mine closure planning processes (OBS20) For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC15	PA07_0127, S3, C36	Mine Closure Plan The Mine Closure Plan must: (a) define the objectives for the site following the cessation of mining operations under this approval; (b) investigate options for the future use of the site; (c) investigate ways to minimise the adverse socio-economic effects associated with the conclusion of the project, including reduction in local and regional employment levels; (d) describe the measures that would be implemented to minimise or manage the on-going environmental effects of the project; and (e) describe how the performance of these measures would be monitored over time.	Coalpac	Consult with the DPE to obtain approval for an alternative timetable for the submission of a Mine Closure Plan, in consideration of the proposal to extend mining operations at the site.	As per the 2018 annual review update, a revised Rehabilitation Management Plan was submitted to agencies for comment during 2018 and will be finalised during the 2019 report period. The revised management plan includes mine closure information as required by the Project Approval.	PA 07_0127 (MOD5) no longer includes a requirements for a Mine Closure Plan. It is noted that a recommendation has been included as an Improvement Recommendation for mine closure planning processes (OBS20) For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC16	PA07_0127, S3, C37	Biodiversity Offset Strategy Implementation Bond Within 3 months of the approval of the Landscape Management Plan, the Proponent shall lodge a Biodiversity Offset Strategy implementation bond with either the I&I NSW or the Department to ensure that the Biodiversity Offset Strategy is implemented in accordance with the performance and completion criteria of the Landscape Management Plan. The sum of the bond shall reflect the full cost of implementing the Biodiversity Offset Strategy and be determined by employing a suitably qualified rehabilitation expert or quantity surveyor.	Coalpac	Evidence of the Biodiversity Offset Strategy Implementation Bond was not available. Consult with DPE and DRE and provide evidence of Biodiversity Offset Strategy Implementation Bond, or evidence of DG sign-off on the implementation of the Biodiversity Offset Strategy.	As per the 2023 annual review update, the Invincible Colliery Biodiversity Management Plan (BMP) is undergoing further consultation with BCD prior to finalising. The BMP addresses the revised Southern Extension Biodiversity Offset Strategy and related security mechanism.	These actions remain relevant and have been reproduced in MP07_0127 MOD 5, Schedule 3, Condition 35. It is noted the Department has commenced compliance processes for this condition. No Compliance Status is nominated for MP07_0127 MOD 5, Schedule 3, Condition 35 on this basis. (NC10) For the purposes of the 2016 Audit this action can be closed.	CLOSED

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC17	PA07_0127, S3, C40 (a)	<p>Aboriginal Heritage Management Plan</p> <p>The Proponent shall prepare and implement an Aboriginal Heritage Management Plan for the project to the satisfaction of the Director-General. The Plan must:</p> <p>(a) be prepared in consultation with DECCW and the Aboriginal community;</p>	CC	<p>Ensure the EPA and the Aboriginal Community is consulted during any future revisions to the Aboriginal Heritage Management Plan, and evidence of consultation is retained.</p> <p>Re-erect the signs at the 'Invincible OS1' Aboriginal heritage site as outlined in the Aboriginal Heritage Management Plan (i.e. Warning and Notice signs).</p> <p>Update plans in all management documents to include the location of the cultural heritage site "Invincible OS1".</p>	<p>As per the 2023 annual review update, an updated Aboriginal Heritage Management Plan (ACHMP) (WMP) was approved in January 2023 following extensive stakeholder and agency consultation. The ACHMP addresses requirements outstanding actions.</p>	<p>The ACHMP was submitted in 2022 and the approval status was not determined as part of the audit (NC13).</p> <p>OS1 sighted with fence and signage.</p> <p>OBS5 included various recommendations</p>	CLOSED
NC18	PA 07_0127, S3, C42(c)(d)(e)	<p>Greenhouse and Energy Efficiency</p> <p>This plan must:</p> <p>(c) include a program to monitor greenhouse gas emissions and energy use generated by the project;</p> <p>(d) include a framework for investigating and implementing measures to reduce greenhouse gas emissions and energy use at the site;</p> <p>(e) describe how the performance of these measures would be monitored over time.</p>	Coalpac	<p>Consult with the DPE to determine whether the ESAP was approved in accordance with PA 07_0127 Schedule 3, Condition 42. If required, seek approval to provide a revised plan upon approval to continue mining operations. The revised plan is to ensure it meets all requirements of the Project Approval.</p>	<p>As per the 2018 annual review update, no further action required. NGRS reporting taken during 2018 and will continue to be undertaken in accordance with regulatory requirements.</p>	<p>PA 07_0127 (MOD5) no longer includes a requirements for an Energy Savings Action Plan.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC19	PA07_0127, S3, C43(a)	<p>Waste Minimisation</p> <p>The Proponent shall:</p> <p>(a) monitor the amount of waste generated by the project;</p>	CC	<p>Ensure records of waste disposal are retained on site for a period of 7 years.</p> <p>Monitor the amount of waste generated by the project. Include detailed waste monitoring requirements in the Environmental Monitoring Program.</p>	<p>As per the 2018 annual review update, volume of waste generated on site is reported in the Annual Review.</p>	<p>Water volumes are included in the 2023 Annual Review.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC20	PA 07_0127, S3, C43(e)	<p>Waste Minimisation</p> <p>The Proponent shall:</p> <p>(e) report on waste management and minimisation in the AEMR to the satisfaction of the Director-General.</p>	CC	<p>Report the total volume of waste to landfill and recycling in the AEMR</p>	<p>As per the 2018 annual review update, volume of waste generated on site is reported in the Annual Review.</p>	<p>Water volumes are included in the 2023 Annual Review.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC21	PA 07_0127, S5, C1(e)	<p>Environmental Management Strategy</p> <p>This strategy must (e) include environmental monitoring program for the project that includes all the monitoring requirements of this approval;</p>	CC	<p>Inclusion of the current Environmental Monitoring Program within the EMS is required to meet the conditions of the Project Approval.</p> <p>A full copy of the EMS should be uploaded to the website and the EMS should be updated to reference the EMP (ensuring also that the EMP is reviewed for relevancy).</p>	<p>As per the 2023 annual review update, an updated Environmental Monitoring Strategy (EMS) was approved in November 2022 following extensive stakeholder and agency consultation meeting the conditions of project approval.</p>	<p>The EMS was updated in 2022 and contains a summary of key environmental monitoring in Table 6.1.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC22	PA 07_0127, S5, C4	<p>Annual Reporting</p> <p>By the end of November 2009, and annually thereafter, the Proponent shall submit an AEMR to the Director-General and to all relevant agencies. This report must:</p> <p>(a) identify the standards and performance measures that apply to the project; (b) describe the works carried out in the last 12 months; (c) describe the works that would be carried out in the next 12 months; (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years; (e) include a summary of the monitoring results for the project during the past year; (f) include an analysis of these monitoring results against the relevant: • impact assessment criteria/limits; • monitoring results from previous years; and • predictions in the EA; (g) identify any trends in the monitoring results over the life of the project; (h) identify any non-compliance during the previous year; and (i) describe what actions were, or are being, taken to ensure compliance</p>	CC	<p>Consult with the DPE and DRE to confirm details of AEMR reporting including: definition of relevant agencies, reporting period (calendar year or financial year) and submission dates.</p> <p>Include within the AEMRs, an analysis of monitoring results against the results of previous years monitoring and the EA predictions and include an analysis of trends over the life of the project.</p>	<p>As per the 2017 annual review update, the AEMR for Invincible Colliery was submitted to the DRE on 22 January 2016 and to the DPE on 29 January 2016 within 60 calendar days of the end of the reporting period from 1 January 2015 to 31 December 2015 as required for previous years.</p> <p>As per the 2018 annual review update, no further action required. Annual Reviews to be submitted as required by Project Approval.</p>	<p>The 2023 Annual Review, dated 11 June 2023 was prepared and submitted to DPHI past the due date of 30 March 2024.</p> <p>Section 6 provides a review of monitoring data, trends and comparisons of EA predictions. Consideration should be given to increasing the comprehensive analysis of trends and comparisons across environmental aspects and also for key risks.</p> <p>Section 6 includes references to actions to improve environmental performance.</p> <p>It is noted that a range of commitments have been included in management plans for reporting within Annual Reviews that are in addition to the requirements of this condition. The audit found example of where these commitments have not been carried over (annual revision of the site water balance). It is also noted that future Annual Reviews should provide a comprehensive analysis of trends and comparisons against EA predictions for all environment aspects and to a greater level of detail than in previous Annual Reviews.</p> <p>These actions remain relevant and have been reproduced in NC18.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC23	PA07_0127, S5, C5	<p>By the end of November 2010, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <p>(a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements in this approval and any associated EPL or Mining Lease (including any strategy, plan or program required under these approvals); (d) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate, (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.</p> <p>Note: This audit team must be led by a suitably qualified Auditor and include</p>	CC	An IEA has not been conducted every 3 years as required. No recommendations are required for this non-compliance.	As per the 2018 annual review update, no further action required. The next independent Environmental Audit required to be undertaken one year after the recommencement of mining operations.	<p>Noted.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC24	PA 07_0127, S5, C9	<p>Within 3 months of the approval of any strategy/plan/ program required under this approval (or any subsequent revision of these strategies/plans/ programs), or the completion of the audits or AEMRs required under this approval, the Proponent shall:</p> <p>(a) provide a copy of the relevant document/s to the relevant agencies and CCC; and (b) put a copy of the relevant document/s on its website.</p>	Coalpac	The Condition of Approval requires all audit reports to be uploaded to the mine website. As the audit report covers the period prior to CC ownership, it is recommended that CC seek DP&E approval to waive this requirement for the first audit report.	<p>As per previous follow ups, the 2016 IEA report has been uploaded to the CC website.</p> <p>As per the 2016, 2017, and 2018 annual review update, no further action required.</p>	<p>The 2016 IEA has been made available on the CC Website.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC25	PA 07_0127, S5, C10	From the end of November 2009, and thereafter during the project, the Proponent shall: (a) provide a copy of this approval as may be modified from time to time on its website; (b) provide a comprehensive, running summary of monitoring results required under this approval on its website; and (c) update these results on a regular basis (at least every three months).	CC	Provide a comprehensive running summary of monitoring results as required under the PA on the website.	As per the 2016 annual review update, monitoring will continue to be uploaded to CC website. No further action required. As per the 2017 and 2018 annual review update, no further action required.	Monitoring data and reports have been made available on the CC Website. For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC26	SOC, C3.3	Organise the regular collection of industrial wastes (fortnightly)	CC	Organise the collection of all industrial wastes (including oil, grease and other liquid wastes) by a licensed contractor. It is noted that the frequencies are relevant to full scale operations and are reported to be reduced during the care and maintenance phase. Ensure records of waste disposal are retained on site for a period of 7 years	As per the 2016 annual review update, waste is collected on a regular basis as required with waste tracking information maintained in accordance with legislative requirements. No further action required. As per the 2017 and 2018 annual review update, no further action required.	Water volumes are included in the 2023 Annual Review. For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC27	SOC, C3.4	Store waste oils and grease at the maintenance workshop for collection by a licensed waste recycling contractor (Bi-monthly)	CC	*Ensure all liquid waste containers are stored within secondary containment / in bunding. *Undertake maintenance and cleaning of the wastewater catch drain system. *Retain all records of maintenance of equipment for a period of 7 years. *Retain all records of waste disposal for a period of 7 years. *Install bunding around the waste oil collection tank (if it is to remain operational). *Repair the PVC pipe in the waste oil collection system and investigate any residual contamination. * Conduct a maintenance inspection and integrity test of the waste oil collection system tanks and piping.	As per the 2023 annual review update, the waste oil system was not utilised during the 2022 report period. A risk assessment regarding the utilisation of the system will be undertaken prior to the system being recommissioned. The waste oil collection system will be reinstated prior to recommencing mining.	Some actions remain relevant and have been reproduced in OSB2. For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC28	SOC, C3.6	Store hydrocarbon contaminated water in the oil/water separator for regular removal from site by a licensed contractor (as required).	CC	See recommendations for 3.3 and 3.4 above.	As per the 2023 annual review update, the waste oil system was not utilised during the 2022 report period. A risk assessment regarding the utilisation of the system will be undertaken prior to the system being recommissioned. The waste oil collection system will be reinstated prior to recommencing mining.	These actions remain relevant and have been reproduced in OBS2. For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC29	SOC, C4.2	stabilise earthworks, drainage lines and disturbed areas no longer required for mine related activities (as areas become available).	CC	been successfully stabilised. Stabilise rehabilitation areas to the satisfaction of DPE (soil re-profiling, or adapted seeding and tube stock planting methods are required as remedial action). Provide update in 2016 AEMR.	As per the 2017 annual review update, update included in 2017 Annual Review. No further action required. As per the 2018 annual review update, no further action required.	Status of Mining and Rehabilitation reported in the 2023 Annual Review is inconsistent with Three-yearly forecast cumulative disturbance and rehabilitation progression detailed in the Forward Program (2023 to 2025). These actions remain relevant and have been reproduced in NC2 For the purposes of the 2016 Audit this action can be closed.	CLOSED

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC30	SOC, C4.4	Utilise native tree, shrub and grass species and / or pasture species comparable with either the existing vegetation communities or those which occurred in the area prior to mining and agriculture-related disturbance (ongoing during rehabilitation activities).	Coalpac	Modify seed mix for all future rehabilitation, as per the Landscape Management Plan, and recommendations in the 2015 Annual Biodiversity Monitoring report (Kleinfelder, 2015).	As per previous follow ups, the rehabilitation seed mix in the LMP has been modified by removal of Acacia dealbata and Acacia decurrens as recommended by Kleinfelder and the modified seed mix was included in the revised C&M MOP prepared by Sedgman (September 2015). This modified seed mix will be provided to all contractors involved in future rehabilitation works. As per the 2016, 2017 and 2018 annual review update, no further action required.	Section 6.2.5 of the Rehabilitation Management Plan highlights the use of native flora species. Appendix C includes these species as indicative specific list For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC31	SOC, C5.8	Ensure the on-site road network is well maintained to limit body noise from empty trucks travelling on internal roads (ongoing).	CC	Maintain the on-site road network by repairing existing scouring and erosion. This will help to limit noise levels associated with vehicle movements at the site.	As per previous follow ups, the road network is included in the current inspection and maintenance regime. While scouring and erosion occurs from time to time following heavy rain events, repairs and maintenance are undertaken periodically as required. The scouring and erosion referred to in this item has been repaired since the audit site inspection. It should be noted that vehicle use of this road is minimal during care and maintenance As per the 2016, 2017 and 2018 annual review update, no further action required.	The site inspection noted that the internal haul roads are maintained for operational efficiency purposes. For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC32	SOC, C7.12	Include a vertebrate pest control program as part of the mining operation (within 12 months of commencement of mining).	CC	Undertake assessment of the need for vertebrate pest control, as described in the LMP and Biodiversity Monitoring reports. Undertake control activities, as advised.	As per the 2018 annual review update, no further action required. Feral animal presence was undertaken as part of biodiversity monitoring.	Not verified during the audit. Actions included in NC12	CLOSED
NC33	SOC, C8.1	Construct a fence around the site "Invincible OS1" and identify this as a culturally sensitive area at the site and on all mine plans (prior to commencement of the project).	CC	Update plans in all management documents to include the location of the cultural heritage site "Invincible OS1". Re-erect signs on the fencing at the "Invincible OS1" Aboriginal heritage site as outlined in the Aboriginal Heritage Management Plan (i.e. Warning and Notice signs).	As per the 2023 annual review update, an updated Aboriginal Heritage Management Plan (ACHMP) (WMP) was approved in January 2023 following extensive stakeholder and agency consultation. The ACHMP addresses requirements outstanding actions.	The ACHMP was submitted in 2022 and the approval status was not determined as part of the audit (NC13). OS1 sighted with fence and signage. OBS5 included various recommendations	CLOSED
NC34	SOC, C8.3	Inform all site personnel to the presence of the site and their obligations under the National Parks and Wildlife Act 1974 (NPW Act, 1974) in relation to site protection (prior to commencement of construction).	CC	Ensure that the care and maintenance period site induction for staff and contractors, includes an appropriate Aboriginal Heritage induction that includes the location of the site and obligations under the NPW Act 1974. Ensure that training records are kept to demonstrate current staff and contractors have been inducted into procedures relevant to their work at the site, before working on the site.	As per previous follow ups, the current site induction has been modified to include information on the nature and location of the Aboriginal heritage site OS1 and obligations for protection of this site. All training and induction records are maintained at the site office. No further action require As per 2018 annual review update, no further action required.	Not verified during the audit. Consider Notes in Section 4 of the Audit Report. Actions included in OBS16	CLOSED

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC35	SOC, C8.5	Conduct a Cultural Heritage Awareness Induction Course for staff, contractors and any heritage monitors working on the Project Site (ongoing).	CC	<p>Ensure that the care and maintenance period site induction for staff and contractors, includes an appropriate Aboriginal Heritage induction that includes the location of the site and obligations under the NPW Act 1974.</p> <p>Ensure that training records are kept to demonstrate current staff and contractors have been inducted into procedures relevant to their work at the site, before working on the site.</p>	<p>As per previous follow ups, the current site induction has been modified to include information on the nature and location of the Aboriginal heritage site OS1 and obligations for protection of this site.</p> <p>All training and induction records are maintained at the site office.</p> <p>No further action required</p> <p>As per 2018 annual review update, no further action required.</p>	<p>Not verified during the audit. Consider Notes in Section 4 of the Audit Report.</p> <p>Actions included in OBS16</p>	CLOSED
NC36	SOC, C9.4	Undertake quarterly (groundwater) sampling and general observation of water within the main Colliery Dam and analyse / inspect for signs of ferrous iron oxidation or other contamination (quarterly).	CC	<p>Ensure monthly environmental monitoring reports include the results of visual inspections for ferrous iron oxidation and other contamination.</p>	<p>As per previous follow ups, monthly monitoring of the Main Dam is conducted by RCA and includes visual inspection. Anything out of the ordinary is recorded in monthly reports. The absence of these observations in monthly reports indicates that no visual contamination was detected.</p> <p>No further action required.</p> <p>As per 2018 annual review update, no further action required.</p>	<p>These actions remain relevant and have been reproduced in OBS18</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC37	SOC, C9.6	Operate the existing clean water diversion structures in accordance with the Invincible Colliery Soil and Water Management Plan (ongoing).	CC	<p>Engage a suitably qualified and experienced person to inspect the surface water management system structures and conduct maintenance/repairs/rectifications as required.</p>	<p>As per previous follow ups, the water management system structures including pumping systems, diversion structures and sediment basins/dams are inspected during routine site inspections and repairs are undertaken as required.</p> <p>The road erosion referred to in this item has been repaired since the audit site inspection.</p> <p>As per 2016, 2017 and 2018 annual review update, no further action required.</p>	<p>Monthly ESC inspections are undertaken.</p> <p>These actions remain relevant and have been reproduced in NC7 and NC8</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC38	SOC, C9.8	Inspect the diversion banks and other clean water management structures on a regular basis, or following rainfall of >25mm/24 hours, and undertake maintenance work as necessary (Quarterly or following rainfall of >25m/24hours).	CC	<p>Dams and drains are inspected regularly. Erosion issues require maintenance. Engage a suitably qualified and experienced person to inspect the surface water management system structures and conduct such maintenance/repairs/rectifications as required.</p>	<p>As per previous follow ups, the water management system structures including pumping systems, diversion structures and sediment basins/dams are inspected during routine site inspections and repairs are undertaken as required.</p> <p>The erosion referred to in this item has been repaired since the audit site inspection.</p> <p>As per 2016, 2017 and 2018 annual review update, no further action required.</p>	<p>Monthly ESC inspections are undertaken.</p> <p>These actions remain relevant and have been reproduced in NC7 and NC8</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC39	SOC, C9.9	Construct low flow contour bank(s) discharging to a sediment basin(s) downstream of the proposed open cut mine extension (Prior to commencement of open cut mining).	CC	Banks and sediment basins are installed. Erosion issues were identified. Engage a suitably qualified and experienced person to inspect and review the surface water management system structures and conduct maintenance/repairs/rectifications as required. The review should assess the adequacy of the size of the sediment basins.	As per previous follow ups, the water management system structures including pumping systems, diversion structures and sediment basins/dams are inspected during routine site inspections and repairs are undertaken as required. The sediment basins are of adequate size and are routinely inspected. In the event that these basins fill with sediment, they are cleaned out as required. As per 2016, 2017 and 2018 annual review update, no further action required.	Monthly ESC inspections are undertaken. These actions remain relevant and have been reproduced in NC7 and NC8 For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC40	SOC, C9.11	Inspect the settlement ponds and sediment basins on a regular basis, or following rainfall of >25mm/24 hours, and clean out the sediment basins of consolidated sediment once capacity reduced by 20% (Quarterly or following rainfall of >25mm/24 hours).	CC	Dams and drains are inspected, some basins require maintenance. Engage a suitably qualified and experienced person to inspect the surface water management system structures and conduct maintenance/repairs/rectifications as required	As per the 2018 annual review update, water management basins inspected by site personnel with the inspection regime to be included in the Southern Extension Water Management Plan, which is to be finalised during the 2019 report period. The draft Water Management Plan was submitted to DPI Water and the EPA for comment during December 2018.	Monthly ESC inspections are undertaken. These actions remain relevant and have been reproduced in NC7 and NC8 For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC41	SOC, C9.14	Ensure any water discharged from nominated discharge point (No. 2) meets the criteria of EPL 1095, as follows. TSS <50mg/L. pH: 5.5 to 8.5. Oil & grease <10mg/L. Within 24 hours of discharge event.	Coalpac	A historical monitoring result from 2014 identified a minor exceedance of the pH range. Continue to monitor water quality in accordance with the requirements of the EPL, including identification of trends relating to pH.	As per previous follow ups, historical water quality results during the ownership of Coalpac pre-dates CC's involvement in the project. There have been no exceedances of the EPL water quality criteria during CC's ownership. A summary of monthly water quality monitoring results is provided on the CC website and a link to all available historic monitoring results conducted by Coalpac is provided on the CC website. All water quality monitoring commissioned by CC is conducted in accordance with the project approval, EPL and the WMP. No action required As per 2018 annual review update, no further action required.	Monthly ESC inspections are undertaken. These actions remain relevant and have been reproduced in NC7, NC8 and OBS18. For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC42	SOC, C9.15	Securely store all hydrocarbon products (ongoing)	CC	Ensure all liquid chemical containers are stored within secondary containment / in bunding that is in good working order.	As per the 2018 annual review update, no further action required. The waste oil system was not utilised during the 2018 report period. A risk assessment regarding the utilisation of the system will be undertaken prior to the system being recommissioned. The waste oil collection system will be reinstated prior to recommencing mining.	These actions remain relevant and have been reproduced in OBS2. For the purposes of the 2016 Audit this action can be closed.	CLOSED
NC43	SOC, C9.17	Direct all water from wash-down areas and workshops to oil/water separators and containment systems (ongoing).	CC	Refer to actions in NC44 below	As per the 2023 annual review update, the waste oil system was not utilised during the 2022 report period. A risk assessment regarding the utilisation of the system will be undertaken prior to the system being recommissioned. The waste oil collection system will be reinstated prior to recommencing mining.	These actions remain relevant and have been reproduced in OBS2. For the purposes of the 2016 Audit this action can be closed.	CLOSED

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC44	SOC, C9.18	Ensure all storage tanks are either self-bunded tanks or bunded with an impermeable surface and have a capacity to contain a minimum 110% of the largest storage tank capacity (ongoing).	CC	<p>*Ensure all liquid waste containers are stored within secondary containment / in bunding.</p> <p>*Undertake maintenance and cleaning of the wastewater catch drain system.</p> <p>*Retain all records of maintenance of equipment for a period of 7 years.</p> <p>*Retain all records of waste disposal for a period of 7 years.</p> <p>*Install bunding around the waste oil collection tank (if it is to remain operational).</p> <p>*Repair the breakage in the pipe that leads from the wastewater catch drain to the oil/water separator and waste oil collection tank. Investigate whether any soil contamination has resulted from the breakage.</p> <p>* Conduct a maintenance inspection and integrity test of the waste oil collection system tanks and piping.</p>	As per the 2023 annual review update, the waste oil system was not utilised during the 2022 report period. A risk assessment regarding the utilisation of the system will be undertaken prior to the system being recommissioned. The waste oil collection system will be reinstated prior to recommencing mining.	<p>These actions remain relevant and have been reproduced in OBS2.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC45	SOC, C12.2	Monitor water quality within the Main Colliery Dam (quarterly).	CC	<p>Monitoring commenced in December 2015. It is recommended that the Water Management Plan be revised to clearly identify the sampling locations.</p> <p>Review the nomenclature used for sampling locations (Main Dam and LD002) to clearly distinguish between the two locations. Ensure monthly environmental monitoring reports provide clear identification of the different sampling locations when reporting the results</p>	As per the 2018 annual review update, an updated Water Management Plan has been developed and will be finalised during the 2019 report period. The draft Water Management Plan was submitted to DPI Water and the EPA for comment during December 2018.	<p>The Water Management Plan was updated in 2022. Monthly EPL Reports include sampling locations.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC46	SOC, C12.3	Undertake quarterly attended and unattended monitoring at the "Hillview", "Billabong", Cullen Bullen south and Cullen Bullen west residences for the life of the Invincible Colliery (quarterly).	Coalpac	Consult with DPE to confirm the current noise monitoring requirements of the Project Approval and the application of attended monitoring only.	As per the 2018 annual review update, a revised Noise Management Plan has been developed and will be submitted to DPE during the 2019 report period.	<p>The Noise Management Plan was updated in 2022. Quarterly Noise Monitoring Reports are available in the CC Website.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC47	SOC, C12.7	Update the Invincible Colliery Blasting Management Plan to account for the proposed implementation of highwall mining and production increase (within 3 months of approval).	Coalpac	Pending approval to extend mining operations, review the Blast Monitoring and Management Plan (June 2009) to include information on high wall mining and production increases as appropriate.	<p>As per the 2017 annual review update, the SOC has been removed from the Project Approval.</p> <p>As per the 2018 annual audit findings, no further action required.</p>	<p>No Blasting is undertaken as part of MOD5.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC48	SOC, C12.9	Monitor deposited dust deposition at locations IDD-1 to IDD-6 surrounding the Invincible Colliery (monthly).	Coalpac	Consult with DPE to confirm current dust deposition sampling requirements of the Project Approval, particularly with respect to removal of IDD6 from the monitoring program.	<p>As per the 2018 annual review update, the EPL specifies dust monitoring at 5 locations in Conditions P1.1 and M2.2. Dust monitoring has been undertaken at 5 locations throughout the care and maintenance period as reported in monthly website reports and AEMRs.</p> <p>No further action required.</p>	<p>The Air Quality Management Plan was updated in 2022 and includes IDD6. Subsequently, the site EPL was varied in March 2023.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC49	SOC, C12.12	Undertake annual monitoring of rehabilitation success (annual)	CC	Fixed monitoring plots should be established in all years of rehabilitation across the site to achieve compliances and enable review of the performance against the completion criteria set out in the LMP.	As per the 2018 annual review update, biodiversity monitoring was undertaken during 2018 and a revised Biodiversity Management Plan and Rehabilitation Management Plan has been prepared and submitted to stakeholders during the 2018 report period. These revised management plans will be submitted to DPE during the 2019 report period	<p>The Rehabilitation Management Plan was approved in 2022, detailed annual rehabilitation monitoring.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED

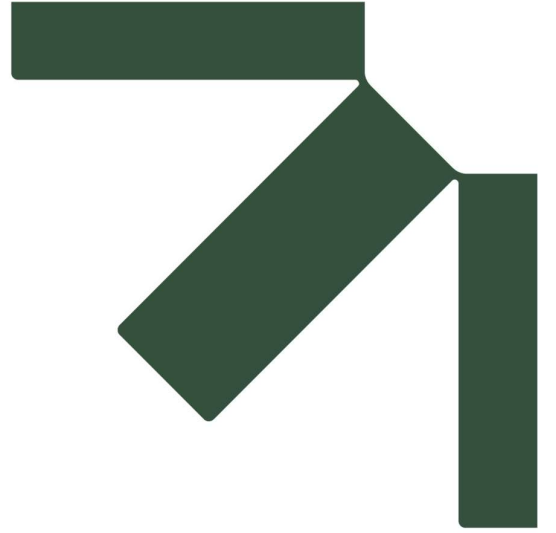
2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC50	EPL, A2.1	<p>Premises or plant to which the licence applies. The licence applies to the following premises:</p> <p>THE INVINCIBLE COLLIERY, CASTLEREAGH HIGHWAY, CULLEN BULLEN, NSW 2790 LOT 1 DP 180294, LOT 113 DP 877190 PART BEN BULLEN STATE FOREST. INVINCIBLE COLLIERY HOLDING</p>	CC – the Auditor notes this was carried over from the EPL transferred from Coalpac to CC	Review premises details specified in condition A2.1 of the EPL to ensure that it is consistent with the area covered by the Project Approval. Vary the EPL if required.	As per the 2023 annual review update, the Invincible Environment Protection Licence was subsequently varied in consultation with the EPA in March 2023.	<p>The site EPL was varied in March 2023, including Shoalhaven Coal Pty Ltd trading as CC.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC51	EPL, L1.1	<p>Pollution of waters</p> <p>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.</p>	Coalpac	<p>A historical monitoring result from 2014 identified a minor exceedance of the pH range. Continue to monitor water quality in accordance with the requirements of the EPL, including identification of trends relating to pH.</p> <p>It is also recommended that CC clarify the different nomenclature of water quality monitoring locations previously reported at the Main Dam (i.e. LDP2/LD002/LD002 (point 2), Main Dam). Update relevant management plans (as required) and all future monitoring reports.</p>	As per the 2018 annual review update, no further action required. It is however noted that a revised Water Management Plan has been prepared and submitted to DPI Water and EPA for comment during 2018. This plan will be submitted to DPE for review during the 2019 report period.	<p>The Water Management Plan was updated in 2022.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC52	EPL, L2.4	<p>Water and/or Land Concentration Limits</p> <p>Oil and grease – 10 mg/L, pH – 6.5-8.5, Total suspended solids – 30 mg/L</p>	Coalpac	<p>A historical monitoring result from 2014 identified a minor exceedance of the pH range. Continue to monitor water quality in accordance with the requirements of the EPL, including identification of trends relating to pH.</p>	<p>As per the previous follow up actions, Historical water quality results during the ownership of Coalpac pre-dates Castlereagh Coal's involvement in the project.</p> <p>There have been no exceedances of the EPL water quality criteria during Castlereagh Coal's ownership.</p> <p>A summary of monthly water quality monitoring results is provided on the CC website and a link to all available historic monitoring results conducted by Coalpac is provided on the CC website.</p> <p>All water quality monitoring commissioned by Castlereagh Coal is conducted in accordance with the project approval, EPL and the WMP.</p> <p>No action required.</p> <p>As per As per the 2017 and 2018 annual review update, no further action required.</p>	<p>The Water Management Plan was updated in 2022.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC53	EPL, L4.3	<p>Noise limits</p> <p>The noise emission limits identified in this licence apply under all meteorological conditions except:</p> <p>a) during rain and wind speeds (at 10m height) greater than 3m/s; and b) under "non-significant weather conditions".</p> <p>Note: Field meteorological indicators for non-significant weather conditions are described in the NSW Industrial Noise Policy, Chapter 5 and Appendix E in relation to wind and temperature inversions.</p>	CC – the Auditor notes this was carried over from the EPL transferred from Coalpac to CC	Quarterly noise monitoring reports to provide a statement of compliance with respect to EPL conditions L4.1 to L4.3. The monitoring reports are to ensure an assessment against the meteorological conditions in the EPL is undertaken.	As per the 2018 annual review update, no further action required. A revised Noise Management Plan for the site will be submitted to DPE during the 2019 report period.	<p>The Noise Management Plan was updated in 2022</p> <p>Quarterly Noise Monitoring Reports are available in the CC Website, which consider weather in accordance with PA and EPL requirements.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC54	EPL, O1.1	<p>Activities must be carried out in a competent manner</p> <p>Licensed activities must be carried out in a competent manner. This includes:</p> <p>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</p>	CC	<p>Review chemical storage areas and implement corrective actions to ensure that all chemicals are stored within secondary containment; the chemical register and MSDS are current and readily available; the waste collection system is inspected, maintained and repaired (as required).</p> <p>Maintain records of waste disposal and retain on site.</p> <p>Ensure that the care and maintenance period site induction for staff and contractors, 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.</p> <p>Ensure that training records are kept to demonstrate current staff and contractors have been inducted into procedures relevant to their work at the site</p>	<p>As per the 2016 annual review update, containers stored outside of bunded areas have been placed inside appropriate bunding. No further action proposed.</p> <p>As per 2017 and 2018 annual review update, no further action required.</p>	<p>These actions remain relevant and have been reproduced in OBS2 and OBS16</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC55	EPL O2.1(a)	<p>Maintenance of plant and equipment</p> <p>All plant and equipment installed at the premises or used in connection with the licensed activity:</p> <p>a) must be maintained in a proper and efficient condition; and</p>	CC	<p>Undertake maintenance and cleaning of the wastewater catch drain system.</p> <p>Conduct a maintenance inspection and integrity test of the wastewater collection system including bunding, tanks and piping.</p> <p>Repair the breakage in the piping that leads from the wastewater catch drain to the oil/water separator and waste oil collection tank. Investigate whether any soil contamination has resulted from the breakage.</p> <p>Install bunding around the waste oil collection tank (if it is to remain operational).</p> <p>Ensure all plant and equipment required during care and maintenance is maintained in a proper and efficient manner as per a maintenance schedule or manufacturer's instructions.</p> <p>Retain maintenance and servicing records for all plant and equipment used at the site.</p>	<p>As per the 2023 annual review update, the waste oil system was not utilised during the 2022 report period. A risk assessment regarding the utilisation of the system will be undertaken prior to the system being recommissioned. The waste oil collection system will be reinstated prior to recommencing mining.</p>	<p>These actions remain relevant and have been reproduced in OBS2</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC56	EPL, M1.1	<p>Monitoring records</p> <p>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</p>	Coalpac	Ensure environmental monitoring data for the last 4 years is readily available on site in accordance with the EPA Advisory Letter dated 6 January 2016 (including raw data).	<p>As per the previous follow ups, historic monitoring results that are available to CC have been uploaded to the Coalpac website and a link provided from the CC website under 'historic reports'.</p> <p>A running summary of all environmental monitoring results (noise, air quality, weather data, water quality) commissioned by CC are uploaded to the CC website as these results are received.</p> <p>Raw data is now kept at the site office following receipt of the EPA advisory letter.</p> <p>No further action required.</p> <p>As per 2017 and 2018 annual review update, no further action required.</p>	<p>Monitoring data and reports have been made available on the CC Website.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC57	EPL, M1.2	<p>Monitoring records</p> <p>All records required to be kept by this licence must be:</p> <p>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.</p>	CC	Ensure environmental monitoring data for the last 4 years is readily available on site in accordance with the EPA Advisory Letter dated 6 January 2016 (including raw data).	<p>As per the previous follow ups, historic monitoring results that are available to CC have been uploaded to the Coalpac website and a link provided from the CC website under 'historic reports'.</p> <p>A running summary of all environmental monitoring results (noise, air quality, weather data, water quality) commissioned by CC are uploaded to the CC website as these results are received.</p> <p>Raw data is now kept at the site office following receipt of the EPA advisory letter.</p> <p>No further action required</p> <p>As per 2017 and 2018 annual review update, no further action required.</p>	<p>Monitoring data and reports have been made available on the CC Website.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC58	EPL, M1.3	<p>Monitoring records</p> <p>The following records must be kept in respect of any samples required to be collected for the purposes of this licence:</p> <p>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.</p>	Coalpac	Ensure all future environmental monitoring reports captures all details required to be reported by EPL condition M1.3. This includes date, time and location of sampling, and name of person collecting the sample.	<p>As per the previous follow ups, these details are included in the monthly monitoring reports provided to CC (website reports are a summary of results). The EPL does not require that these details be published on the website, only that these records are kept, which they are.</p> <p>No action required.</p> <p>As per 2017 and 2018 annual review update, no further action required.</p>	<p>Monitoring data and reports have been made available on the CC Website.</p> <p>Data Spreadsheets contains this information.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC59	EPL, M2.2	Requirement to monitor concentration of pollutants discharged - Air Monitoring Requirements	CC – the Auditor notes that the method of TSP sampling was also undertaken by Coalpac	The EPL specifies that particulate matter (TSP) is sampled using a high volume air sampler. In practice, at IDD1 (EPA point 3), TSP is estimated from PM10 data that is collected using a high volume air sampler. This revised sampling methodology is outlined in the Air Quality Management Plan, however is in contravention to the current EPL conditions. Consult with the EPA and DPE regarding the appropriateness of the	As per the 2023 annual review update, an Air Quality Management Plan (AQMP) was approved in November 2022 following extensive stakeholder and agency consultation. A standalone TSP unit has been installed at Invincible Colliery.	<p>The updated Air Quality Management Plan was approved in 2022 and includes a TSP Unit.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC60	EPL, M3.1	<p>Testing methods - concentration limits</p> <p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:</p> <p>a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.</p> <p>Note: <i>The Protection of the Environment Operations (Clean Air) Regulation 2010 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".</i></p>	CC	Refer to recommendations in NC59	As per the 2023 annual review update, an Air Quality Management Plan (AQMP) was approved in November 2022 following extensive stakeholder and agency consultation. A standalone TSP unit has been installed at Invincible Colliery.	<p>The updated Air Quality Management Plan was approved in 2022 and includes a TSP Unit.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC61	ML 1635, C2	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	CC	Address rehabilitation performance within ML1635 area and report remedial action in 2016 AEMR.	As per the 2018 annual review update, biodiversity monitoring was undertaken during 2018 and a revised Biodiversity Management Plan and Rehabilitation Management Plan has been prepared and submitted to stakeholders during the 2018 report period. These revised management plans will be submitted to DPE during the 2019 report period.	<p>ML Conditions were standardised and updated in 2022.</p> <p>Status of Mining and Rehabilitation reported in the 2023 Annual Review is inconsistent with Three-yearly forecast cumulative disturbance and rehabilitation progression detailed in the Forward Program (2023 to 2025).</p> <p>These actions remain relevant and have been reproduced in NC2.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC62	ML 1635, C4(a)	<p>Compliance Report</p> <p>(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.</p>	CC	<p>An Annual Compliance Report (as per Condition 4 of the Mining Lease) is required to be submitted to the DRE by the lease anniversary date for each lease. A compliance report (the Auditor was not provided with a copy of this report) was submitted to DRE on 10 February 2016 which is not in line with the mine lease anniversary date.</p> <p>Ensure that subsequent Annual Compliance Reports are prepared and issued to DRE by the relevant lease anniversary to DRE in accordance with relevant guidelines.</p> <p>Establish a compliance register (that includes Mine Lease conditions) to enable compliance tracking and reporting.</p>	<p>As per the 2016 annual review update, compliance reports to be submitted by 21 June annually. No further action proposed.</p> <p>As per the 2017 and 2018 annual review update, no further action required.</p>	<p>ML Conditions were standardised and updated in 2022.</p> <p>The 2023 Forward Program is available on the website.</p> <p>The 2024 Annual Rehabilitation Report and Forward Program is currently in development.</p> <p>Establishing a Compliance Register was not completed and is included in this audit as an Improvement Recommendation.</p> <p>These actions remain relevant and have been reproduced in NC30 and NC31.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED

2016 IEA Unique Non-Compliance Identifier	Criteria	Requirement	Responsibility	2016 IEA Recommendation	Status As Reported in Annual Reviews	2024 IEA Observations, findings and comments	STATUS
NC63	ML 1635, C4(c)	<p>Compliance Report</p> <p>(c) The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease.</p>	CC	See response to NC61	<p>As per the 2016 annual review update, compliance reports to be submitted by 21 June annually. No further action proposed.</p> <p>As per the 2017 and 2018 annual review update, no further action required.</p>	<p>ML Conditions were standardised and updated in 2022.</p> <p>The 2023 Forward Program is available on the website.</p> <p>The 2024 Annual Rehabilitation Report and Forward Program is currently in development.</p> <p>Establishing a Compliance Register was not completed and is included in this audit as an Improvement Recommendation.</p> <p>These actions remain relevant and have been reproduced in MP07_0127 MOD 5, Schedule 3, Condition 52.</p>	CLOSED
NC64	ML 1638, C2	<p>Rehabilitation</p> <p>Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.</p>	CC	Address rehabilitation performance within ML 1638 area and report remedial action in 2016 AEMR.	<p>As per the 2017 annual review update, annual monitoring was undertaken in 2017 and was reported in the Annual Review.</p> <p>As per the 2018 annual review update, no further action required.</p>	<p>ML Conditions were standardised and updated in 2022.</p> <p>The 2023 Forward Program is available on the website.</p> <p>The 2024 Annual Rehabilitation Report and Forward Program is currently in development.</p> <p>These actions remain relevant and have been reproduced in NC30 and NC31.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC65	ML 1638, C4(a)	<p>Compliance Report</p> <p>(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.</p>	CC	<p>An Annual Compliance Report (as per Condition 4 of the Mining Lease) is required to be submitted to the DRE by the lease anniversary date for each lease. A compliance report (the Auditor was not provided with a copy of this report) was submitted to DRE on 10 February 2016 which is not in line with the mine lease anniversary date.</p> <p>Ensure that subsequent Annual Compliance Reports are prepared and issued to DRE by the relevant lease anniversary to DRE in accordance with relevant guidelines.</p> <p>Establish a compliance register (that includes Mine Lease conditions) to enable compliance tracking and reporting.</p>	<p>As per the 2016 annual review update, compliance reports to be submitted by 21 June annually. No further action proposed.</p> <p>As per the 2017 and 2018 annual review update, no further action required.</p>	<p>ML Conditions were standardised and updated in 2022.</p> <p>The 2023 Forward Program is available on the website.</p> <p>The 2024 Annual Rehabilitation Report and Forward Program is currently in development.</p> <p>Establishing a Compliance Register was not completed and is included in this audit as an Improvement Recommendation.</p> <p>These actions remain relevant and have been reproduced in NC30 and NC31.</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED
NC66	ML 1638, C4(c)	<p>Compliance Report</p> <p>(c) The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease</p>	CC	See response to NC65	<p>As per the 2016 annual review update, compliance reports to be submitted by 21 June annually. No further action proposed.</p> <p>As per the 2017 and 2018 annual review update, no further action required.</p>	<p>ML Conditions were standardised and updated in 2022.</p> <p>The 2023 Forward Program is available on the website.</p> <p>The 2024 Annual Rehabilitation Report and Forward Program is currently in development.</p> <p>Establishing a Compliance Register was not completed and is included in this audit as an Improvement Recommendation.</p> <p>These actions remain relevant and have been reproduced in NC30 and NC31..</p> <p>For the purposes of the 2016 Audit this action can be closed.</p>	CLOSED



Appendix D Photographs

Independent Environmental Audit

Invincible Colliery

Shoalhaven Coal Pty Ltd (Castlereagh Coal)

SLR Project No.: 630.031463.00001

14 November 2024

Audit Photos

Photo 1: Mining Operations



Photo 2: Mining Operations



Photo 3: Mining Operations



Photo 4: Mining Operations



Photo 5: Mining Operations – Underground Workings



Photo 6: Haul Road



Photo 7: Habitat Trees that are Stockpiled for Final Rehabilitation



Photo 8: Stockpiles



Photo 9: Overburden



Photo 10: Overburden and Highwall Mining Void



Photo 11: Spill Kit



Photo 12: Spill Kit Contents



Photo 13: Maintenance Area



Photo 14: Hydrocarbon Storage



Photo 15: Maintenance Workshop

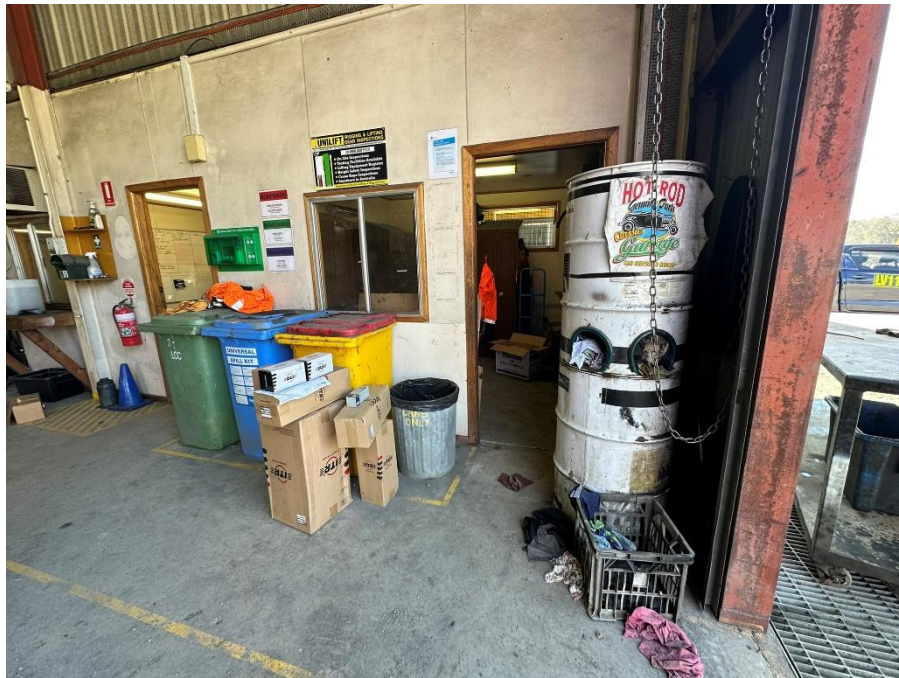


Photo 16: Maintenance Workshop



Photo 17: Maintenance Workshop

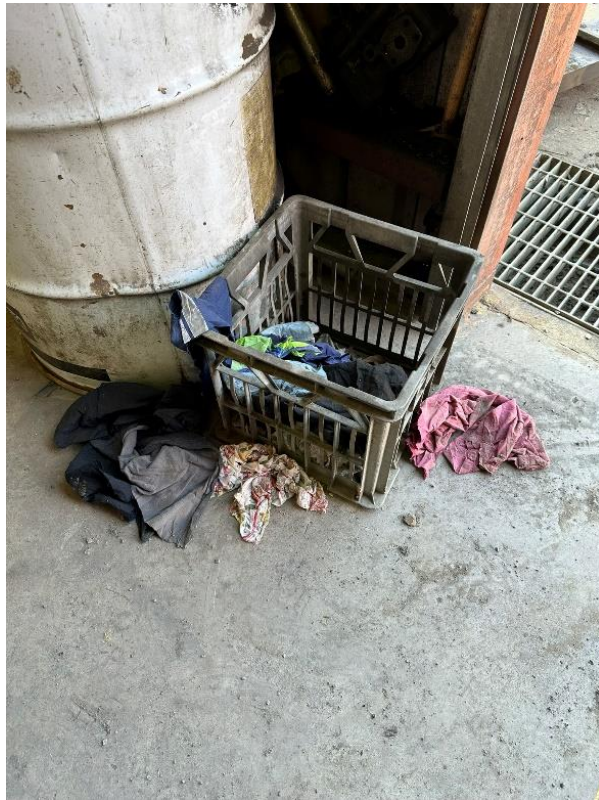


Photo 18: Maintenance Workshop

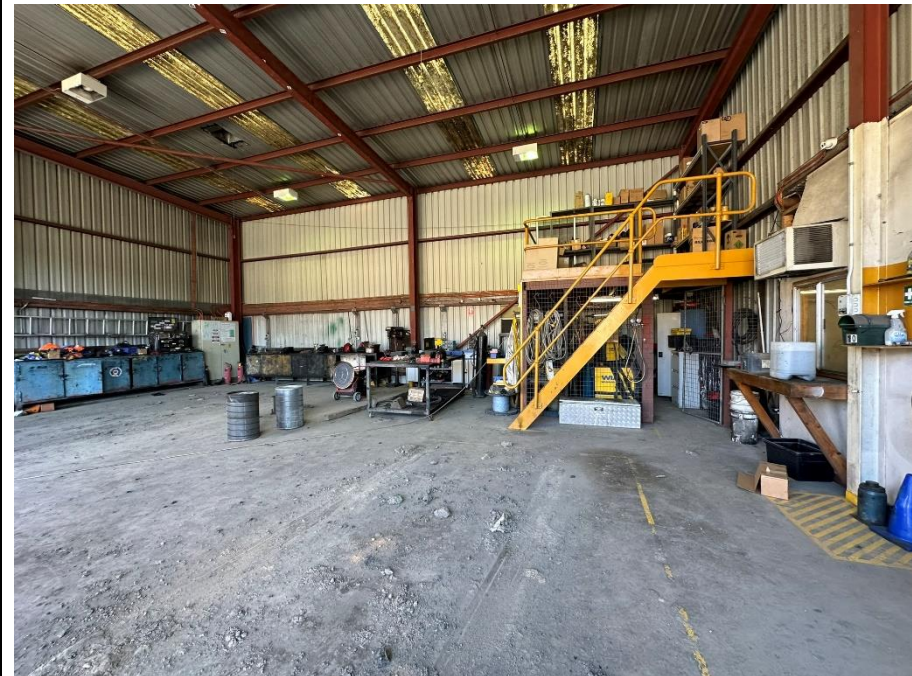


Photo 19: Extinguisher Maintenance



Photo 20: Spill Kit



Photo 21: Maintenance Workshop - Hydrocarbon Storage



Photo 22: Maintenance Workshop - Hydrocarbon Storage



Photo 23: Maintenance Workshop - Hydrocarbon Storage



Photo 24: Maintenance Workshop - Hydrocarbon Storage



Photo 24: Maintenance Workshop - Hydrocarbon Storage



Photo 25: Maintenance Workshop - Hydrocarbon Storage



Photo 26: Maintenance Workshop - Hydrocarbon Storage



Photo 27: Maintenance Workshop - Hydrocarbon Storage



Photo 28: Maintenance Workshop - Apron



Photo 29: Maintenance Workshop - Drain



Photo 30: Maintenance Workshop - Stores



Photo 31: Maintenance Workshop - Stores



Photo 32: Maintenance Workshop - Stores



Photo 33: Maintenance Workshop - Stores



Photo 34: Maintenance Workshop - Stores



Photo 35: Maintenance Workshop - Stores



Photo 36: Maintenance Workshop - Stores

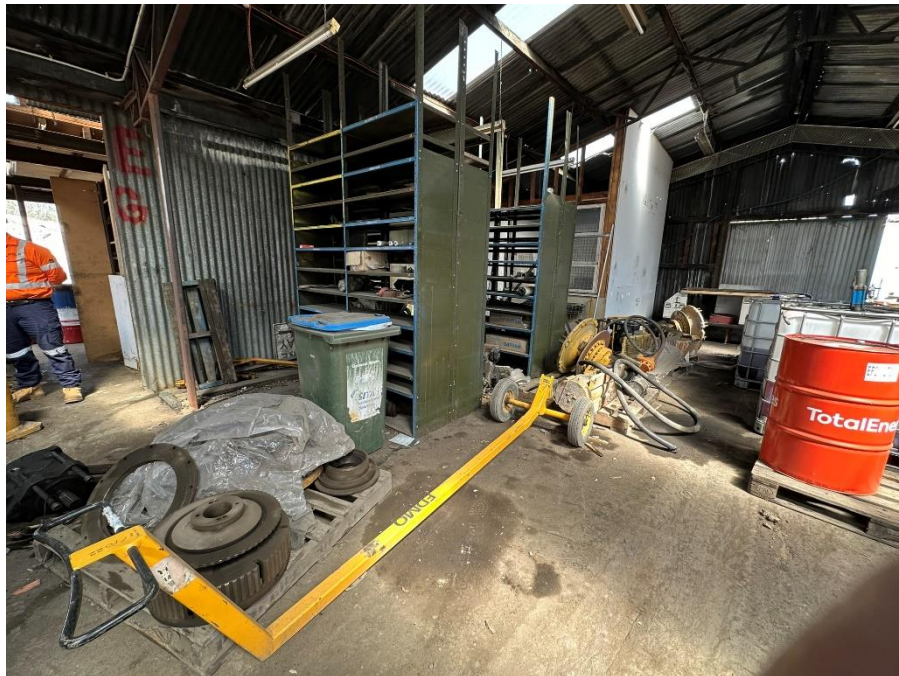


Photo 37: Maintenance Workshop - Stores



Photo 38: Photo 37: Maintenance Workshop - Stores



Photo 39: Maintenance Workshop - Stores



Photo 40: Maintenance Workshop - Stores



Photo 41: Oily Water Separator Sump



Photo 42: Oily Water Separator



Photo 43: Oily Water Separator Water Oil Tank



Photo 44: Oily Water Separator



Photo 45: Oily Water Separator



Photo 46: Oily Water Separator



Photo 47: Maintenance Area Road



Photo 48: Maintenance Area



Photo 49: Maintenance Area – Empty IBCs



Photo 50: Maintenance Area



Photo 51: Maintenance Area



Photo 52: Waste Bins



Photo 53: Stores



Photo 54: Maintenance Area



Photo 55: Maintenance Area



Photo 56: Tailing Drying Area



Photo 57: Tailing Drying Area



Photo 58: Tailing Drying Area



Photo 59: Tailing Drying Area



Photo 60: Eastern Void



Photo 61: Tailing Drying Area



Photo 62: Main Water Storage Dam



Photo 63: Seepage Dams (EPL PRP U1.1)



Photo 64: Seepage Dams (EPL PRP U1.1)



Photo 65: Seepage Dams (EPL PRP U1.1)



Photo 66: Seepage Dams (EPL PRP U1.1) – Diesel Pump



Photo 67: Seepage Dams (EPL PRP U1.1)



Photo 68: Seepage Dams (EPL PRP U1.1)



Photo 69: Seepage Dams (EPL PRP U1.1) – Transfer Pipeline



Photo 70: Seepage Dams (EPL PRP U1.1) – Transfer Pipeline



Photo 71: Seepage Dams (EPL PRP U1.1) – Transfer Pipeline



Photo 72: Water Discharge Point – Community Complaint



Photo 73: Water Discharge Point – Community Complaint



Photo 74: Water Discharge Downstream Flow Path – Community Complaint



Photo 75: Main Storage Dam - Seepage



Photo 76: Main Storage Dam – Discharge Area



Photo 77: Main Storage Dam - Seepage



Photo 78: Main Storage Dam - Discharge Infrastructure



Photo 79: Main Storage Dam - Discharge Infrastructure



Photo 80: Main Storage Dam – Discharge Area



Photo 81: Main Storage Dam – Discharge Area



Photo 82: Main Storage Dam – Dam Wall Embankment



Photo 83: Meteorological Station



Photo 84: Heritage Site



Photo 85: Heritage Site



Photo 86: Pagodas Outside of Mining Area



Photo 87: Pagodas Outside of Mining Area



Photo 88: Rehabilitation – Erosion Scour



Photo 89: Rehabilitation – Erosion Scour



Photo 90: Rehabilitation – Erosion Scour



Photo 91: Rehabilitation – Erosion Scour



Photo 92: Rehabilitation – Erosion Scour



Photo 93: Rehabilitation – Erosion Scour



Photo 94: Rehabilitation – Erosion Scour



Photo 95: Rehabilitation – Contour



Photo 96: Rehabilitation – Contour



Photo 97: Rehabilitation – Contour / Dump Slip



Photo 98: Rehabilitation – Bare Areas



Photo 99: Access Road



Photo 100: Access Road



Photo 101: Access Road



Photo 102: Access Road





Appendix E Independent Audit Certification Form


Independent Environmental Audit

Invincible Colliery

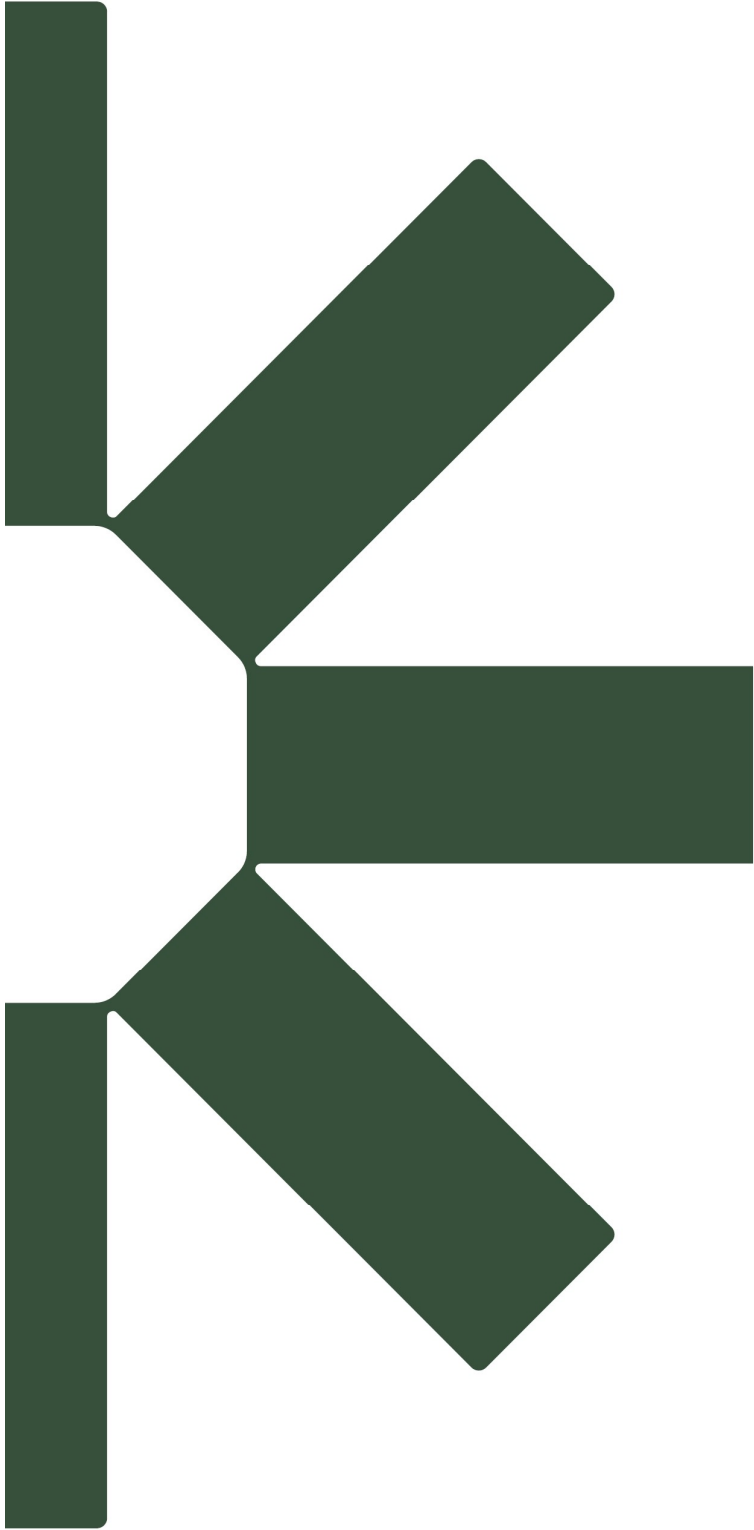
Shoalhaven Coal Pty Ltd (Castlereagh Coal)

SLR Project No.: 630.031463.00001

14 November 2024

Independent Audit Certification Form	
Development Name	Invincible Colliery
Development Consent No.	Project Approval MP 07_0127 MOD 5
Description of Development	Southern Extension Operations and Rehabilitation
Development Address	Castlereagh Highway, Cullen Bullen, NSW 2790
Operator	Castlereagh Coal (Shoalhaven Coal Pty Limited)
Operator Address	Invincible Coal Mine, Castlereagh Highway, Cullen Bullen, NSW 2790
Independent Audit	
Title of Audit	Independent Environmental Audit - Invincible Colliery
<ul style="list-style-type: none"> • <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> • <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. The findings of the audit are reported truthfully, accurately and completely;</i> ▪ <i>I have exercised due diligence and professional judgement in conducting the audit;</i> • <i>I have acted professionally, in an unbiased manner and did not allow undue influence to limit or override objectivity in conducting the audit;</i> ▪ <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> ▪ <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> ▪ <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> ▪ <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>Note:</p> <p><i>a) 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>b) 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	Anna Cochrane
Company Address	SLR Consulting Australia Pty Ltd Suite 1, 382 Sturt Street, Townsville QLD 4810
Email Address	acochrane@slrconsulting.com
Auditor Certification (if relevant)	Certified Exemplar Global Lead Auditor (Certificate No. C-427136, expires 17 Mar 2025)
Date	14 November 2024





Making Sustainability Happen