INDEPENDENT AUDIT REPORT

CULLEN VALLEY MINE | DA-200-5-2003.MOD 5

SITE INSPECTION 16 JUNE 2026

Authorisation

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ABBREVIATIONS / GLOSSARY

Abbreviation/Term	Description
CC	Castlereagh Coal (The auditee)
CoC	Conditions of Consent or conditions
CVM	Cullen Valley Mine (The auditee)
DPHI or the Department	Department of Planning, Housing and Infrastructure (formerly Department of Planning and Environment or DPE)
DCCEEW	Department of Climate Change Energy Environment and Water
EIS	Environmental Impact Statement
EPA	NSW Environment Protection Agency
EPL	Environmental protection licence
EP&A Act	*Environmental Planning and Assessment Act 1979 (NSW)*
IA	Independent Audit
IAPAR	Independent Audit Post Approval Requirements
Mod	Modification to conditions of consent (approved by the department)
POEO	Protection of the Environment Operation
the Site	The Development approved under DA-200-5-2003 as amended in MODs 1 and 5

EXECUTIVE SUMMARY

Castlereagh Coal Pty Ltd (CC) is the operator for the Cullen Valley Mine (CVM) located approximately 30km northwest of Lithgow in NSW.

Development Consent for the Project was granted under Section 76A(7) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as State Significant Development DA-200-5-2003 by the then Minister for Infrastructure and Planning (the Department) on 19 August 2004, subject to Conditions of Consent (conditions).

The Project has been subject to 5 modification applications since approval as follows.

- Modification 1 (Mod-1): 16/12/2004, DA200-5-2003-Mod-1 - extension of coal haulage (Approved)
- Modification 2 (Mod-2): 17/10/2014, DA200-5-2003-Mod-2 - Mine extension (Refused)
- Modification 3 (Mod-3): 05/10/2010, DA200-5-2003-Mod-3 - Production increase (Withdrawn)
- Modification 4 (Mod-4): Withdrawn
- Modification 5 (Mod-5):15/08/2025, DA200-5-2003-Mod-5 - (Approved)

The Project is in the operational phase, though the mine is not currently in production.

The previous independent audit was conducted on 9 September 2021, with an extension granted for submission of the report to March 2022 (due to Covid restrictions at the time).

This Audit was undertaken in accordance with the DA200-5-2003-Mod-5 Schedule 6 Condition 6, and generally in accordance with the Department's *Independent Audit Post Approval Requirements* (IAPAR). Under Schedule 6 condition 6, an independent audit is required every 3 years during operation. The audit scope also includes requirements set out in Schedule 4 condition 36, where an audit is required of the Compensatory Habitat every 5 years. It is noted that the audit frequency was reduced to every 3 years in the 2025 approved modification (Mod 5) from every 5 years in previous approval.

The audit seeks to verify compliance with the conditions of Consent, the Environmental Protection Licence (EPL) and active Mining Licences (MLs) and assess the effectiveness of environmental management on the Project using the scope, methodology and reporting requirements from IAPAR.

This Audit Report presents the outcomes of the second independent audit (IA2) for the operational phase of the Project covering the period from 10/09/2021 to 16/06/2026 (the 'audit period'). Operations undertaken during this period included some production of coal in 2022 and 2023, and maintenance only for the remainder of the audit period in years 2024, 2025 and 2026. The auditee indicates that the mine may return to operational production in the future.

Summary of Findings

DA200-5-2003 conditions

- There were 92 conditions assessed from DA200-5-2003
- 14 non compliances were identified against the conditions of consent
- 56 conditions were considered by the Auditor to be compliant.

- 22 conditions were considered by the Auditor to be not triggered.
- 10 observations were identified against compliant conditions of consent

EPL, Mining Licence and Water Access Licence requirements

- There were 14 clauses assessed against the EPL
- No non compliance was identified against the EPL
- 3 observations and recommendations were made against the EPL
- 2 observations and recommendations were identified against the Mining licence
- 1 observation and recommendation was identified against the Water Access Licence

The status of the previous Independent Audit findings that remained open at the completion of last Audit (conducted in September 2021) is presented in Table 4.

1. INTRODUCTION

1.1 Project overview

Castlereagh Coal (CC) is responsible for the operation of the Cullen Valley Mine (CVM).

The site is located at Carsons Siding Rd, Cullen Bullen NSW 2790 (the Site) approximately 30 km northwest of Lithgow shown in Figure 1.

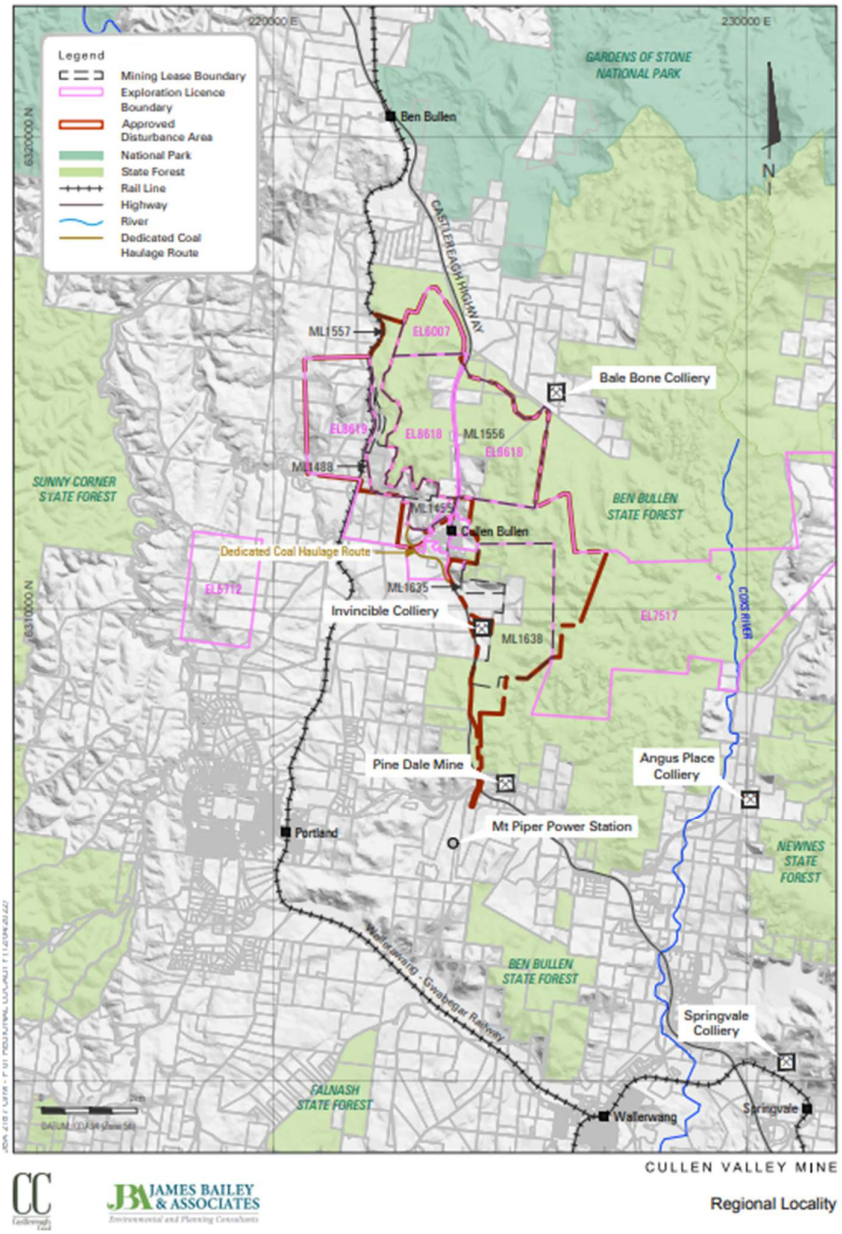

Figure 1: Regional Context Map (Source: Castlereagh Coal)

The operations of the mine are approved to produce up to 1 million tonnes of saleable coal a year and transport up to 250,000 tonnes (cumulative total) of coal a year by road to domestic destinations (other than the Mount Piper Power Station).

The conditions of consent also stipulate the management of compensatory habitat for the mine site.

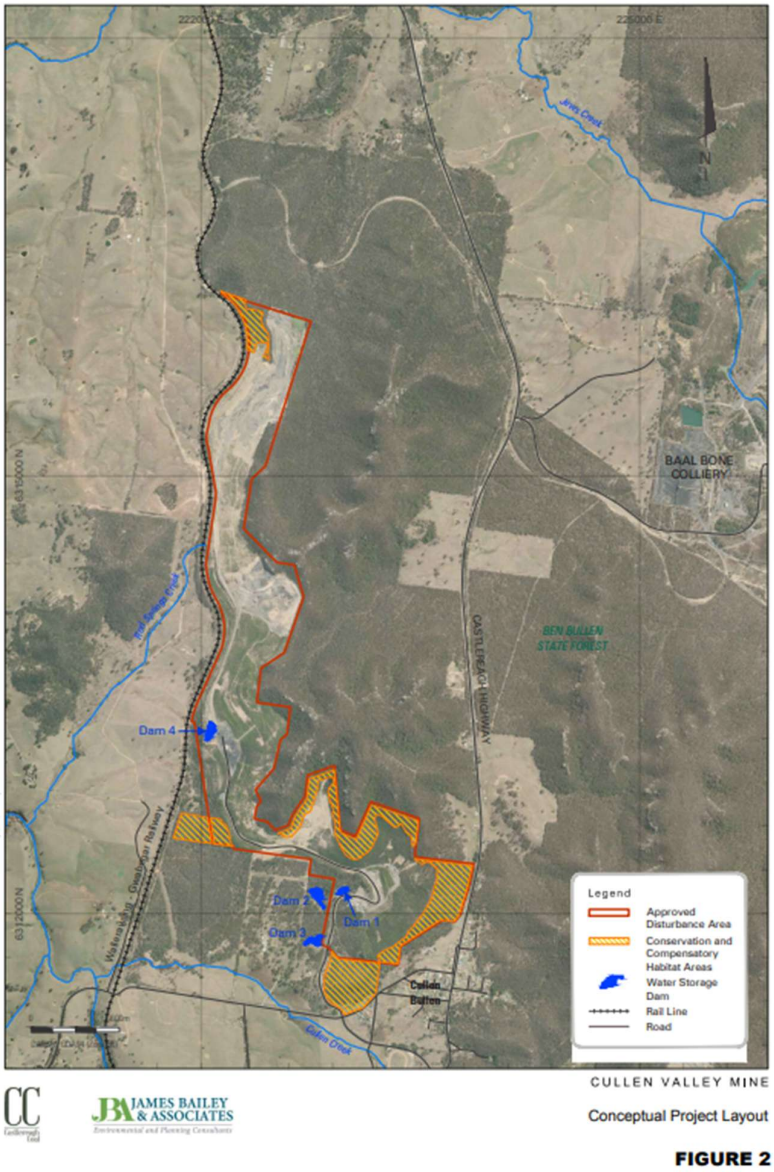

Figure 2: Proposed Compensatory Habitat (Source: Castlereagh Coal)

Development Consent for the Project was granted under Section 76A(7) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as State Significant Development DA-200-5-2003 by the then Minister for Infrastructure and Planning (the Department) on 19 August 2004, subject to Conditions of Consent (conditions).

The Project has been subject to 5 modification applications since approval as follows:

- Modification 1 (Mod-1): 16/12/2004, DA200-5-2003-Mod-1 - extension of coal haulage (Approved)
- Modification 2 (Mod-2): 17/10/2014, DA200-5-2003-Mod-2 - Mine extension (Refused)
- Modification 3 (Mod-3): 05/10/2010, DA200-5-2003-Mod-3 - Production increase (Withdrawn)
- Modification 4 (Mod-4): Withdrawn
- Modification 5 (Mod-5): 15/08/2025, DA200-5-2003-Mod-5 - (Approved)

There have been underground and open-cut coal mining operations at the location since 1904, with various phases of operation and ownership over time. Shoalhaven Coal (the current owner) purchased the mine in May 2015. The mine operated in care and maintenance mode from 2013 to 2022, with no mining operations occurring during the previous audit period.

CVM re-commenced open cut mining operations in 2022 producing 129,075 tonnes in 2022 and 97,994 tonnes in 2023. No production has occurred since 2023 and the mine, with maintenance only. The mine indicates that production may re-start in the future.

1.2 Approval requirements for independent audit

The approval conditions under DA200-5-2003-Mod-5 stipulates that:

Schedule 6

> *6. Within 2 years of the date of this consent, and every 3 years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit. This audit must:*
>
> > *(a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Planning Secretary;*
> >
> > *(b) be consistent with ISO 10911:2002 – Guidelines for Quality and/or Environmental Systems Auditing, or updated version of this guideline….*
>
> *7. Within 3 months of commissioning this audit, or as otherwise agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, with a detailed response to any of the recommendations contained in the audit report.*

Schedule 4 condition 36 also stipulates that an audit is to be undertaken of the implementation of the compensatory habitat:

Schedule 4

> *36. Within 2 years of the date of this consent, and every 5 years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission, and pay the full cost of, an Independent Audit of the compensatory habitat proposal. This audit must:*
>
> > *(a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been approved by the Planning Secretary;*
>
> *37. Within 3 months of commissioning this audit, the Applicant must submit a copy of the audit report to the Planning Secretary with a detailed response to any recommendations in the audit report.*

1.3 Audit Team

In accordance with Schedule 6, Condition 6 of the conditions of consent and Section 3.1 of the IAPAR, Independent Auditors must be suitably qualified, experienced and independent of the Project, and appointed by the Planning Secretary. The Lead Auditor who performed the auditing work is shown on Table 1.

The department also requested that the audit team includes an independent expert/technical specialist that possesses specific skills, knowledge and/or experience in surface and groundwater impacts associated with mining activities. The audit team includes this specialist support.

Table 1: Audit Team

Name	Company	Participation	Certification
Stuart Longman	WolfPeak	Lead Auditor	Lead Auditor
Philip Hitchcock	EP Risk	Technical specialist – surface and groundwater (mining)	Hydrogeologist
Ricardo Prieto-Curiel	WolfPeak	Peer review Alternate Lead Auditor (not required)	Lead Auditor

Approval of the Audit Team was provided by the Department on 14/04/2026. The letter of approval is presented in Appendix B and audit teams independence declaration is attached in Appendix F.

1.4 Audit Objectives

The objective of this Audit was to undertake the Audit in accordance with the requirements set out in DA200-5-2003-Mod-5 (2025) Schedule 6, condition 6 which states:

> *(c) assess the environmental performance of the development, and its effects on the surrounding environment;*
>
> *(d) assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;*
>
> *(e) review the adequacy of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; and, if necessary,*
>
> *(f) recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems.*

This Audit seeks to fulfill the requirements of Schedule 6, condition 6 and verify compliance with the relevant conditions and assess the effectiveness of environmental management on the Project. The Audit was undertaken generally in accordance with IAPAR and consistent with the requirements of *AS/NZS ISO 19011.2019 – Guidelines for Auditing Management Systems.*

The audit also assessed the implementation of the compensatory habitat as stipulated in Schedule 4 condition 36:

(b) assess the performance of the compensatory habitat proposal;

c) review the adequacy of the Flora and Fauna Management Plan; and, if necessary, an independent audit is required every 5 years during operation.

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

The audit also assessed compliance with the requirements of the Environmental Protection License for the site as set out in EPL10341).

The audit also assessed compliance with the requirements set out in the active mining licenses (MLs) 1455, 1488, 1556 and 1557 and with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016.

1.5 Audit Scope

This Audit report presents the findings of the second Independent Audit (IA2) for the operational phase of the Project covering the period from 10/09/2021 to 16/06/2026 (audit period).

This Audit adopts the scope defined within the IAPAR, being:

- "An assessment of compliance with:
  - all conditions of consent applicable to the phase of the development that is being audited; and
  - all post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the implementation of Environmental Management Plans and Sub-plans.
- A review of the environmental performance of the development, including but not necessarily limited to, an assessment of:
  - actual impacts compared to predicted impacts documented in the environmental impact assessment
  - the physical extent of the development in comparison with the approved boundary
  - incidents, non-compliances and complaints that occurred or were made during the audit period
  - the performance of the development having regard to agency policy and any particular environmental issues identified through consultation carried out when developing the scope of the audit, and
  - feedback received from the Department, and other agencies and stakeholders, on the environmental performance of the project during the audit period.
- A review of the status of implementation of previous Independent Audit findings recommendations and actions (if any)
- A high-level assessment of whether Environmental Management Plans and Sub-plans are adequate, and

- Any other matters considered relevant by the auditor or the Department, considering relevant regulatory requirements and legislation, knowledge of the development's past performance.

This audit seeks to verify compliance with:

- The Conditions of Consent DA200-5-2003-Mod-5 (2025)
- the Environmental Protection Licence (EPL10341)
- active Mining Licences (MLs) 1556 1557, 1455 and 1488
- Water Access Licence (WAL27898)

and assess the effectiveness of environmental management on the Project using the scope, methodology and reporting requirements from the IAPAR.

2. AUDIT METHODOLOGY

2.1 Audit Process Overview

The Audit was conducted in a manner consistent with *AS/NZS ISO 19011.2019 – Guidelines for Auditing Management Systems* and the methodology set out in the Department's IAPAR 2026.

2.2 Audit Process Detail

2.2.1 Audit initiation

Prior to the commencement of the Audit the following tasks were completed:

- Establish initial contact with the auditee
- Confirm the audit team
- Confirm the audit purpose, scope and criteria.

2.2.2 Preparing audit activities

The Auditor performed a document review, prepared an audit plan, and prepared work documents (audit checklists) and distributed to the Project team in preparation for the Audit.

2.2.3 Consultation

On 07/05/2026, WolfPeak consulted with the Department to obtain their input into the scope of the Independent Audit and confirm whether other stakeholders should be consulted, as per Section 3.2 of the IAPAR. The Department responded on 13/05/2026. A summary of feedback provided by the Department and other requested stakeholders is shown in Table 2 below (refer also to Table 7 for section of the audit report where the feedback is addressed).

The department requested that the auditor consult with the following organizations on the audit scope:

- Local Council - Lithgow City Council
- Environment Protection Authority
- NSW Resource Regulator
- Transport for NSW
- Water Group - Water Group DCCEEW
- Heritage NSW and CPHR

Areas of focus requested by stakeholders is detailed in table 2. These items have been included in the audit scope.

Discussion of the audit findings related to these items is detailed in section 3.5.

Records of consultation are presented in Appendix C.

Table 2 Consultation areas of focus requested for audit

Stakeholder	Areas of Focus requested
Department of Planning, Housing and Infrastructure	Compliance with all conditions of consent applicable to the phase of the development that is being audited and all post approval and compliance documents prepared to satisfy the conditions of consent, including management plans.
Department of Planning, Housing and Infrastructure	Review the environmental performance of the development including actual impacts compared to predicted impacts, incidents, non-compliances, complaints, the physical extent of the development in comparison with the approved boundary.
Department of Planning, Housing and Infrastructure	A high-level assessment and review of Environmental Management Plans and Sub-plans and whether they are adequate, specifically the Surface/groundwater Management Plans and Air Quality Management Plan.
Department of Planning, Housing and Infrastructure	Ensuring all notifications have been carried out, e.g. incident/non-compliance reporting and check that reported non-compliances /incidents (including those reported in the Annual Review and previous audits) have been actioned appropriately and closed out.
Department of Planning, Housing and Infrastructure	Ensuring all environmental controls have been installed, maintained and are adequate, specifically in relation to managing water, noise and dust, and are being used in a fit and proper manner.
Department of Planning, Housing and Infrastructure	Erosion and sediment management and maintenance across the Project is being undertaken and adequate and that dams are sized and being utilised to their design capacity.
DCCEEW Water group	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 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
DCCEEW Water group	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.
DCCEEW Water group	Water supply availability is clearly defined for the project.
DCCEEW Water group	Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access License or exemption under the Water Management (General) Regulation 2025 .
DCCEEW Water group	Water metering at the site is in accordance with the NSW Non -Urban Metering Framework where relevant
DCCEEW Water group	Water Access License /s used to account for water take by the project nominates the work where the water is being taken from.
DCCEEW Water group	Annual reporting clearly documents ; 1) water take, use and water source impacts, 2) compare results with previous years , and 3) identify exceedances and how these are managed/mitigated

TFNSW	No specified requirements
Resources Regulator	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.
Resources Regulator	Note observations where rehabilitation procedures, practices and outcomes represent best industry practice
Lithgow Council	No response received
Heritage NSW and CPHR	Response received but no specified requirements

2.2.4 Meetings

The opening meeting was held on 16 June 2026 at the CVM site office between project personnel, WolfPeak auditor and technical specialist hydrogeologist. During the opening meeting, the objectives and scope of the Audit, the resources required, overview of the project and status of the works and methodology to be applied were discussed.

A closing meeting was carried out on the 16 June 2026. The preliminary audit findings were presented, recommendations (as appropriate) were made, and any post-audit actions were confirmed.

2.2.5 Interviews

The Auditor conducted interviews on 16 June 2026 with key Project personnel during and following the site inspection. During the inspection key personnel involved in on-site Project operation, including those with responsibilities for environmental management, who could assist on verifying the compliance status of the development were interviewed.

All other communication was conducted remotely, which included a detailed request for information and auditee responses to the request. The names of personnel interviewed during the audit are provided in Table 3.

Table 3: Audit meeting personnel interviewed

Name	Role	Organisation
Taresa Hateley	Environmental superintendent	Castlereagh Coal

2.2.6 Site inspection

The on-site audit included an inspection of the site to verify implementation of mitigation measures from the management plans relevant to the mine. The site inspection covered all safely accessible project areas and environmental aspects that form part of the scope of the audit including road intersection with mining roads, open cut mine areas, internal access roads, rehabilitation areas, the

North Void, surface water retention dams and compensatory habitat areas. The inspection also included areas downstream of the north void and dam 4.

The site inspection was conducted on 16 June 2026 by the Lead Auditor and the technical specialist. Detailed observations are discussed in Section 3 and Appendix A.

Photos taken during the inspections are presented in Appendix E.

2.2.7 Document review

The Audit included investigation and review of Project files, records and documentation that acts as evidence of compliance (or otherwise) with a compliance requirement. The primary documents reviewed are presented in Section 3.1. Detailed evidence gathered during the Audit is referenced in the compliance tables presented in Appendix A.

2.2.8 Generating audit findings

Audit findings were based on verifiable evidence provided by the auditee and observed on site by the auditor. The evidence included:

- relevant records, documents and reports
- interviews with relevant site personnel
- photographs
- mapping, figures and plans
- site inspections of relevant locations, activities and processes
- monitoring data and analysis including the period covered by the monitoring data; and
- internal and external email communications.

Section 3 and Appendix A present the audit findings and recommendations.

2.2.9 Compliance evaluation

The Auditor determined the compliance status of each compliance requirement in the Audit Table in Appendix A, using the descriptors below:

Table 4: Compliance status descriptors

Status	Description
Compliant	The Lead Auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit and the audit period.
Compliant	WolfPeak considers that it is the role of the Certifier or other authority / expert to verify compliance with this condition and has marked this requirement as compliant based on their assessment or advice.

Non-compliant	The Lead Auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit and the audit period.
Not Triggered	A requirement has an activation or timing trigger that has not been met during the audit period (may be retrospective or future requirement), therefore an assessment of compliance is not relevant.

Observations and notes may also be made to provide context, identify opportunities for improvement or highlight positive initiatives.

2.2.10 Evaluation of post approval documentation

The Auditor assessed whether post approval documents:

- have been developed in accordance with the Conditions of consent for the project and their content is adequate
- have been implemented in accordance with the Conditions of consent for the project.

The adequacy of post approval documents was determined based on whether:

- there are any non-compliances resulting from the implementation of the document
- whether there are any opportunities for improvement.

2.2.11 Completing the audit

The Audit Report was distributed to the Applicant to check factual matters and for input into actions in response to findings (where relevant). The Auditor retained the right to make findings or recommendations based on the facts presented.

The Auditor's findings have been determined independent of the auditees, the Department and any other parties, based on the evidence assessed during the audit.

3. AUDIT FINDINGS

3.1 Approvals and documents

The documents audited comprised those prepared under the conditions from DA200-5-2003-Mod-5 applicable to the works being undertaken at the time of the Audit. The primary consent documents, plans and regular reporting reviewed during the audit are as follows:

- Development Consent DA200-5-2003 as amended in Mod-1 and Mod5, dated January 2025 (the Consent).
- Environmental Protection Licence (EPL10341)
- Mining Licences 1556, 1557, 1455, 1488
- Water Access licence (WAL27898)
- Cullen Valley Mine Forward Program (FWP0001171 Cullen Valley Mine Forward Program 1 January 2023 to 31 December 2025) 01/06/2023
- Environmental Management Strategy, James Bailey and Associates Rev 03 20/04/2022
- Environmental Monitoring Program 2025, Castlereagh Coal Rev 02 17/12/2025
- Air Quality Management Plan, Castlereagh Coal Rev 02 20/04/2026
- Coal Haulage Vehicle Management Plan, Castlereagh Coal Rev 01 04/12/2025
- Erosion and Sediment Control Plan, James Bailey and Associates Rev 03 20/04/2022
- Fire Management Plan, Castlereagh Coal Rev 01 03/12/2025
- Flora and Fauna and Species Management Plan, Castlereagh Coal Rev 01 04/12/2025
- Noise Management Plan 2025, Castlereagh Coal Rev 01 22/10/2025
- Pollution Incident Response Management Plan, Castlereagh Coal Rev 10/10/2025
- Rehabilitation Management Plan 2025, Atlantech, Rev 1 26/09/2025
- Site Water Management Plan, James Bailey and Associates Rev 04 20/04/2022
- Cullen Valley Mine Heating Area Remediation Strategy 2025-2027 V2 February 2026
- Annual Environmental Reviews 2022-2025
- Annual Rehabilitation Reporting 2024, 2025
- Rehabilitation Forward Program 2025-2027, 2026, 2028
- Quarterly Noise Monitoring Reports 2022 -2026
- Monthly Environmental Reports (EPL) January 2022 – April 2026
- Previous Environmental Audit, Caras 2021
- CCC Minutes September 2022 – October 2025

- Complaints register 2022- 2026

Further evidence including additional documents, reports, revised or draft plans, letters, emails and data is referred to within the checklist in Appendix A.

3.2 Summary of Compliance

This section, including Table 6, presents the summary of compliance and recommended actions in response to each of the findings from this Audit. Detailed findings against each requirement are presented in Appendix A.

In summary:

DA200-5-2003 conditions

- There were 92 conditions assessed from the conditions of consent
- 14 non compliances were identified against the conditions of consent
- 56 Conditions were considered by the Auditor to be compliant.
- 22 conditions were considered by the Auditor to be not triggered.
- 10 observations were identified against compliant conditions of consent

EPL, Mining Licence and Water Access Licence requirements

- There were 14 clauses assessed against the EPL
- No non compliance was identified against the EPL
- 3 observations and recommendations were made against the EPL
- 2 observations and recommendations were identified against the Mining licence
- 1 observation and recommendation was identified against the Water Access Licence

The status of the previous Independent Audit findings that remained open at the completion of last Audit (conducted in September 2021) is presented in Table 5. An update on the previous audit findings is discussed in section 3.12.

Table 5: Findings from the Previous Independent Audit SSD-200-5-2003 (Caras 2022)

Condition	Category*	Condition / Requirement	Finding / Recommendation	Auditee 2022 audit Response**
Schedule 3 Condition 1	Non compliance (administrative)	The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.	The applicant should implement reasonable and practical measures to investigate anomalies in the readings even if no harm has been done to the environment.	CVM accepts the recommendation. During the audit period 2016 - 2021, there was no dedicated environmental manger onsite to manage the performance and delivery of consultants undertaking monitoring and associated reporting and follow-up. CVM has directly employed a full time environmental manager onsite to manage these items toward establishing and maintaining compliance
Schedule 4 condition 25	Non compliance (administrative)	The Applicant shall monitor the air quality impacts of the development at representative locations around the site, using the specified averaging period, frequency, and sampling method in Table 12 to the satisfaction of DEC and the Director-General.	2018 AR – A power outage of the HVAS unit caused by thunderstorm resulted in a failure to monitor air quality in accordance with this condition. 2019 AR - The 30+/- 2 day monitoring period for depositional dust was exceeded on one occasion (dec). 2020 AR - A mechanical fault with the HVAS unit resulted in a failure to monitor air quality on two occasions.	Power outages and mechanical failures are generally beyond control of site personnel, nevertheless a dedicated environmental manger is now employed onsite to manage the operation and performance of monitoring equipment and consultant technicians engaged to conduct monitoring toward establishing and maintaining compliance.
Schedule 4 Condition 27	Non compliance	Also references EPL 10341: Condition L6.1 The Applicant shall not cause or permit the emission of offensive odour beyond the boundary of the site in accordance with section 129 of the Protection of the Environment Operations Act 1997.	There have been odour complaints in every year of the auditing period regarding subsurface heating.	CVM accepts the recommendation. During the audit period, CVM addressed the complaints in consultation with the complainants, whilst undertaking physical inspections and remediation activities on areas found to be the source of odours which are associated with sub-surface heating's on the CVM site. CVM are presently in the process of preparing the new Rehabilitation Management Plans which replace the MOP from 2 July 2022. The RMP will address the sub-surface heating at CVM. CVM has since (Feb 2022) consulted closely with the Resources Regulator to add further measures to address the heating issues at CVM, including trial irrigation and compaction methods to help extinguish / manage heating, and continued treatment as per the approved methods in addition to further capping / sealing of heating areas with overburden / rehabilitation materials as remnant mining occurs at CVM. These items will also be captured in the RMP.
Schedule 4 Condition 31(a)	Non compliance (administrative)	describe the immediate and long-term compensatory habitat proposal, and demonstrate how this proposal would be integrated with the proposed rehabilitation of the site and surrounding areas of remnant vegetation;	As stated by previous audit, there is no clear distinction between short- and long-term management of compensatory habitat areas. An explicit plan covering expected short, medium and long-term should be summarised in the ARs.	CVM will provide an account in the AR of the Annual Biodiversity Monitoring Report outcomes which includes assessment of the Compensatory Habitat, and further, consult with its ecologists toward and required revision, if necessary, of the management plan which are currently undergoing agency consultation. CVM management plans are currently undergoing agency consultation, and required changes will be adopted in the appropriate plans.
Schedule 4 Condition 31(f)	Non compliance (administrative)	set completion criteria for the compensatory habitat proposal.	No completion criteria were found for compensatory habitat. The criteria should be developed and reported in AEMR. Criteria should be developed in in tandem with short, medium and long-term goals.	CVM will provide an account in the AR of the Annual Biodiversity Monitoring Report outcomes which includes assessment of the Compensatory Habitat, and further, consult with its ecologists toward and required revision if necessary, of the management plan which are currently undergoing agency consultation. CVM management plans are currently undergoing agency consultation, and required changes will be adopted in the appropriate plans.
Schedule 4 Condition 36(a)	Non compliance (administrative)	Within 2 years of the date of this consent, and every 5 years thereafter, unless the Director General directs otherwise, the Applicant shall commission, and pay the full cost of, an Independent Audit of the compensatory habitat proposal.	Previous audit was completed on the 25 Nov 2016 by SLR Consulting Australia. An extension date was granted for this audit to March 2022. CARAS was endorsed on 15 December 2021 to conduct the current audit period. Date of this audit was 2 February 2022. There item has no defined recommendation.	Castlereagh Coal (CVM) wrote to DPIE on the 15th of December 2021 requesting an extension for completion of the Independent Environmental Audit for CVM stating reasons as to the request. A subsequent extension was granted until 18 March 2022.
Schedule 4 Condition 42	Non compliance (administrative)	For each monitoring/discharge point, the Applicant shall monitor (by sampling and obtaining results by analysis) the concentration of each pollutant in Table 15, using the specified units of measure, frequency, and sampling method.	Monthly water quality monitoring is carried out at discharge points. Monitoring in 2019 and 2020 were affected due to bushfires. No discharge events occurred from 2016 to 2020.	CVM employs an external organisation to conduct environmental sampling associated with its monitoring program. During the well documented extreme bushfire conditions in late 2019 / early 2020 directly impacted environmental monitoring preventing access to monitoring sites.
Schedule 4 Condition 43	Non compliance (administrative)	Within 6 months of the date of this consent, the Applicant shall prepare (and then implement) a Site Water Management Plan for the development, in consultation with DEC and DPI, and to the satisfaction of the Director-General. This plan must include: (a) the predicted site water usage; (b) a Surface Water Monitoring Program; and (c) an Erosion and Sediment Control Plan..	n 2017 a revised WMP has been sent to DPE for approval, however this is still pending. Monitoring and usage is outlined in ARs however they are very brief. Surface Water Monitoring program and Erosion and Sediment control plan are in place.	CVM submitted an entire suite of new management plans to DPIE (and other agencies) for agency stakeholder consultation in February 2022 including a Site Water Management Plan. Additional plans / information includes predicted site water usage, surface water monitoring program and a standalone erosion and sediment control plan. CVM will work with agencies to finalise approval of these plans toward the restart of mining remnant coal resources at CVM in early 2022.

Condition	Category*	Condition / Requirement	Finding / Recommendation	Auditee 2022 audit Response**
Schedule 4 Condition 44	Non compliance (administrative)	The Surface Water Monitoring Program shall include: (a) detailed baseline data on surface water flows and quality; (b) surface water impact assessment criteria; (c) a program to monitor surface water flows and quality; and (d) a program to monitor the effectiveness of the Erosion and Sediment Control Plan.	There is a Surface Water Monitoring Program in the EMP. However, it does not provide much detail on a) and b). Additional information is required. In 2017, a standalone water management plan that included a surface water monitoring program was issued to DPE for approval	CVM accepts this recommendation. CVM submitted an entire suite of new management plans to DPIE (and other agencies) for agency stakeholder consultation in February 2022 including a Site Water Management Plan which includes a detailed surface water monitoring program's will work with agencies to finalise approval of these plans toward the restart of mining remnant coal resources at CVM in early 2022
Schedule 4 Condition 45	Non compliance (administrative)	T he Erosion and Sediment Control Plan shall: (a) comply with the requirements of the Department of Housing's Managing Urban Stormwater: Soils and Construction manual; (b) identify activities that could cause soil erosion or discharge sediment or water pollutants from the site; (c) describe the location, function and capacity of all erosion and sediment control structures, and nominate which, if any, of these structures would be used as water sources for the development; and (d) describe the measures to minimise soil erosion and the potential migration of sediments to downstream water	There is no discussion of compliance with requirements set by Department of Housing's Managing Urban Stormwater. b) Activities that cause erosion are identified in Section 5. c) The locations of structures are outlined but not described in detail. d) Measure to minimise soil erosion are covered in Section 5	CVM submitted an entire suite of new management plans to DPIE (and other agencies) for agency stakeholder consultation in February 2022 including an Erosion and Sediment Control Plan which includes reference to the Blue Book (Landcom), 2004 in Sections 2.4 and 2.5, Structures in Section 2.4 and measures to minimise soils erosion in Sections 2.4 and 2.6. CVM will work with agencies to finalise approval of these plans toward the restart of mining remnant coal resources at CVM in early 2022.
Schedule 4 Condition 59	Non compliance (administrative)	The Applicant shall not cause, permit or allow any waste generated outside the mine to be received at the mine for storage, treatment, processing, reprocessing or disposal, or any waste generated at the mine to be disposed of at the mine, except as expressly permitted by a DEC licence.	VENM/ENM dirt have been received at CVM in 2018 and 2019 to help with rehabilitation works.	CVM accepts the recommendation. A small quantity spoil from a major infrastructure project in the Sydney Metropolitan Region was imported to assist with rehabilitation works. The spoil was characterised as VENM or ENM in accordance with the NSW EPA Waste Guidelines. The import of all materials from offsite was stopped following correspondence / consultation with DPIE and the Resources Regulator. Should the import of VENM or ENM materials be considered in future, CVM will seek the appropriate approvals / modification in consultation with DPIE and other regulatory agencies.
Schedule 6 Condition 8	Non compliance (administrative)	The Applicant shall ensure that there is a Community Consultative Committee to oversee the environmental performance of the development. This committee shall: (a) be comprised of: • 2 representatives from the Applicant, including the person responsible for environmental management at the mine; • 1 representative from Council; and • 4 representatives from the local community, whose appointment has been approved by the Director-General in consultation with the Council; (b) be chaired by an independent person whose appointment has been endorsed by the Director-General; (c) meet at least twice a year; and (d) review and provide advice on the environmental performance of the development, including any environmental management plans, monitoring results, audit reports, or complaints.	Only one CCC meeting were held per year in 2019 and 2020. DPIE noted this is a technical non-compliance. During 2018 CCC, it was agreed that one CCC meeting held annually while on care and maintenance Table 1.3. Intent to start biannual once mine operations commence	It is anticipated that Cullen Valley Mine will be move from care and maintenance to operational status in early 2022. As such, it is the intent to restart the twice yearly CCC meetings covering both CVM and INV. This matter will be raised with the CCC members at the next meeting on the 15 March 2022.
Schedule 6 Condition 31(a)	Non compliance (administrative)	describe the immediate and long-term compensatory habitat proposal, and demonstrate how this proposal would be integrated with the proposed rehabilitation of the site and surrounding areas of remnant vegetation;	As stated by previous audit, there is no clear distinction between short- and long term management of compensatory habitat areas. An explicit plan covering expected short, medium and long-term should be summarised in the AR.	No comment
Schedule 6 Condition 31(a)	Non compliance (administrative)	set completion criteria for the compensatory habitat proposal.	No completion criteria were found for compensatory habitat. The criteria should be developed and reported in the AR. Criteria should be developed in in tandem with short, medium and long-term goals	CVM will provide an account in the AR of the Annual Biodiversity Monitoring Report outcomes which includes assessment of the Compensatory Habitat, and further, consult with its ecologists toward and required revision if necessary, of the management plan which are currently undergoing agency consultation. CVM management plans are currently undergoing agency consultation, and required changes will be adopted in the appropriate plans
EPL10341 L4.5	Non compliance (administrative)	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	Meteorological data was sourced from the Bureau of Meteorology's Bathurst weather station in 2016 and 2017. This station is located 45km away and unlikely to be representative of onsite weather conditions. However, a new monitoring	As described, a new met station was installed at the CVM site in 2018. Monitoring data from that site now informs the CVM Met requirements.

Condition	Category*	Condition / Requirement	Finding / Recommendation	Auditee 2022 audit Response**
		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 L4.5(a) or L4.5(b).	system was installed on site in 2018 and carries out the requirements of this condition.	
EPL10341 L6.1	Non compliance	No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997. Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.	Complaints regarding odours has been made every year of the auditing period.	CVM accepts the recommendation. During the audit period, CVM addressed the complaints in consultation with the complainants, whilst undertaking physical inspections and remediation activities on areas found to be the source of odours which are associated with sub-surface heating on the CVM site. Following issue of a 240 Notice by the Resources Regulator regarding heating (the cause of the odours), CVM responded with an updated MOP and Plan of Works which was approved. CVM has since (Feb 2022) consulted closely with the Resources Regulator to add further measures to address the heating issues at CVM, including trial irrigation and compaction methods to help extinguish / manage heating, and continued treatment as per the approved methods in addition to further capping / sealing of heating areas with overburden / rehabilitation materials as remnant mining occurs at CVM.

* Note 2022 audit included ‘non compliances’ and ‘administrative non compliances’

** Refer to update on status of findings in 2026 audit in section 3.12 of this report

Table 6: Findings, recommendations and Applicant Response from the 2026 IEA

ID No.	Ref. No.(Sch-condition)	Category	Details of the Condition / Requirement	Audit Finding	Recommended or completed actions	Status
IA26-01	3-1	Non compliance	***Obligation to Minimise Harm to the Environment*** *The Applicant must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.*	**Non compliance:** The auditee has had a number of issues relating to subsurface heating and odour, subsurface heating and die back of rehab areas, air quality, uncontrolled surface water discharge and groundwater seepage from the area known as the North Void.	**Recommendation**: The auditee appears to have self-reported a number of issues since late 2024. The auditee is currently responding to a clean-up notice issued by the EPA and a notice of incomplete actions. Closing out these ongoing matters is required to demonstrate compliance with requirement to prevent and/or minimise any harm to the environment.	OPEN
IA26-02	3-2	Non compliance	***Terms of Approval*** *The Applicant must carry out the development generally in accordance with the:* *(a) DA-200-5-2003;* *(b) EIS titled Feldmast Coal Project Cullen Bullen, dated February 1997, and prepared by International Environmental Consultants Pty Ltd;* *(c) EIS titled Cullen Valley Mine Lease Extension Project, dated April 2003, and prepared by International Environmental Consultants Pty Ltd, as modified by correspondence from the Applicant dated 20 May 2004 (see Appendix 2);* *(d) Modification Report titled Modification Report – Cullen Valley Mine, DA 200-5-2003 Modification 5 (dated January 2025), prepared by EMM Consulting and including the Submissions Report titled Cullen Valley Mine Modification 5 –Submissions Report (dated June 2025) and additional information dated 24 June 2025 and 21 July 2025; and* *(e) conditions of this consent.*	**Non compliance:** There are 14 non compliances with the condition of this consent meaning this is a non-compliance with schedule 3 condition 2 part e)		OPEN
IA26-03	3-4A	Observation	***Terms of Approval*** *The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development*	**Observation**: Induction package includes some environmental aspects and requirements	**Recommendation**: Review and update induction as mine moves back into operation to include up to date environmental requirements arising from DA200-5-2003	OPEN
IA26-04	3-5	Observation	***Limits of Approval*** *The Applicant may carry out mining operations on the site, within the approved disturbance area, until 19 August 2030.* *Notes:* *Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.* *Mining operations and rehabilitation are also regulated under the Mining Act 1992.*	**Observation**: Accurate data not available to confirm actual disturbance areas, particularly additional impacts from subsurface heating in rehabilitation areas	**Recommendation**: Update data records to accurately confirm limits of disturbance (refer to Non compliance against IA26-06 condition 4-1)	OPEN
IA26-05	3-10	Observation	***Operation of Plant and Equipment*** *The Applicant must ensure that all plant and equipment at the site, or used in connection with the development, are:* *(a) maintained in a proper and efficient condition; and* *(b) operated in a proper and efficient manner.*	**Observation:** The mine has a number of retired plant items stored throughout the site	**Recommendation**: Retired plant should be appropriately scrapped and removed to remove risks	OPEN

<table>
<tr>
<td>IA26-06</td>
<td>4-1</td>
<td>Non compliance</td>
<td>Identification of Boundaries
Within 6 months of the date of this consent, the Applicant must:
(a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction;
(b) submit a survey plan of these boundaries to the Planning Secretary; and
(c) ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.</td>
<td>Non compliance: No survey is available to confirm boundaries for limits of extraction or evidence of submission to DPHI</td>
<td>Recommendation: Undertake survey to confirm boundaries and submit to DPHI</td>
<td>OPEN</td>
</tr>
<tr>
<td>IA26-07</td>
<td>4-6</td>
<td>Observation</td>
<td>Noise Monitoring
Within 3 months of the date of this consent, unless otherwise approved by the EPA, the Applicant must establish a continuous noise monitoring system adjacent to the meteorological weather station required under this consent. This system must be capable of recording LAmax, LA1, LA90 and LAeq noise levels in 15-minute statistical intervals. Unless otherwise agreed, the results of this monitoring must be reported to the EPA on a monthly basis and included in the AEMR.</td>
<td>Observation: Noise monitoring is not continuous but is consistent, it is currently reported quarterly including monthly results based on previous agreement in writing from DEC (EPA)</td>
<td>Recommendation: Confirm with EPA this requirement as the previous approval to waive this is 20 years old.</td>
<td>OPEN</td>
</tr>
<tr>
<td>IA26-08</td>
<td>4-17</td>
<td>Non compliance</td>
<td>Blast Monitoring
Within 3 months of the date of this consent, the Applicant must prepare (and then implement) a Blast Monitoring Program for the development, in consultation with the EPA, and to the satisfaction of the Planning Secretary.
Note: This program must include provisions for reporting the date, time, PVS, dB(Lin Peak) and wave form trace for each blast.</td>
<td>Non compliance: A Blast Monitoring Program or evidence of consultation in accordance with Sch. 4 condition 17 have not been made available.</td>
<td>Recommendation: Noting that the auditee indicated that blasting has not occurred and is unlikely to occur, consultation with the required parties is recommended to confirm the application of this condition</td>
<td>OPEN</td>
</tr>
<tr>
<td>IA26-09</td>
<td>4-20</td>
<td>Non compliance</td>
<td>Air Quality - Impact Assessment Criteria
The Applicant must ensure that the air pollution generated by the development does not cause any additional exceedances of the criteria listed in Tables 6, 7, and 8 at any privately owned land.
<table>
<tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr>
<tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>a, c 90 µg/m3</td></tr>
<tr><td>Particulate matter < 10 µm (PM10)</td><td>Annual</td><td>a, c 25 µg/m3</td></tr>
<tr><td>Particulate matter < 2.5 µm (PM2.5)</td><td>Annual</td><td>a,c 8 µg/m3</td></tr>
</table>
Table 6: Long term impact assessment criteria for particulate matter
<table>
<tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr>
<tr><td>Particulate matter < 10 µm (PM10)</td><td>24 hour</td><td>b50 µg/m3</td></tr>
<tr><td>Particulate matter < 2.5 µm (PM2.5)</td><td>24 hour</td><td>b25 µg/m3</td></tr>
</table>
Table 7: Short term impact assessment criterion for particulate matter
<table>
<tr><th>Pollutant</th><th>Averaging period</th><th>Maximum increase in deposited dust level</th><th>Maximum total deposited dust level</th></tr>
<tr><td>dDeposited dust</td><td>Annual</td><td>b2 g/m2/month</td><td>a4 g/m2/month</td></tr>
</table>
Table 8: Long term impact assessment criteria for deposited dust
Note:
a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).
b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).
c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed to by the Secretary.
d Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.</td>
<td>Non compliance: There have been a number of exceedances of the criteria defined in Schedule 4 condition 20 during the audit period.</td>
<td>Recommendation: The auditee has undertaken regular monitoring of air quality. Reported exceedances have been correlated to external factors and not the mine (e.g. bushfire), however the auditee is required to ensure that air pollution generated by the development does not cause any additional exceedances of the criteria listed in Tables 6, 7, and 8 at any privately owned land. It is recommended that as mining production recommences that dust mitigation measures are reestablished.</td>
<td>OPEN</td>
</tr>
</table>

<table>
<tr>
<td>IA26-10</td>
<td>4-21</td>
<td>Non compliance</td>
<td>Air Quality - Operating conditions
The Applicant must:
(a) take all reasonable steps to:
minimise odour, fume, and dust (including PM10 and PM2.5) emissions of the development;
minimise any visible off-site air pollution generated by the development;
minimise the extent of potential dust generating surfaces exposed on the site at any given point in time; and
improve energy efficiency and minimize Scope 1 and Scope 2 greenhouse gas emissions generated by the development;
(b) operate a comprehensive air quality management system that uses a combination of meteorological forecasting and air quality monitoring to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;
(c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 6 above);
(d) carry out routine air quality monitoring in accordance with the methodology listed in Table 12, no less frequently than every month (unless otherwise agreed with the Planning Secretary) to determine whether the development is complying with the relevant conditions in this consent; and
(e) regularly assess meteorological and air quality monitoring data and relocate, modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.</td>
<td>Non compliance: there has been an ongoing odour issue (as per condition 21 (a) dot point 1) at the site related to subsurface heating and the issue remains unresolved.</td>
<td>Recommendation: This matter is causing ongoing issues and requires mitigation. It is noted that CVM have prepared a subsurface heating remediation strategy in February 2026 and commenced implementation of this plan. First actions completed include aerial thermal imagery mapping to confirm scope.</td>
<td>OPEN</td>
</tr>
<tr>
<td>IA26-11</td>
<td>4-25</td>
<td>Non compliance</td>
<td>Air Quality - Monitoring
The Applicant must monitor the air quality impacts of the development at representative locations around the site, using the specified averaging period, frequency, and sampling method in Table 12 to the satisfaction of EPA and the Planning Secretary
<table><tr><th>Pollutant</th><th>Units of Measure</th><th>Averaging Period</th><th>Frequency</th><th>Sampling method[1]</th></tr><tr><td>PM_{10}</td><td>$\mu g/m^3$</td><td>24 hour, annual</td><td>Continuous and 1 day in 6</td><td>AS3580.9.8 – 2001[2] AM-18</td></tr><tr><td>TSP</td><td>$\mu g/m^3$</td><td>24 hour, annual</td><td>1 day in 6</td><td>AM-15</td></tr><tr><td>Dust Deposition</td><td>$g/m^2/month$</td><td>Month, annual</td><td>Continuous</td><td>AM-19</td></tr><tr><td>Siting</td><td>-</td><td>-</td><td>-</td><td>AM-1</td></tr></table>Table 12: Air quality monitoring</td>
<td>Non compliance: The frequency of air quality monitoring is non-compliant with the requirements set out in schedule 4 condition 25.</td>
<td>Recommendation: It is noted that the air quality monitoring program is generally consistent with the intent of Sch. 4 condition 25 air quality monitoring requirements and the mine has been proactive since 2024 in self-reporting non-compliances. It is recommended that the mine confirm with EPA/ DPHI the frequency requirements or a suitable correlation</td>
<td>OPEN</td>
</tr>
<tr>
<td>IA26-12</td>
<td>4-27</td>
<td>Non compliance</td>
<td>Offensive Odour
The Applicant must not cause or permit the emission of offensive odour beyond the boundary of the site in accordance with section 129 of the Protection of the environment Operations Act 1997</td>
<td>Non compliance: there has been an ongoing odour issue at the site due to subsurface heating</td>
<td>Recommendation: This matter is causing ongoing issues and requires resolution as per the Heating area strategy prepared in 2026.</td>
<td>OPEN</td>
</tr>
<tr>
<td>IA26-13</td>
<td>4-29</td>
<td>Non compliance</td>
<td>Flora and Fauna - Compensatory Habitat
Within the limits of best practice flora and fauna management, the Applicant must conserve, manage and maintain at least 50 hectares of land on or adjacent to the site to the satisfaction of the Planning Secretary to compensate for the vegetation that would be removed by the development, in general accordance with the proposal contained in the Applicant's correspondence to the Department dated 20 May 2004 (see Appendix 2).</td>
<td>Non compliance: There is no defined mechanism to secure the site area at 50ha as required. Observation made during site audit of clearing encroaching on compensatory habitat area. Actual area is unclear as the area is not clearly defined. The area appears to be less than the required 50ha based on mapping provided.</td>
<td>Recommendation: Confirm and implement a method to secure the compensatory habitat area at least 50Ha.</td>
<td>OPEN</td>
</tr>
</table>

<table>
<tr><td>IA26-14</td><td>4-30</td><td>Observation</td><td>Flora and Fauna Management Plan
Within 12 months of the date of this consent, the Applicant must prepare, and then implement, a Flora and Fauna Management Plan for the development, in consultation with CPHR, and to the satisfaction of the Planning Secretary. This plan must include a:
(a) Compensatory Habitat Plan;
(b) Vegetation Clearance Protocol;
(c) Weed Management Strategy;
(d) Ecological Monitoring Program; and
(e) description of who would be responsible for monitoring, reviewing, and implementing the plan.</td><td>Observation: The plan appears to meet the condition requirements. There is no evidence that the FFMP has been prepared in consultation with CPHR.</td><td>Recommendation: Resubmit current plan to DPHI and undertake consultation with CPHR as required in current conditions.</td><td>OPEN</td></tr>
<tr><td>IA26-15</td><td>4-31</td><td>Observation</td><td>Flora and Fauna Management Plan – Compensatory Habitat
The Compensatory Habitat Plan must:
(a) describe the immediate and long-term compensatory habitat proposal, and demonstrate how this proposal would be integrated with the proposed rehabilitation of the site and surrounding areas of remnant vegetation;
(b) identify strategies to protect areas excluded from open cut mining from disturbance during mining operations;
(c) identify options for the permanent protection of areas of compensatory habitat;
(d) provide baseline data on the existing flora and fauna in the proposed compensatory habitat areas;
(e) describe how the compensatory habitat proposal would be implemented; and
(f) set completion criteria for the compensatory habitat proposal.</td><td>Observation: While the plan generally meets the requirements of Sch. 4 condition 31, there is no definitive documentation to confirm that this land is 50ha in size, and effectively conserved in long term (refer to finding against condition 4-29)</td><td>Recommendation: Confirm and implement a method to secure the compensatory habitat area at least 50Ha and update plan</td><td>OPEN</td></tr>
<tr><td>IA26-16</td><td>4-39</td><td>Observation</td><td>Surface Water - Pollution of Waters
Except as may be expressly provided by a EPL, the Applicant must comply with section 120 of the Protection of the Environment Operations Act 1997 during the carrying out of the development.</td><td>Observation: Reported exceedances of the EPL water quality criteria have occurred during the audit period which could potentially have caused pollution of waters</td><td>Recommendation: Note that this matter is currently under a Clean Up Notice issued by the EPA 10/04/2026 (#3515373) and requires actions. Also, the auditee is to respond to Notice of incomplete actions issued by EPA 27/02/2026 relating to Pollution Reduction Program EPL condition U1.1</td><td>OPEN</td></tr>
<tr><td>IA26-17</td><td>4-40</td><td>Non compliance</td><td>Surface Water - Discharge limits
Except as may be expressly provided by a EPL, the Applicant must ensure that the discharges from any licenced discharge point comply with the limits in Table 14.
<table><tr><th>Pollutant</th><th>Units of measure</th><th>100% concentration limit</th></tr><tr><td>Total suspended solids</td><td>mg/L</td><td>50</td></tr><tr><td>Oil and grease</td><td>mg/L</td><td>10</td></tr><tr><td>pH</td><td>pH units</td><td>6.5-8.5</td></tr></table>Table 14: Discharge limits
Note: To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.</td><td>Non compliance – There have been reported exceedances for TSS at monitoring point 4 discharge point during the audit period.</td><td>Recommendation: Review dam suitability, sizing and management to meet discharge criteria in line with draft surface water management report 2026. Refer top hydrogeologist recommendation in section 3.6.3 of this report. The site surface water management plan update has been approved to EOT until 31/08/2-026 – this report would aim to address these issues.</td><td>OPEN</td></tr>
<tr><td>IA26-18</td><td>4-41</td><td>Non compliance</td><td>Surface Water - Monitoring
The Applicant must:
(a) measure:
the volume of water discharged from the site; and
water use on the site; and
(b) monitor the quality of the surface water discharged from the license discharge point/s at the development.</td><td>Non compliance: There has been no monitoring of volumes of discharge water as required by condition 41 (a).

.</td><td>Recommendation: the auditee generally monitors surface water discharge and provides results on the website monthly as required by condition 4-41(b). It is noted that the auditee has installed a flowmeter at dam 002 and is working to rectify issues at dam004 to meet compliance with 4-41(a). The site surface water management plan update has been approved to EOT until 31/08/2-026 – this report would aim to address these issues.</td><td>OPEN</td></tr>
</table>

IA26-19	4-43	Non compliance	***Site Water Management Plan*** *Prior to 5 December 2025, the Applicant must prepare (and then implement) a Site Water Management Plan for the development, in consultation with EPA and Water Group, and to the satisfaction of the Planning Secretary. This plan must include:* *(a) the predicted site water usage including;* *(i) predicted annual inflows to and outflows from the site;* *(ii) sources and security of water supply for the life of the development (including authorised entitlements and licences);* *(iii) water storage capacity;* *(iv) water use and management on the site, including any water transfers or sharing with neighbouring mines;* *(v) licenced discharge points and limits; and* *(vi) reporting procedures, including the annual preparation of an updated site water balance;* *(b) a Surface Water Monitoring Program; and* *(c) an Erosion and Sediment Control Plan.*	**Non Compliance** The Site Water Management Plan has not been prepared within the timeframes of Sch. 4 condition 43. An extension of time has been requested and approved by DPHI for submission of • Site water management plan • Surface water monitoring program • Erosion and sediment control plan until 30/06/2026. The auditee has prepared a DRAFT Site Water Management plan for review by stakeholders.	**Recommendation**: Complete consultation and submit plan by revised submission date to demonstrate compliance. It is noted that the auditee has since sought and received approval for another extension of time for these plans (Letter DPHI to CVM DA 200-5-2003-PA-68 EOT approved to 31/08/2026)	CLOSED
IA26-20	4-56	Observation	***Aboriginal Archaeology*** *The Applicant must* *(a) ensure that a protective buffer zone of at least 50 metres (radius) is maintained around the site C-S-1 (see Appendix 4), and that the site is not impacted by mining operations or surface activities;* *(b) the site C-S-1(see Appendix 4) is monitored in accordance with Condition 16, to the satisfaction of the Planning Secretary.* *Note: Under section 90(1) of the National Parks and Wildlife Act 1974, a person who, without first obtaining the consent of the Planning Secretary, knowingly destroys, defaces* *or damages, or knowingly causes or permits the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place is guilty of an offence against this Act*	**Observation:** While these buffer zones are marked on mine maps, and appear to be outside the footprint of the mine, they are not clearly marked or communicated to ensure ongoing protection	**Recommendation**: Confirm location of buffer zones and ensure do not disturb is communicated	OPEN
IA26-21	4-60	Observation	***Greenhouse Gas*** *The Applicant must:* *(a) monitor the greenhouse gas emissions generated by the development;* *(b) investigate ways to minimise greenhouse gas emissions generated by the development;* *(c) implement reasonable and feasible measures to minimise greenhouse gas emissions generated by the development; and* *(d) report on greenhouse gas monitoring and minimization in the AEMR, to the satisfaction of the Planning Secretary.* *Note: In accordance with its Climate Change Action Plan 2023-26, the NSW EPA is preparing guidance for the preparation and implementation of various climate change related guidelines (e.g., including but not limited to Climate Change Mitigation and Adaptation Plans). Preparation of Climate Change Mitigation and Adaptation Plan (CCMAP) may be required under the EPA's regulatory framework, including conditions in the Environment Protection Licence.*	**Observation**: While the NGERs reporting indicates consistent monitoring and reporting and is included in the annual report, there is no evidence of measures for minimisation of greenhouse emissions.	**Recommendation**: As the mine moves back into operation, investigate and implement measures to minimise greenhouse emissions	OPEN
IA26-22	5-1	Non compliance	***Notify Landowners*** *If the results of the monitoring required in Schedule 4 identify exceedances of the air quality and/or noise limits/criteria in Schedule 4, then the Applicant must notify the Planning Secretary and relevant landowner/s in writing about these exceedances, and provide quarterly monitoring results to these parties until the monitoring results show that the development is complying with the relevant air quality and/or noise limits/criteria.*	**Non compliance**: Records have not been made available of actual issuing of letters to landholders of exceedances, draft versions only.	**Recommendation**: For all future exceedances, the notification requirements of this condition are to be implemented	OPEN

IA26-23	6-9	Observation	***Community Consultative Committee (CCC)*** *The Applicant must, at its own expense:* *(a) ensure that 2 of its representatives attend the Committee's meetings;* *(b) provide the Committee with regular information on the environmental performance and management of the development;* *(c) provide meeting facilities for the Committee;* *(d) arrange site inspections for the Committee, if necessary;* *(e) arrange to take minutes of the Committee's meetings;* *(f) make these minutes available to the public for inspection within 14 days of the Committee meeting, or as agreed to by the Committee;* *(g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and* *(h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Planning Secretary within a month of the Committee meeting.*	**Observation**: Records are not available of submission of CCC minutes to DPHI. It is recommended that the mine retains copies of submissions in future (noting that the CCC covers two separate mine approvals)	**Recommendation**: Ensure submission of future minutes and retain records for each audit period	OPEN
IA26-24	610 6-11 6-12	Non compliance	***Incident Notification*** *10. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:* • *date, time and location;* • *a brief description of what occurred and why it has been classified as an incident;* • *a description of what immediate steps were taken in relation to the incident; and* • *(d) identifying a contact person for further communication regarding the incident.* *11. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 7 (Incident Notification and Reporting Requirements).* ***Non-compliance Notification*** *12. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance.* *The notification must be in writing and must be submitted via the NSW planning portal (Major Projects).* *The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.*	**Non compliance:** The auditee has self reported a number of incidents and non compliances since 2024/25. They have reported these when they become aware of the issue, not consistently within the 7 and 24 day time frames. Information prior to 2024 is not available on incidents or non compliance reporting times	**Recommendation**: It is noted that the self reporting has been implemented more frequently since 2024/25 and this is a positive improvement. It is recommended that this continues as the active issues around surface water, dust and odour are rectified. Record keeping generally has improved and this should be maintained.	OPEN
Licence conditions findings						
IA26-25	EPL U1-1	Observation	U1.1 The Licensee must take all reasonable and feasible actions to cease any seepage and maintain the North Void to ensure no future seepage occurs from the premises. U1.2 By 26 January 2026, the Licensee must submit a 'Groundwater Investigation and Surface Water Management Report' for the Premises U1.3 Based on the outcome of U1.2, the Licensee must update their Water Management Plan and Water Balance for the Premises by no later than 31 March 2026 and submit the documents to the EPA via info@epa.nsw.gov.au. U1.5 The Licensee must prepare monthly summary reports detailing: 1. Progress in addressing seepage and uncontrolled discharge. 2. Actions taken to manage and remediate any confirmed contamination. 3. Updates on investigation and rehabilitation efforts. Reports must be submitted to the EPA via info@epa.nsw.gov.au, by no later than 5:00pm on the last Friday of October, January, April and July, until the EPA notifies the licensee in writing that the requirements of U1 have been met and that reports are no longer required.	**Observation:** While the auditee is actively pumping water to reduce potential impacts from the north void at the time of audit, this is a temporary solution to cease seepage. It is noted that an extension of time has been granted for the submission of the updated plans to 30/06/2026	**Recommendation**: Complete the revision of site water management plans and implement feasible recommendations to cease seepage issues as stipulated in U1.1. It is noted that the auditee has since sought and received approval for another extension of time Site water management plan (Letter DPHI to CVM DA 200-5-2003-PA-68 EOT approved to 31/08/2026) – to address this issue.	OPEN

IA26-26	Mining License standard conditions	Observation	**<u>Division 1 Protection of the environment and rehabilitation</u>** **<u>Clauses:</u>** **4 Must prevent or minimise harm to environment**	**Observation**: The subsurface heating has caused dieback of approximately 7 hectares of rehabilitation areas	**Recommendation** a number of actions require following up and progress from the rehabilitation risk assessment. The potential for ongoing subsurface heating poses a risk to the success of rehabilitation and requires remediation and updating of rehabilitation plans as per division 3 clause 11 (c)	OPEN
IA26-27	ML1455	Observation	*ML general conditions* 1. Notice to Landholders (a) The lease holder must cause written notice of the grant or renewal of this mining lease to be provided to each landholder of land over which the mining lease was granted or renewed in accordance with paragraph (b). (b) If there are – i. less than 10 landholders of the land over which the lease was granted or renewed – the notice must be provided to each landholder	**Observation**: ML1455 was renewed on 31/5/23 but no evidence of notification to landholder was provided as per ML condition 1 to all landholders	**Recommendation**: Confirm issuing of this letter to all required landholders.	OPEN
IA26-28	WAL27898	Observation	*Annual returns – groundwater take*	**Observation**: Groundwater take data not available	**Recommendation**: Groundwater extraction must be in line with requirements and reporting as per WAL	OPEN

3.3 Adequacy of Environmental Management Plans and post approval documents

The adequacy of post approval documents is determined on the basis of whether:

- there are any non-compliances resulting from the implementation of the document
- there are any opportunities for improvement.

A review was conducted of the:

- Environmental Management Strategy, 20/04/2022
- Environmental Monitoring Program 2025, 17/12/2025
- Air Quality Management Plan, 20/04/2026
- Coal Haulage Vehicle Management Plan, 04/12/2025
- Fire Management Plan, 03/12/2025
- Noise Management Plan 2025, 22/10/2025
- Flora and Fauna and Management Plan, 04/12/2025
- Pollution Incident Response Management Plan, 10/10/2025
- Rehabilitation Management Plan 2025, 26/09/2025

The environmental management strategy and associated plans listed above were considered generally compliant with the requirements of the conditions. Most of the plans were revised during the audit period, in 2022 after the previous audit, and again in 2025 post approval of the updated modification (mod 5) to the conditions of consent.

The Plans were submitted to the Department and have generally been implemented for the audit period. Implementation of the above management plans does not appear to lead to non compliance.

A number of non compliances have been identified in the audit (for details refer to Table 6) relating to:

- subsurface heating and odour
- subsurface heating and rehabilitation area dieback
- surface and groundwater management
- area of compensatory habitat

CVM have developed the below management plans to address these issues (noting the 2022 version of the site water management plan, site water monitoring program and erosion and sediment control plan is currently in review pending submission to DPHI and approval).

- Erosion and Sediment Control Plan, 20/04/2022 (in 2026 review)
- Site Water Management Plan Rev 04, 20/04/2022 (in 2026 review)
- Heating Area Remediation Strategy 2025-2027 V2 February 2026

The auditor recommends that implementation of the mitigation measures arising from these recently revised plans is required to rectify these ongoing issues, rather than a deficiency of the management plans themselves

It is noted that while record keeping has improved in recent years, there is inconsistent data available across the audit period. Continuing to improve record keeping and QA/QC processes for data management, particularly related to monitoring and testing is also recommended.

3.4 Summary of notices from agencies

To the Auditor's knowledge the following outstanding notices have been received during the audit period from DPHI and other agencies:

- Resources Regulator (RR) requested that CVM provide a strategy for the management of heating at CVM that included measurable targets, timelines and on ground actions beginning immediately. Failure to do so would result in Regulatory action under the Mining Act (1992).
- Clean up notice EPL10341 #3515373 issued by EPA 18/05/2026
- Notice of incomplete actions issued by EPA 27/02/2026 relating to Pollution Reduction Program EPL condition U1.1.

At the time of audit these matters were not yet resolved by CVM. These are reflected in the audit findings found in Appendix A.

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3.5 Matters raised through consultation

On 07/05/2026, WolfPeak consulted with the Department to obtain their input into the scope of the Independent Audit and confirm whether other stakeholders should be consulted, as per Section 3.2 of the IAPAR. The Department responded on 13/05/2026. A summary of feedback provided by the Department is shown in Table 7 below and the correspondence with the Department and other stakeholders is in Appendix C.

The Department requested that the auditor consult with the following organisations on the audit scope:

- Local Council - Lithgow City Council
- Environment Protection Authority
- NSW Resource Regulator
- Transport for NSW
- Water Group - Water Group DCCEEW
- Heritage NSW and CPHR

Table 7 Summary of consultation

Stakeholder	Areas of Focus	Audit comment
Department of Planning, Housing and Infrastructure	Compliance with all conditions of consent applicable to the phase of the development that is being audited and all post approval and compliance documents prepared to satisfy the conditions of consent, including management plans.	This is addressed by this audit and details can be found in appendix A audit tables
Department of Planning, Housing and Infrastructure	Review the environmental performance of the development including actual impacts compared to predicted impacts, incidents, non-compliances, complaints, the physical extent of the development in comparison with the approved boundary.	This is addressed by this audit and details can be found in appendix A audit tables. Auditor commentary on surface and groundwater, compensatory habitat and general environmental performance can be found in section 3.6, 3.7 and 3.11
Department of Planning, Housing and Infrastructure	A high-level assessment and review of Environmental Management Plans and Sub-plans and whether they are adequate, specifically the Surface/groundwater Management Plans and Air Quality Management Plan.	Most of the management plans have been reviewed during the audit period in 2022 and again in 2025 and are published on the CVM website. The auditee is currently reviewing and redrafting the water management plans and has been granted an extension of time for submission of these to 30/06/2026. The air quality management plan generally meets the intention of management and monitoring requirements however there are issues identified relating to frequency of monitoring. It is noted that the mine has largely not been operational but is intending to recommence production in the future. The auditee would review the efficacy of these plans, particularly around minimisation strategies and confirmation of monitoring frequency. Refer to audit findings in Appendix A.
Department of Planning, Housing and Infrastructure	Ensuring all notifications have been carried out, e.g. incident/non-compliance reporting and check that reported non-compliances /incidents (including those reported in the Annual Review and previous audits) have been actioned appropriately and closed out.	Some matters are still pending close out. Refer to findings in appendix A and those noted in section 3.4.
Department of Planning, Housing and Infrastructure	Ensuring all environmental controls have been installed, maintained and are adequate, specifically in relation to managing water, noise and dust, and are being used in a fit and proper manner.	The mine is not fully operational at the time of audit. Environmental controls are generally suitable for the level of activity at the site, however noting the issues with subsurface heating, protection of the compensatory habitat and water management issues ss discussed in the audit findings in Appendix A, some additional mitigation measures and actions are required
Department of Planning, Housing and Infrastructure	Erosion and sediment management and maintenance across the Project is being undertaken and adequate and that dams are sized and being utilised to their design capacity.	No significant issues were identified on the site. The mine environment manager is also a CPESC and is aware that the dams are not sized as per the bluebook and require ongoing management of water volumes via pumping to maintain efficacy. The auditor notes that the site is not in

		construction and dam sizing if manage correctly should be suitable for operational purposes. It was observed that Dam 004 is currently dewatered to investigate the potential leaking from this dam. The site inspection identified that this issue appears to be a groundwater seepage rather than a dam leaking issue. Refer to hydrogeologist input to this audit report.
DCCEEW Water group	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 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	The management plans have been reviewed and updated during the audit period in 2022 and again in 2025. The auditee is currently reviewing and redrafting the Site Water management plan and sub plans and has been granted an extension of time for submission of these to 31/08/2026. Finalisation of this plan and implementation of recommendations would aim to address outstanding water matters.
DCCEEW Water group	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.	TARPS are included in revised Site water management plan (currently in review)
DCCEEW Water group	Water supply availability is clearly defined for the project.	The mine is not currently in operation and is not utilising supply water
DCCEEW Water group	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 2025 .	Groundwater is appearing at the surface at the North Void. This water is being pumped back into mine workings 2km to the south within the open cut void. Water at this point appears to re-enter groundwater. NC (IA26-19) raised against condition 4-41. Mine has recently installed a flow meter at dam 002 but not all water take or discharge is monitored.
DCCEEW Water group	Water metering at the site is in accordance with the NSW Non -Urban Metering Framework where relevant	Not provided.
DCCEEW Water group	Water Access Licence /s used to account for water take by the project nominates the work where the water is being taken from.	Not provided
DCCEEW Water group	Annual reporting clearly documents ; 1) water take, use and water source impacts, 2) compare results with previous years and 3) identify exceedances and how these are managed/mitigated	Not provided

TFNSW	No specified requirements	It is noted that TFNSW has been consulted relating to mine transport operation and signage requirements agreed to in writing as discussed in appendix A.
Resources Regulator	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.	These have been provided in the audit tables in appendix A. There is an ongoing issue relating to subsurface heating and the impact of dieback on rehabilitation areas. The mine has prepared a subsurface heating strategy, as well as rehabilitation plans and programs. These will need to be reviewed and amended to factor in dieback and further rehabilitation actions if this issue is not resolved.
Resources Regulator	Note observations where rehabilitation procedures, practices and outcomes represent best industry practice	Rehabilitation, considering the local soil and vegetation types appears to be largely effective, notwithstanding the subsurface heating and dieback as mentioned above.
Lithgow Council	No response received	N/A
Heritage NSW and CPHR	Response received but no specified requirements	N/A Heritage items are noted in the audit tables in Appendix A.

3.6 Surface water and groundwater

As part of the audit, DPHI requested input from a technical specialist in mining surface water and groundwater management at the site. EPRisk was engaged by WolfPeak and their specialist hydrogeologist was part of the audit team and site inspection.

The focus of the technical specialist was on assessing compliance with development consent conditions and the Environment Protection License (EPL), particularly regarding water quality monitoring, discharge management, and seepage control.

The findings provided by the technical specialist is reflected in the findings provided in the audit table in appendix A.

The full report is provided in Appendix G.

A summary of findings and observations made by the technical specialist is found below.

3.6.1 Audit Process and Key Observations:

The technical specialist audit included a review of annual reports, site water management plans, EPA correspondence, and monitoring data.

Site inspections focused on key discharge points (notably Dam 2 and Dam 4), the North Void, and areas of observed seepage.

The mine was not operational during the audit period, and water management largely involved pumping water back into site to prevent offsite discharge.

Notably, seepage was observed near Dam 4 and the North Void, with evidence suggesting a groundwater origin, likely from the Lithgow Seam.

3.6.2 Compliance Assessment

Development Consent Conditions:

Some conditions relating to surface and subsurface water were found compliant (refer to appendix A and table 6). However, there were gaps, including lack of auditable data for certain years, failure to measure discharge volumes, and incomplete analyte monitoring. This led to several non-compliance findings, especially regarding record-keeping and reporting.

Environment Protection License (EPL):

The audit found non-compliance with several EPL conditions due to missing or incomplete data, exceedances of pollutant limits, and inadequate record-keeping. However, requirements related to seepage management, groundwater investigation, and reporting were generally met, with ongoing efforts to address seepage through pumping and monitoring.

Seepage Origins and Hydrogeological Findings:

The specialist report concludes that groundwater, particularly from the Lithgow Seam, is a significant contributor to observed seepage at the site. The artesian conditions and topography facilitate upward groundwater flow, resulting in surface expression particularly at the area known as the north void.

The identified seepage issue at Dam 4 persisted after the dam was emptied. This supports a groundwater source for seepage at this location.

3.6.3 Recommendations

The technical specialist recommends that the mine:

- Update and enhance surface water and groundwater monitoring programs, incorporating recommendations from the draft 2026 EMM report, once finalised
- Install a new groundwater well to intercept the Lithgow Seam near Dam 4 and implement a robust QA/QC plan for testing.
- Compare groundwater and surface water geochemistry to better understand seepage origins.
- Improve annual review reports with comprehensive data summaries, laboratory sheets, and QA/QC results to ensure future auditability.
- Develop a conceptual site model to clarify surface water and groundwater interactions.

3.7 Compensatory habitat

As set out in the conditions of consent schedule 4 condition 36, an audit of the compensatory habitat is included in this independent audit.

This audit assesses the performance of the compensatory habitat proposal and the adequacy of the Flora and Fauna Management Plan and recommends measures to improve the performance of the compensatory habitat.

3.7.1 Compensatory Habitat Plan

The auditee has prepared a Flora and Fauna Management Plan (Rev 01, 04/12/2025) including a Compensatory Habitat Area Management Plan in Chapter 2.

The management plan sets out the location of compensatory habitat area (CHA) surrounding the CVM mining lease holding. The plan also details a separate Conservation Area for the Clandulla Geebung (Persoonia marginata) that also has been established in the north-west of the CVM approval boundary.

The plan details the vegetation communities that occur in this compensatory habitat area that include:

- Sandstone Dry Ridgetop Woodland
- Tablelands Sheltered Valley Forest
- Tablelands Dry Woodland

As well as the different types of fauna habitat found in this CHA.

The Plan provides CHA Performance and Completion Criteria and actions to be undertaken to manage/maintain and monitor these areas including ecological surveys for flora and fauna to be undertaken annually and included in the annual environmental reports.

The plan also sets out *proposed* options for the long-term permanent protection of the CHA including:

- A Biodiversity Stewardship Agreements (BSA) under Part 5, Division 2 of the Biodiversity Conservation Act 2016 (BC Act); or
- A Conservation Agreement under Part 5, Division 3 of the BC Act.

The plan states in chapter 2.2.2 that the CHA is over 50 hectares in size, and contains a mixture of Sandstone Dry Ridgetop Woodland, Tablelands Sheltered Valley Forest.

3.7.2 Monitoring report

The annual monitoring reports are provided in chapter 6 of the Annual Environment Report published on the CVM website. The 2025 annual environmental report section 6.5 states the following:

> ‘CVM acknowledges that the previous monitoring of the compensatory habitat area has not been in accordance with the Biodiversity assessment Method (BAM). The 2024 and 2025 monitoring has been conducted in line with the BAM and at each plot the following data was collected:
>
> - Composition for each growth form group by counting the number of native plant species recorded for each growth form group within a 20 x 20 m plot;

- Structure of each growth form group as the sum of all the individual projected foliage cover estimates of all native plant species recorded within each growth form group within a 20 x 20m plot;
- Cover of 'High Threat Exotic' weed species;
- Assessment of function attributes within a 20 x 50 m plot, including: Tree stem size classes, measured as 'diameter at breast height over bark' (DBH); Regeneration based on the presence of living trees with steams. The total length in metres of fallen logs over 10 cm in diameter;
- Assessment of litter cover within five 1 x 1 m plots evenly spread within the 20 x 50 m plot; and
- Number of trees with hollows that are visible from the ground within the 20 x 50 m plot.

There is a total of eight (8) monitoring plots across the CVM CHA and a total of three (3) previously described native vegetation communities, as seen below:

- Tablelands Dry Woodland;
- Sandstone Dry Ridgetop Woodland; and
- Tablelands Sheltered Valley Forest.

The required BAM methodology uses Plant Community Types (PCTs) to describe the vegetation communities present within the compensatory habitat area as follows:

- PCT 3037 – Sydney Basin Warm Temperate Rainforest
- PCT 3110 – Greater Sydney Enriched Grey Myrtle Dry Rainforest
- PCT 3369 – Central Tableland Ranges Peppermint-Gum Grassy Forest
- PCT 3510 – Capertee Slopes Stringybark-Box Forest
- PCT 3732 – Capertee Uplands Enriched Stringybark Forest
- PCT 3747 – Southern Tableland Western Hills Scribbly Gum Forest
- PCT 3749 – Western Blue Mountains Scribbly Gum Forest

The dominant vegetation throughout the CVM CHA is consistent with the PCTs mapped as the representative vegetation present. There was low shrub and forb cover observed at all sites. Overall, there very low weed cover observed, with all sites exhibiting weed cover below 0.5%. Two high threat weed species were observe at CH1, St John's Wort (*Hypericum perforatum*) and Sweet Briar (*Rosa rubiginosa*).

Generally, species richness was below that of the PCT benchmarks for the CHA monitoring plots. The species richness below the PCT benchmark values is acceptable given natural variation in vegetation and seasonal variation of species present in timing of surveys.

Plant foliage cover was generally below the PCT benchmark values, with the exception of the grass cover within PCT 3732 (CH1) and PCT 3747 (CH2 and CH8), which exhibited the highest grass cover, all exceeding 25% PFC and the associated benchmark values.

Within the monitoring plots there was an abundance of fauna habitat observed, including large woody debris exceeding the benchmark values and litter cover exceeding benchmark values for the majority of sites.

Monitoring site CH1 was the only monitoring site to exceed the benchmark for large trees, but there were large trees observed surrounding all other sites, and this is a byproduct of the placement of monitoring plots.

Species richness and percentage foliage cover for each CHA monitoring plot, as measured using BAM, were compared to their respective PCT benchmarks.'

Section 6.5.3.2 CVM Compensatory Habitat Areas Fauna Monitoring Observations states:

'The 2025 monitoring recorded an increase in overall species diversity throughout the Cullen Valley Mine Compensatory Habitat Area relative to the previous year's monitoring results, with a total of 43 species recorded, compared to 13 species recorded during the 2024 survey.

No pest species were observed during the 2025 monitoring period.'

6.5.3.3 Nest Box Monitoring One cluster of nest boxes is located in the CHA, comprising six nest boxes numbered Nest Box 13 – Nest Box 18. No fauna was recorded in the Nest Boxes in the CHA. All nest boxes and poles were in good condition, all but Nest Box 15 contained natural nesting material.'

Section 6.5.3.4 Clandulla geebung Monitoring states:

'The Clandulla Geebung (Persoonia marginata) survey was undertaken in September 2025. A total of 63 Clandulla Geebung individuals were identified within a 20m radius of both monitoring points, compared to 93 in 2024. Within the CHA plot in the south, 59 individuals were identified. No plants within the plot were bearing fruit, which was accepted, as Clandulla Geebung bears fruit between January and February. The community was observed to be generally healthy, with some individuals showing signs of stress. Graph 3 illustrates the total number of Clandulla Geebung plants across monitoring events since 2012.'

3.7.3 Audit Recommendations

The condition of the bushland observed during the audit site inspection was generally good and consistent with the native area in line with the annual ecological reporting.

An area of disturbance was observed outside the southern mine access gate being used for laydown and storage. This area is potentially encroaching on the CHA, however as the CHA area is not clearly surveyed or defined on the ground it is difficult to ascertain.

The auditor requested updated GIS mapping, which the auditee provided from consultant Atlantech post audit on 17/06/2026. This mapping indicates that the area of compensatory habitat is 40.4 hectares.

The Compensatory Habitat Plan as part of the Flora and Fauna Management plan appears to be effective in setting out maintenance and monitoring, and the annual reports include this monitoring for the audit period.

However, there is currently no defined mechanism to secure the Compensatory Habitat Area at 50 hectares.

3.7.4 Recommendations

As per the audit findings, it is recommended that an accurate survey is undertaken to confirm CHA area.

As raised in previous audit, and non conformance IA26-14 it is recommended that the mine implement a method to secure the compensatory habitat area at least 50 hectares as required by conditions of consent Schedule 4 condition 29.

3.8 Complaints

The Project has maintained a Complaints Register each year and published these on the website. Register was current up to May 2026.

The nature of complaints received in the audit period has been related to:

- 2026 – 7 complaints received to date. Relating to:
    - odour from heating areas x 6 complaints,
    - dust from vehicle on haul road x 1 complaint
- 2025 – 30 complaints received. Relating to:
    - Odour from heating area x 15,
    - Noise from pump and trucks out of hours x 4,
    - Trucks parking or washing near stone cottage x 6,
    - trucks travelling with body raised x 1
    - Other x 4
- 2024 – 18 complaints received. Relating to:
    - Odour x 9,
    - Traffic x 7
    - other x 2
- 2023 – 16 complaints received. Relating to:
    - Air quality x 3,
    - water quality x 2,
    - odour x 4,
    - traffic x 4
    - other x 2

All complaints made during the audit period have been resolved and closed out with the complainant.

The ongoing issue of odour from the mine is related to subsurface heating has been raised in the previous audit period, and in complaints received over the current audit period. It is noted that this matter is currently under a direction from the Resources Regulator who has requested that the mine provide a strategy to manage the ongoing issue of subsurface heating. The mine has prepared a Heating Area Remediation Strategy 2025-2027 (February 2026). This issue is yet to be rectified.

3.9 Incidents and Non compliances

During this audit period, the auditee self-reported 6x incidents, as defined by the Consent DA200-5-2003-Mod-5.

The auditee self-reported 3x non compliances against the conditions of consent

The incident and non compliance register has been maintained since 2024 and was sighted as part of the Audit.

Limited information was available detailing incident and non compliance reporting prior to 2024.

3.10 Actual versus predicted impacts

The Audit considered the actual impacts based on the site inspection and review of records, on whether they are consistent with the relevant impacts predicted in the development consent's environmental assessment documentation.

There were a number of environmental incidents recorded during the audit period.

The disturbed (operation) area of the mine was generally within the approved mining licence boundary (as best as could be confirmed by site inspection only and GIS mapping provided.

Based on the site inspection and records sighted during audit, the mine operations area appears to be consistent with the approved layout plans, and the environmental impacts predicted by the EIS and RtS.

Despite the above, discrepancies have been identified particularly around the status of areas of rehabilitation and the compensatory habitat area.

The auditee provided additional GIS mapping upon request post audit that indicates:

- Approximately 7.14 hectares of rehabilitation area has been affected by dieback due to subsurface heating
- The area of compensatory habitat is only 40.35 hectares and not the 50 hectares required

Accurate survey is required to confirm the actual areas, and further actions will be required to mitigate these impacts.

3.11 Environmental performance

The overall outcome of this Audit indicated that while compliance management and record keeping has generally improved since 2024, a number of ongoing legacy issues from previous audit periods

are continuing to trigger non compliances. The following key issues influencing compliance are observed by the auditor:

- Subsurface heating and odour
- Subsurface heating and rehabilitation area dieback
- Groundwater management particularly at North Void
- Compensatory habitat sizing and ongoing protection

It is also noted that compliance records were not all available at the time of the audit for the entire audit period. Record keeping has improved in recent years and it is recommended that ensuring required record keeping and robust QA/QC on environmental monitoring will assist in future compliance.

3.12 Status of previous audit report findings

The previous audit was undertaken by Caras in 2021 and published in 2022 (late due to covid restrictions at the time). It is noted that at the time of the previous audit, CVM had been operating under care and maintenance only for the full duration of the audit period, with an intention to recommence mining activities in 2022.It is also noted that the conditions of consent have been modified in 2025 (mod 5) with a number of conditions being updated.

The below table provides the open audit findings from the previous audit and an update on findings based on the 2026 audit.

3.12.1 Previous audit recommendations

The previous audit made the following recommendations:

- Update all Management Plans including Rehabilitation Management Plan (a new Mining Operations requirement commencing in 2022)
- Prepare a Sub-Surface Heating Response Management Plan to address ongoing odour issues
- CVM should engage a dedicated Environmental Manager prior to recommencing of extractive mining operations
- Include an explicit plan for the short, medium and long term management of the compensatory habitat. Marking, and signage should be installed to clearly identify nominated locations of the compensatory habitat and aboriginal archaeology sites defined in the conditions of consent.

3.12.2 Current audit update

- Most management plans have been updated during the audit period in 2022 post the previous audit and again in 2025/2026 post mod 5 approval. It is noted that that the Site water management plan and sub plans are yet to be finalised and are still in review and approval (extension of time granted).

- The subsurface heating and odour issue has continued through this audit period with a number of complaints received each year. This issue is also causing dieback of rehabilitation areas with approximately 7 hectares impacted to date. The resources regulator has requested that the mine provide a strategy to manage the ongoing issue of subsurface heating. The mine has prepared a heating strategy that is yet to be implemented
- The mine has engaged a dedicated environment manager during the audit period. The auditor notes that updated plans and record keeping as well as self-reporting of environmental monitoring exceedances has improved during this audit period which is a positive improvement.
- The compensatory habitat requires survey confirmation of the actual area retained, clear demarcation on the ground and confirmation of the mechanism for long term protection of this area at 50 hectares as required by the conditions of consent.
- The CCC has held meetings twice yearly during the audit period, with presentations and minutes retained.

3.13 Conclusion

The auditor would like to thank the auditee for the provision of access to available information and site inspection. It is noted that while there are a number of non compliances raised, the mine is making efforts to mitigate some of the key issues leading to these, and improvements have been made in recent years to environmental management at the site.

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The assessment of actual impacts and those predicted in the Environmental Impact Assessment(s) was a high-level assessment qualitative assessment only. The Environmental Impact Assessment(s) include a voluminous number of studies and predictions that relied on observation, measurement and modelling of the existing environments and potential outcomes arising from the Project (including mitigation measures). Full assessment of the accuracy of these predictions would also require a significant number of studies involving measurement and modelling using actual data points as inputs. Other than the requirements specified in the report, to the Auditor’s knowledge there are no requirements to undertake such studies and doing so does not form part of this Independent Audit.

Audits of all post approval documents prepared to satisfy the conditions, including an assessment of the implementation of Environmental Management Plans and Sub-plans, adopts a Judgement Based Sampling approach. Judgement Based Sampling is the process of selecting a sample of commitments and evidence from within the total available data set (population) to obtain and evaluate evidence about some characteristic of that population, in order to form a conclusion concerning the population.

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APPENDIX A – DA200-5-2003-MOD-5 CONDITIONS OF CONSENT

Table 8 Conditions of Consent

DA ID No.	Compliance Requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
SCHEDULE 3	ADMINISTRATIVE CONDITIONS			
3-1	Obligation to Minimise Harm to the Environment The Applicant must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.	Report, Cullen Valley Mine Quarterly Pollution Reduction Program Report for Castlereagh Coal November 2025-January 2026 Monthly Progress reports 24/11/2025, 21/01/2026 –Cullen Valley Mine, Site Water Management Investigation Report, Prepared by EMM Letter, CVM to EPA EPL 10341 – Response to DOC26/30920-02/02/2026 relating to Dam 4and North Void groundwater seepage Report, Cullen Valley Mine Groundwater Investigation and Surface Water Management Report Prepared for Castlereagh Coal v3 EMM, 20/01/2026 Clean up notice EPL10341 #3515373 issued by EPA 18/05/2026 for exceedances of licence criteria between August 2025 and February 2026 from LDP4 on the following dates: 13 August 2025 – exceedance of cobalt and iron 20 August 2025 – exceedance of iron 27 August 2025 – exceedance of cobalt and iron 3 September 2025 – exceedance of copper and Iron 10 September 2025 – exceedance of iron 17 September 2025 – exceedance of cobalt, zinc and iron 3 December 2025 – exceedance of cobalt and iron 10 December 2025 – exceedance of cobalt, nickel, zinc, iron 17 December 2025 – exceedance of cooper and iron 1 October 2025 – exceedance of cobalt, nickel, zinc, iron 8 October 2025 – exceedance of cobalt, nickel, zinc, iron 15 October 2025 – exceedance of iron 22 October 2025 – exceedance of EC 29 October 2025– exceedance of cobalt, zinc, iron 5 November 2025 – exceedance of iron 12 November 2025 – exceedance of iron 19 November 2025 – exceedance of iron 26 November 2025 – exceedance of iron 23 December 2025 – exceedance of iron 30 December 2025 – exceedance of EC, TSS, cobalt, iron 7 January 2026 – exceedance of iron and zinc 14 January 2026 – exceedance of iron 21 January 2026 – exceedance of iron 28 January 2026 – exceedance of iron 4 February 2026 – exceedance of iron, EC, TSS, cobalt, copper, nickel, zinc 11 February 2026 – exceedance of iron and EC 17 February 2026 – exceedance of iron 25 February 2026 – exceedance of iron Internal document, business case 11/05/2026 for Repair of Dam 4, Repair of North Void dam Wall, Heating area management Report, Assessment of Water Source Discharging at LDP004 – Cullen Valley Mine – 19/05/2026 Heating Area Remediation Strategy which included 2026 Notice of incomplete actions issued by EPA 27/02/2026 relating to Pollution Reduction Program EPL condition U1.1 Report, Quarterly Pollution Reduction Program Report for Castlereagh Coal February to April 2026 Quarterly Pollution Reduction Program Report for Castlereagh Coal August to October 2025 including Monthly report August, September and October prepared by EMM	During the audit period, the auditee has had environmental issues where potential environmental harm has been reported. These are relating to odour, damage to vegetation from subsurface heating, minor issues with air quality from dust, surface water uncontrolled discharge and potential groundwater seepage from the area known as the North Void. Some of these items were also identified in the last audit period. It is noted that the auditee has self-reported in 2024, 2025 and 2026 a number of instances of exceedances of criteria under the EPL. It is noted that the auditee is currently responding to a clean-up notice issued by the EPA 18/05/2026 under Section 91 (POEO Act 1997) for Uncontrolled mine Water discharge from CVM below Dam 4 (LDP004) this is due for revised completion of actions by 30/6/2026. The EPA has also issued on 27/02/2026 a Notice of incomplete actions relating to potential seepage of groundwater from the area known as the North Void. The Resources Regulator has requested that the mine provide a strategy to manage the ongoing issue of subsurface heating. The mine has prepared a Heating Area Remediation Strategy but is yet to implement the plan. **Non-compliance**: The auditee has had a number of issues relating to pollution, particularly relating to odour, air quality and uncontrolled surface water discharge and groundwater seepage from the area known as the North Void. **Recommendation**: The auditee appears to have self-reported a number of issues since late 2024 and is currently responding to a clean-up notice issued by the EPA and a notice of incomplete actions. Closing out these ongoing matters is required to demonstrate compliance with requirement to prevent and/or minimise any harm to the environment. Mod 5 2025 included requirement for reporting non compliances as well as incidents.	Non Compliant

3-2	Terms of Approval The Applicant must carry out the development generally in accordance with the: (a) DA-200-5-2003; (b) EIS titled Feldmast Coal Project Cullen Bullen, dated February 1997, and prepared by International Environmental Consultants Pty Ltd; (c) EIS titled Cullen Valley Mine Lease Extension Project, dated April 2003, and prepared by International Environmental Consultants Pty Ltd, as modified by correspondence from the Applicant dated 20 May 2004 (see Appendix 2); (d) Modification Report titled Modification Report – Cullen Valley Mine, DA 200-5-2003 Modification 5 (dated January 2025), prepared by EMM Consulting and including the Submissions Report titled Cullen Valley Mine Modification 5 –Submissions Report (dated June 2025) and additional information dated 24 June 2025 and 21 July 2025; and (e) conditions of this consent.		It is noted that the approval of modification 5 occurred during the audit period (January 2025). Several conditions were amended including dates of submission and frequency of audits. CC and DPHI responses to this are detailed in item 3-4. **Non-compliance:** There are 14 non-compliances with the conditions of this consent meaning this is a non-compliance with schedule 3 condition 2 part e)	Non Compliant
3-3	If there is any inconsistency between the above, the conditions of this consent must prevail to the extent of the inconsistency.	DA-200-5-2003 modification 2025 approved August 2025	N/A	Not triggered
3-4	The Applicant must comply with any reasonable requirement/s of the Planning Secretary arising from the Department's assessment of: (a) any reports, plans or correspondence that are submitted in accordance with this consent; and (b) the implementation of any actions or measures contained in these reports, plans or correspondence.	Letter, Castlereagh coal (CC) to Department of Planning (DPHI) re approval of mod 5 and request for extension of time for audit (sch 6 con 6), 27/08/2025 Letter, CC to DPHI re approval of mod 5 and request for extension of time for signage installation (Sch 4 con 54A) 28/10/2025 Letter, DPHI to CC granting extension of time for signage PA-52 (Sch 4 con 54A) to 15th Feb 2026, 11/11/2025 Letter, CC to DPHI re approval of mod 5 and request for extension of time for preparation of Site water management plan, surface water monitoring program and erosion and sediment control plan (Sch 4 con 43), 12/11/2025 Letter, CC to DPHI re approval of mod 5 and request for exemption for signage installation (Sch 4 con 54A) 12/01/2026 Email, TFNSW to CC indicating no additional signage required (Sch 4 con 54A), 12/01/2026 Letter, DPHI to CC approving exemption for signage requirement PA-57 (Sch 4 con 54A), 02/03/26 Letter, CC to DPHI re approval of mod 5 and request for further extension of time for preparation of Site water management plan, surface water monitoring program and erosion and sediment control plan to 15 May 2026 (Sch 4 con 43), 18/03/2026 Letter, CC to DPHI re approval of mod 5 and request for further extension of time for preparation of Site water management plan, surface water monitoring program and erosion and sediment control plan to 30 June 2026 (Sch 4 con 43), 22/04/2026 Letter, DPHI to CC granting extension of time for audit PA-44 (Sch 6 con 6) to 1 Sept 2026, 05/09/2025 Letter, DPHI to CC granting extension of time for water management plan PA-61 (Sch 4 con 43) to 15 May 2026, 25/03/2026 Letter, DPHI to CC granting extension of time for water management plan PA-61 (Sch 4 con 43) to 30 June 2026, 30/04/2026	Castlereagh Coal revised management plans in 2025. The auditee sought extensions of time for several condition submissions post the approval of modification 5 in 2025. These were approved by DPHI with submission dates revised for: Schedule 6 condition 6 – independent audit extended to 01/09/2026 Schedule 4 condition 34 Site water management plan submission extended to 30/06/2026. EOT will be requested again for this one. Castlereagh coal in consultation with TFNSW requested exemption from schedule 4 condition 54A installation of new signage, DPHI granted this exemption on 02/03/2026. Matters relating to subsurface heating are to be resolved with resources regulator	Compliant
3-4A	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	Site induction – Internal staff management plan training package. No revision number / date Site induction – Operational site induction (contractors) No revision number / date Toolbox 28/08/2026 – delivered to 2x shift crews on Interaction on with community and traffic at Cullen Valley mine. Presented to all staff. Next toolbox due prior to recommencement of operations	The mine is not currently in production or fully operational. Site inductions for staff and contractors includes some information on environmental matters, noting that the mine is not fully operational Toolbox talks – presented to staff as required **Observation**: Induction package includes some environmental aspects and requirements **Recommendation**: Review and update induction as mine moves back into operation to include up to date environmental requirements arising from DA200-5-2003	Compliant

3-5	Limits of Approval The Applicant may carry out mining operations on the site, within the approved disturbance area, until 19 August 2030. Notes: Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard. Mining operations and rehabilitation are also regulated under the Mining Act 1992.	Site inspection and interviews with auditees 16/06/2026	Disturbance area is not clearly available on GIS or survey. Mapping is available Site limits appear to be within the approved mining leases based on available maps and site inspection. Rehabilitation has occurred in a number of disturbed areas but subsurface heating issues have killed off areas of vegetation (these require quantification) **Observation**: Accurate data not available to confirm actual disturbance areas, particularly additional impacts from subsurface heating in rehabilitation areas **Recommendation**: Update data records to accurately confirm limits of disturbance (refer to Non compliance against IA26-06 condition 4-1)	Compliant
3-6	The Applicant must not: (a) produce more than 1 million tonnes of saleable coal a year from the development; and (b) transport more than 250,000 tonnes (cumulative total) of coal a year by road to domestic destinations other than the Mount Piper Power Station.	Email, CC Chief Financial officer to Environmental superintendent, 18/04/2026 providing mine production volumes from 2022-present Site inspection and interviews with auditees 16/06/2026	Auditee provided as evidence an email from CC Chief Financial officer to Environmental superintendent, 18/04/2026 stating the production volumes during the audit period as follows: 2022 – 129,075 tonnes calendar 2022 (June to December) 2023 – 97,994 Jan to June 2023 Nil after this Product Delivered to Mt Piper, Shoalhaven Starches and Delta Energy <250,000t The mine is intending to recommence production in late 2026 and is aware of this condition	Compliant
3-6A	Mining and coal handling must only occur during daytime operational hours.	Induction Site inspection and interviews with auditees 16/06/2026	Auditee indicates that no operation occurs at nighttime. No complaints have been received during the audit period relating to mine operation outside these hours. Previous operation period in 2022, 2023 are unable to be verified by the mine however no complaints were received relating to this matter.	Compliant
3-7	Surrender of Consent Within 6 months of the date of this consent, the Applicant must surrender its previous development consent for the Cullen Valley Mine to the satisfaction of the Planning Secretary, in accordance with clause 97 of the EP&A Regulation.	Modification 5 approved 2025	Previous audit periods – note modification 5 approved 2025 but this continues consent – has not been surrendered	Compliant
3-8	Structural Adequacy The Applicant 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. Notes: Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the detailed requirements for the certification of development.	N/A	The auditee indicates that no new buildings have been constructed during the audit period	Not triggered
3-9	Demolition The Applicant must ensure that all demolition work is carried out in accordance with AS 2601-2001: The Demolition of Structures, or its latest version.	N/A	Auditee indicates no demolition during the audit period	Not triggered

<table>
<tr><td>3-10</td><td>Operation of Plant and Equipment
The Applicant must ensure that all plant and equipment at the site, or used in connection with the development, are:
(a) maintained in a proper and efficient condition; and
(b) operated in a proper and efficient manner.</td><td>Plant and equipment management asset management database MEX
Site inspection and interviews with auditees 16/06/2026</td><td>2x 6 inch Pumps on site active
No active plant onsite. Retired plant only.
MEX system includes plant onboarding and maintenance schedules for all plant and buildings.
Subcontracted excavator onsite at north void.

Observation: The mine has a number of retired plant items stored throughout the site
Recommendation: Retired plant should be appropriately scrapped and removed</td><td>Compliant</td></tr>
<tr><td>SCHEDULE 4</td><td colspan="4">SPECIFIC ENVIRONMENTAL CONDITIONS</td></tr>
<tr><td>4-1</td><td>IDENTIFICATION OF BOUNDARIES
Within 6 months of the date of this consent, the Applicant must:
(a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction;
(b) submit a survey plan of these boundaries to the Planning Secretary; and
(c) ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.</td><td>Site inspection and interviews with auditees 16/06/2026</td><td>Unable to locate survey plan or confirm submission (previous audit period)
Auditee has indicated that as the mine moves back into production a survey is to be commissioned.
Non compliance: No survey is available to confirm boundaries for limits of extraction or evidence of submission to DPHI
Recommendation: Undertake survey to confirm boundaries and submit to DPHI</td><td>Non Compliant</td></tr>
<tr><td>4-2</td><td>NOISE
Noise Limits
The Applicant must ensure that the noise generated by the development does not exceed the noise limits in Table 1 at any privately owned land:
<table><tr><th>Day</th><th>Evening
$L_{Aeq(15\ minute)}$</th><th>Night</th><th>Night
$L_{A1(1\ minute)}$</th><th>Land Descriptor</th></tr><tr><td>43</td><td>(deleted)</td><td>(deleted)</td><td>(deleted)</td><td>• Ryan
• Tesoriero
• Fitzgerald
• Tilley
• Red Springs (during mining to the west of the railway line)
• Hillcroft (during mining to the west of the railway line)
• Dobson
• Williams
• Northey</td></tr><tr><td>40</td><td>(deleted)</td><td>(deleted)</td><td>(deleted)</td><td>Forest Lodge</td></tr><tr><td>37</td><td>(deleted)</td><td>(deleted)</td><td>(deleted)</td><td>Red Springs (during mining to the east of the railway)</td></tr><tr><td>35</td><td>(deleted)</td><td>(deleted)</td><td>(deleted)</td><td>Hillcroft (during mining east of the railway) and all other land (including vacant land)</td></tr></table>Table 1: Noise limits dB(A)
However, if the Applicant has a written noise agreement with any landowner, and a copy of this agreement has been forwarded to the Department and EPA, then the Applicant may exceed the noise limits in Table 1 for the landowner's land in accordance with the terms of the noise agreement.
Note: For more information on the individually named properties in Table 1 see Appendix 3</td><td>Noise monitoring reports, Quarterly 2016 to 2026 published on website. Refer to evidence in schedule 4 condition 6.
Plan, Noise management plan rev 01, prepared by CC, 22/10/2025
Plan, Noise management plan rev 04, prepared by JBA, 20/04/2022
Approved Noise management plan and quarterly monitoring 2016-2026 published on CVM website.
Complaints register 2026
Complaints register 2025
Complaints register 2024
Complaints register 2023
Complaints register 2022
Toolbox on interactions with neighbours and traffic delivered.</td><td>CVM indicates that no agreements are in place with any private landholder relating to noise limits.
Noise monitoring has been in place during the audit period. Monitoring reports are published on the website quarterly. Records available 2016 to 2026.
Auditee indicates that no specific agreement with any landowner.
The auditor has reviewed the noise monitoring during the audit period. The consultant Rapt Consulting states is a conclusion to each quarterly report that ‘CVM was imperceptible at the time of measurements and no contributions from activities within CVM could be measured off-site. Therefore, based on the results of the measurements and attended observations, emissions from the site were considered compliant with the criteria established.’
There have been several noise complaints logged during the audit period:
31/03/2025 Complaint received regarding a pump being turned on before 8am as per the agreement between site and the complainant
9/04/2025 Complaint received regarding a pump not being turned off before 5pm as per the agreement between site and the complainant. The complainant also reported that an excavator has been undertaking maintenance activities at the Stone Cottage.
28/04/2025 Complaint received regarding a third-party tow truck entering site before 7 am
03/05/2025 Complaint received regarding third party road trucks making noise working on a trailer at the stone cottage off the mine premises
25/05/2023 Phone call - Complaint regarding noisy car entering site at 6:30am on several occasions
These complaints appear to be related to isolated events rather than the general operation of the mine.</td><td>Compliant</td></tr>
</table>

<table>
<tr>
<td>4-3</td>
<td>Additional Noise Mitigation - Forest Lodge
Upon receiving a written request from the landowner, the Applicant must investigate (and subsequently implement) all reasonable and feasible measures to mitigate the noise impacts of the development on the residence identified as Forest Lodge in the map in Appendix 3, in consultation with the landowner, and to the satisfaction of the Planning Secretary.</td>
<td></td>
<td>The auditee indicates that no agreements are in place with any private landholder relating to noise limits.</td>
<td>Not triggered</td>
</tr>
<tr>
<td>4-4</td>
<td>Continuous Improvement
The Applicant must:
(a) investigate ways to reduce the noise generated by the development;
(b) implement best practice noise mitigation measures at the development; and
(c) report on these investigations and the implementation of any new noise mitigation measures at the development in the AEMR.</td>
<td>Site inspection and interviews with auditees 16/06/2026</td>
<td>Auditee indicates that mine is not currently operational or in production. Example Pumping only now between 8-4 after complaints received in 2025.
While mine is currently not fully operational, noise may become an issue as production ramps up. The mine indicated that noise mitigation measures would be periodically reviewed based on operational requirements as this progresses.</td>
<td>Compliant</td>
</tr>
<tr>
<td>4-5</td>
<td>Land Acquisition Criteria
If the noise generated by the development exceeds the criteria in Table 2, the Applicant must, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in Conditions 3-5 of Schedule 5.
<table>
<tr><th>Day</th><th>Evening</th><th>Night</th><th>Land Descriptor</th></tr>
<tr><td></td><td>LAeq(15 minutes)</td><td></td><td></td></tr>
<tr><td>43</td><td>(deleted)</td><td>(deleted)</td><td>• Ryan
• Tesoriero
• Fitzgerald
• Tilley
• Red Springs (during mining to the west of railway line)
• Hillcroft (during mining to the west of the railway line)
• Dobson
• Williams
• Northey</td></tr>
<tr><td>42</td><td>(deleted)</td><td>(deleted)</td><td>Red Springs (during mining to the east of the railway)</td></tr>
<tr><td>40</td><td>(deleted)</td><td>(deleted)</td><td>Hillcroft (during mining east of the railway) and all other land (including vacant land)</td></tr>
</table>
Table 2: Land acquisition criteria dB(A)
Notes:
For more information on the individually named properties in Table 2 see Appendix 3.
Noise from the development is to be measured at the most affected point or within the residential boundary or at the most affected point within 30m of the dwelling (rural situations) where the dwelling is more than 30m from the boundary to determine compliance with the LAeq (15 minute) noise limits in Table 1 and 2.
For the purpose of noise measures required for this condition, the LAeq (15 minute) noise level must be measured or computed at the nearest or most affected residence over a period of 15 minutes using "FAST" response on the sound level meter. For the purpose of the noise criteria for this condition, 5dB(A) must be added to the measured level if the noise is substantially tonal or impulsive in character.
Where it can be demonstrated that direct measurement of noise from the development is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.
The modification factors presented in Section 4 of the NSW Industrial Noise Policy must also be applied to the measured noise levels where applicable.
Noise from the development is to be measured at 1m from the dwelling façade to determine compliance with the LA1(1minute) noise limits in Tables 1 and 2.
The noise emission limits identified in Condition 2 and 5 apply under meteorological conditions of:
Wind speed up to 3m/s at 10 metres above ground level; or
Temperature inversion conditions of up to 3oC/100m and wind speed up to 2m/s at 10 metres above the ground in accordance with the definitions provided in the Industrial Noise Policy; and
Temperature inversion conditions do not apply in conditions 2 and 5 where the noise limits are assessed at 43 LAeq(15 minute).
Construction noise is considered to be operational noise for the purposes of this consent</td>
<td>Site inspection and interviews with auditees 16/06/2026</td>
<td>Auditee indicates that there have been no exceedances and this condition has not been triggered</td>
<td>Not triggered</td>
</tr>
</table>

4-6	Noise Monitoring Within 3 months of the date of this consent, unless otherwise approved by the EPA, the Applicant must establish a continuous noise monitoring system adjacent to the meteorological weather station required under this consent. This system must be capable of recording LAmax, LA1, LA90 and LAeq noise levels in 15-minute statistical intervals. Unless otherwise agreed, the results of this monitoring must be reported to the EPA on a monthly basis and included in the AEMR.	Email, DPHI to CC, receipt of document PA-50, 23/11/2025 Plan, Noise management plan rev 01, prepared by CC, 22/10/2025 Plan, Noise management plan rev 04, prepared by JBA, 20/04/2022 Approved Noise management plan and quarterly monitoring 2016-2026 published on CVM website. Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 1 - 2026 Rapt consulting, rev0, 09/04/2026 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 4 - 2025 Rapt consulting, rev0, 12/12/2025 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 3 - 2025 Rapt consulting, rev0, 29/09/2025 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 2 - 2025 Rapt consulting, rev0, 30/06/2025 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 1 - 2025 Rapt consulting, rev0, 28/03/2025 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 4 - 2024 Rapt consulting, rev0, 20/12/2024 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 3 - 2024 Rapt consulting, rev0, 27/09/2024 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 2 - 2024 Rapt consulting, rev0, 27/06/2024 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 1 - 2024 Rapt consulting, rev0, 27/03/2024 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 4 - 2023 Rapt consulting, rev0, 20/12/2023 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 3 - 2023 Rapt consulting, rev0, 29/09/2023 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 2 - 2023 Rapt consulting, rev0, 28/06/2023 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 1 - 2023 Rapt consulting, rev0, 27/03/2023 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 1 - 2023 Rapt consulting, rev0, 27/03/2023 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 4 - 2022 Rapt consulting, rev0, 20/12/2022 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 3 - 2022 Rapt consulting, rev0, 28/09/2022 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 2 - 2022 Rapt consulting, rev0, 28/06/2022 Report, Cullen Valley Mine – Environmental Noise Monitoring Quarter 1 - 2022 Rapt consulting, rev0, 25/03/2022	Mod 5 was approved January 2025. CC prepared an updated noise management plan and submitted to DPHI 23/11/2025. Plan states no consultation was deemed as required a this was a minor update on previous approved plan from 2022. The 2022 approved plan shows consultation with EPA undertaken 09/03/2022 and DPIE on 29/03/2022. Noise monitoring results are published on the website quarterly and available for the audit period. 2005 is included in annual report as letter from EPA indicates not a requirement DEC (Now EPA) in a letter dated 10/08/2005 (appendix A of Noise Management Plan) indicated that CVM no longer required to continuously monitor – or report monthly. It is the auditors opinion based on data observed and minimal number of noise related complaints received that CVM is meeting the intent of the noise monitoring and reporting. However as the mine is proposing to return to operation and production later this year it is recommended that clarification of monitoring and reporting requirements is sought with DPHI and the EPA. **Observation**: Noise monitoring is not continuous but is consistent, it is currently reported quarterly including monthly results based on previous agreement in writing from DEC (EPA) **Recommendation**: to confirm with EPA this requirement as the previous approval to waive this is 20 years old.	Compliant
4-7	The Applicant must undertake quarterly attended noise monitoring of the noise generate by the development at representative locations around the site to the satisfaction of the Planning Secretary, and in general accordance with the NSW Industrial Noise Policy and AS1055-1997: Acoustics – Description and Measurement of Environmental, or its latest version.	Quarterly Noise Monitoring reports published on CC website. Provided for all quarters from Q1 - 2016 to Q1 – 2026 Refer to evidence in schedule 4 condition 6 Annual environmental reports published on CC website years 2014-2025 Receipts for submission to DPHI for annual reports RFI	Quarterly Noise Monitoring reports published on CC website. Provided for all quarters from Q1 - 2016 to Q1 - 2026 No requirement to submit quarterly to the Planning Secretary in condition. Quarterly results are provided to the Planning Secretary annually in the published Annual Review. Annual reviews are published on CVM website.	Compliant

<table>
<tr><td>4-8</td><td>Within 3 months of the date of this consent, the Applicant must prepare (and then implement) a Noise Monitoring Program for the development in consultation with EPA, and to the satisfaction of the Planning Secretary. This program must include a noise monitoring protocol for evaluating compliance with the criteria in Tables 1 and 2.</td><td>Email, DPHI to CC, receipt of document PA-50, 23/11/2025
Plan, Noise management plan rev 01, prepared by CC, 22/10/2025
Plan, Noise management plan rev 04, prepared by JBA, 20/04/2022</td><td>Mod 5 was approved January 2025. CC prepared an updated noise management plan and submitted to DPHI 23/11/2025. Plan states no consultation was deemed as required a this was a minor update on previous approved plan from 2022. The 2022 approved plan shows consultation with EPA undertaken 09/03/2022 and DPIE on 29/03/2022. Plan was resubmitted within 3 months of consent of mod 5</td><td>Compliant</td></tr>
<tr><td>4-9</td><td>BLASTING & VIBRATION
Airblast Overpressure Limits
The Applicant must ensure that the C level from blasting at the development does not exceed the criteria in Table 3 at any residence or sensitive receiver on privately owned land.
<table><tr><th>Air blast overpressure level dB(Lin peak)</th><th>Allowable exceedance</th></tr><tr><td>115</td><td>5% of the total number of blasts over a period of 12 months</td></tr><tr><td>120</td><td>0%</td></tr></table>
Table 3: Airblast overpressure limits
Note: The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be assessed to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.</td><td>Site inspection and interviews with auditees 16/06/2026</td><td>Auditee indicates that no blasting has been undertaken at the mine during the audit period.</td><td>Not triggered</td></tr>
<tr><td>4-10</td><td>Ground Vibration Criteria
The Applicant must ensure that the peak vector sum from the development does not exceed the criteria in Table 4 at any residence or sensitive receiver on privately owned land:
<table><tr><th>Peak Vector Sum (PVS) (mm/s)</th><th>Allowable exceedance</th></tr><tr><td>5</td><td>5% of the total number of blasts over a period of 12 months</td></tr><tr><td>10</td><td>0%</td></tr></table>
Table 4: Ground vibration limits</td><td>Site inspection and interviews with auditees 16/06/2026</td><td>Auditee indicates that no blasting has been undertaken at the mine during the audit period.</td><td>Not triggered</td></tr>
<tr><td>4-11</td><td>The Applicant must ensure that the peak vector sum from blasting at the development does not exceed 2mm/s at the sandstone overhang/rock shelter site C-S-1 without the written approval of the Planning Secretary.
Notes:
For more information on C-S-1 see Appendix 4.
Prior to seeking approval from the Planning Secretary to exceed the 2mm/s peak
particle velocity limit at the sandstone overhang/rock shelter site C-S-1, the Applicant must undertake a structural assessment of the site C-S-1, in consultation with Heritage NSW and EPA to determine alternate limits for future operations.
If further archaeological studies confirm that C-S-1 does not have archaeological significance, this requirement shall cease to apply.</td><td>Site inspection and interviews with auditees 16/06/2026</td><td>Auditee indicates that no blasting has been undertaken at the mine during the audit period.</td><td>Not triggered</td></tr>
<tr><td>4-12</td><td>Blasting Hours
The Applicant must only carry out blasting at the development between 9 am and 3 pm Monday to Friday inclusive. No blasting is allowed on public holidays or any other time without the written approval of EPA.</td><td>Site inspection and interviews with auditees 16/06/2026</td><td>Auditee indicates that no blasting has been undertaken at the mine during the audit period.</td><td>Not triggered</td></tr>
<tr><td>4-12A</td><td>Prior to any blasting under Modification 5, the Applicant must give at least 2 weeks written notice to the Planning Secretary.</td><td>Site inspection and interviews with auditees 16/06/2026</td><td>Auditee indicates that no blasting has been undertaken at the mine during the audit period.</td><td>Not triggered</td></tr>
</table>

<table>
<tr><td>4-13</td><td>Public Notice
13. During the life of the development, the Applicant must:
(a) notify anyone who registers an interest in being notified about the blasting schedule at the development;
(b) operate a blasting hotline, or alternative system agreed to by the Planning Secretary, to enable the public to get up-to-date information on blasting operations at the development; and
(c) publish a notice about this hotline or system in a local newspaper on at least a 6- monthly basis.</td><td>Site inspection and interviews with auditees 16/06/2026</td><td>Auditee indicates that no blasting has been undertaken at the mine during the audit period.</td><td>Not triggered</td></tr>
<tr><td>4-14</td><td>Blast Management Plan
Within 3 months of the date of this consent, the Applicant must prepare (and then implement) a Blast Management Plan for the development, in consultation with Rail Corporation, Council, and the landowners of the Hillcroft and Forest Lodge properties (see Appendix 3), and to the satisfaction of the Planning Secretary. This plan must:
(a) describe what measures would be implemented to minimise the potential blasting impacts of the development on the Wallerawang-Gwabegar Railway Line, Red Springs Road, and the land on Hillcroft and Forest Lodge properties (see Appendix 3) that may be within 500 metres of any blasting carried out at the development;
(b) monitor the performance of these measures; and
(c) describe what procedures would be followed to address any blasting-related impacts.</td><td>Site inspection and interviews with auditees 16/06/2026RFI
Plan, Blast Management Plan for Coalpac Pty Limited Rev 3, 14/12/2009</td><td>Auditee indicates that no blasting has been undertaken at the mine during the audit period or is likely to occur in the future.
Stakeholder correspondence is included in Appendix A of the 2009 Blast Management Plan. This was prepared under previous mine ownership and was accepted by department of planning at the time.
The mine may consider reviewing this condition and consult or seek exemption as no blasting is expected to occur.</td><td>Compliant</td></tr>
<tr><td>4-15</td><td>Blast Monitoring
The Applicant must monitor the blasting impacts of the development at representative locations around the site, using the specified units of measure, frequency, sampling method, and location in Table 5.
<table><tr><th>Parameter</th><th>Units of Measure</th><th>Frequency</th><th>Sampling Method</th><th>Measurement Location</th></tr><tr><td>Airblast overpressure</td><td>dB(Lin Peak)</td><td>During every blast</td><td>AS2187.2-1993[1]</td><td>Not less than 3.5 m from a building or structure</td></tr><tr><td>Peak Vector Sum (PVS)</td><td>Mm/s</td><td>During every blast</td><td>AS2187.2-1993</td><td>Not more than 30m from a building or structure</td></tr></table>Table 5: Airblast overpressure and ground vibration monitoring</td><td>Site inspection and interviews with auditees 16/06/2026</td><td>Auditee indicates that no blasting has been undertaken at the mine during the audit period.</td><td>Not triggered</td></tr>
<tr><td>4-16</td><td>16. The Applicant must monitor the ground vibration impacts at the sandstone overhang/rock shelter site C-S-1 (see Appendix 4) to the satisfaction of the Planning Secretary.
Note: If further archaeological studies confirm that C-S-1 (see Appendix 4) does not have archaeological significance, this requirement shall cease to apply
.</td><td>Site inspection and interviews with auditees 16/06/2026</td><td>Auditee indicates that no blasting has been undertaken at the mine during the audit period.</td><td>Not triggered</td></tr>
<tr><td>4-17</td><td>Within 3 months of the date of this consent, the Applicant must prepare (and then implement) a Blast Monitoring Program for the development, in consultation with the EPA, and to the satisfaction of the Planning Secretary.
Note: This program must include provisions for reporting the date, time, PVS, dB(Lin Peak) and wave form trace for each blast.</td><td>Site inspection and interviews with auditees 16/06/2026Blast management plan RFI table 3</td><td>Auditee indicates that no blasting has been undertaken at the mine during the audit period.

Non compliance: No program or evidence of consultation. Program (and plan) requires consultation as per 2025 mod. This program is likely to form part of the Blast management plan as per condition n 4-14
Recommendation: Noting that the auditee indicates that blasting has not occurred and is unlikely to occur, consultation With the required parties is recommended to confirm requirements</td><td>Non Compliant</td></tr>
<tr><td>4-18</td><td>Property Inspection
Prior to blasting within 2 km of any residence, the Applicant must notify the landowner that they are entitled to a property inspection. If the Applicant receives a written request for a property inspection from any landowner within 2 km of the active mining area, the Applicant must:
(a) within 14 days of receiving the request, commission a suitably qualified person, whose appointment has been approved by the Planning Secretary, to inspect the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and
(b) give the landowner a copy of this property inspection report within 14 days of receiving the report.</td><td>Site inspection and interviews with auditees 16/06/2026</td><td>Auditee indicates that no blasting has been undertaken at the mine during the audit period.</td><td>Not triggered</td></tr>
</table>

<table>
<tr>
<td>4-19</td>
<td>Property Investigations
If any landowner within a 2 km radius of the active mining area claims that his/her property has been damaged as a result of blasting at the development, the Applicant must:
(a) within 14 days of receiving this claim in writing, commission a suitably qualified person whose appointment has been approved by the Planning Secretary to investigate the claim; and
(b) give the landowner a copy of the property investigation report within 14 days of receiving the report.
If this independent investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damages to the satisfaction of the Planning Secretary.
If the Applicant or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.
If the matter cannot be resolved within 21 days, the Planning Secretary shall refer the matter to an Independent Dispute Resolution Process (See Appendix 5).</td>
<td>Site inspection and interviews with auditees 16/06/2026</td>
<td>Auditee indicates that no blasting has been undertaken at the mine during the audit period.</td>
<td>Not triggered</td>
</tr>
<tr>
<td>4-20</td>
<td>AIR QUALITY
Impact Assessment Criteria
The Applicant must ensure that the air pollution generated by the development does not cause any additional exceedances of the criteria listed in Tables 6, 7, and 8 at any privately owned land.
<table>
<tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr>
<tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>a, c 90 µg/m³</td></tr>
<tr><td>Particulate matter < 10 µm (PM_{10})</td><td>Annual</td><td>a, c 25 µg/m³</td></tr>
<tr><td>Particulate matter < 2.5 µm ($PM_{2.5}$)</td><td>Annual</td><td>a,c 8 µg/m3</td></tr>
</table>
Table 6: Long term impact assessment criteria for particulate matter
<table>
<tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr>
<tr><td>Particulate matter < 10 µm (PM_{10})</td><td>24 hour</td><td>b50 µg/m³</td></tr>
<tr><td>Particulate matter < 2.5 µm (PM2.5)</td><td>24 hour</td><td>b25 µg/m³</td></tr>
</table>
Table 7: Short term impact assessment criterion for particulate matter
<table>
<tr><th>Pollutant</th><th>Averaging period</th><th>Maximum increase in deposited dust level</th><th>Maximum total deposited dust level</th></tr>
<tr><td>dDeposited dust</td><td>Annual</td><td>b2 g/m²/month</td><td>a4 g/m²/month</td></tr>
</table>
Table 8: Long term impact assessment criteria for deposited dust
Note:
a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).
b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).
c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed to by the Secretary.
d Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.</td>
<td>Site inspection and interviews with auditees 16/06/2026
Plan, CVM Air Quality Management Plan rev 2 20/08/2026
Spreadsheet, Air monitoring data, 05/01/2023 to 07/05/2026 (every 6 days or make-up dates when missed)
Spreadsheet, Dust monitoring data, 08/12/2023 to 08/04/2026 showing monthly averages
Letter, CVM to DPHI notifying exceedance for air quality (under Sch 4 cond 20) on 10 May 2024, sent 15/07/2024
Letter, CVM to DPHI notifying exceedance for air quality (under Sch 4 cond 20) on 29 May 2024, sent 09/08/2024
Letter, CVM to DPHI notifying exceedance for air quality (under Sch 4 cond 20) on 5 Dec 2024, sent 20/01/2025
Letter, DPHI to CVM PA-47 notifying approval of Air Quality Management Plan Oct 2025, 28/04/2026
Letter, CVM to DPHI providing detailed report follow up to PA-36 exceedance for air quality (under Sch 4 cond 20) on 10 May 2024, sent 22/07/2024
Letter, CVM to DPHI providing detailed report follow up to exceedance for air quality (under Sch 4 cond 20) on 29 May 2024, sent 09/07/2024
Letter, DPHI to CVM acknowledging exceedance reported for 10 May 2024 and no further action PA-37 17/08/2024
Spreadsheet, incident register showing 3x non compliances for air quality on 03/02/2026, 15/03/2026, 20/04/2026 indicating notifications sent (PA-58, PA-59 and PA-65)</td>
<td>Non-compliance: There have been a number of exceedances of the criteria defined in Schedule 4 condition 20 during the audit period.
Recommendation: The auditee has undertaken regular monitoring of air quality. Reported exceedances have been correlated to external factors and not the mine (e.g. bushfire), however the auditee is required to ensure that air pollution generated by the development does not cause any additional exceedances of the criteria listed in Tables 6, 7, and 8 at any privately owned land. It is recommended that as mining production recommences that dust mitigation measures are reestablished.</td>
<td>Non Compliant</td>
</tr>
</table>

4-21	Operating conditions The Applicant must: (a) take all reasonable steps to: minimise odour, fume, and dust (including PM10 and PM2.5) emissions of the development; minimise any visible off-site air pollution generated by the development; minimise the extent of potential dust generating surfaces exposed on the site at any given point in time; and improve energy efficiency and minimize Scope 1 and Scope 2 greenhouse gas emissions generated by the development; (b) operate a comprehensive air quality management system that uses a combination of meteorological forecasting and air quality monitoring to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent; (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 6 above); (d) carry out routine air quality monitoring in accordance with the methodology listed in Table 12, no less frequently than every month (unless otherwise agreed with the Planning Secretary) to determine whether the development is complying with the relevant conditions in this consent; and (e) regularly assess meteorological and air quality monitoring data and relocate, modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.	Spreadsheet, Air monitoring data, 05/01/2023 to 07/05/2026 (every 6 days or make-up dates when missed) Spreadsheet, Dust monitoring data, 08/12/2023 to 08/04/2026 showing monthly averages Plan, CVM Air Quality Management Plan rev 2 20/08/2026 Refer to evidence in schedule 4, condition 60 Greenhouse gas Complaints register 2026 Complaints register 2025 Complaints register 2024 Complaints register 2023 Complaints register 2022	Evidence provided of 6 day rolling monitoring of air quality 2023 to 2026 and dust monthly averages 2023 to 2026 indicating compliance with condition 21-d) There have been at least 33 complaints received relating to odour during the audit period. A significant number of these appear to be related to the identified subsurface heating issue. Note this was also raised during the last audit period so has been an issue for a number of years. 2026 – 6 complaints. Odour from heating areas x 5 complaints, dust from vehicle on haul road x 1 complaint 2025 – 30 complaints. Odour from heating area x 15 2024 – 18 complaints. Odour x 9 2023 – 16 complaints. Air quality x 3, odour x 4 Daily prestart include daily weather conditions Daily management meetings (include environment manager) include dust and meteorological conditions. Environment manager and operational manager constantly monitoring an managing as required. Odour mitigation has not been able to be implemented effectively due to subsurface Heating issue- to be resolved In November 2025, the Resources Regulator (RR) requested that CVM provide a strategy for the management of heating at CVM that included measurable targets, timelines and on ground actions beginning immediately. Failure to do so would result in Regulatory action under the Mining Act (1992). In response, CVM developed and submitted a CVM Heating Area Remediation Strategy which included 2026 actions for implementation which has yet to be implemented to rectify the issue. The mine has prepared a Heating Area Remediation Strategy in 2026 which has yet to be implemented to rectify the issue. **Non-compliance**: there has been an ongoing odour issue (as per condition 21 (a) dot point 1) at the site related to subsurface heating and the issue remains unresolved. **Recommendation**: This matter is causing ongoing issues and requires mitigation. It is noted that CVM have prepared a subsurface heating remediation strategy in February 2026; however, this has not been implemented at time of audit	Non Compliant
4-22	The Applicant must ensure that all loaded trucks leaving the site are covered at all times.	Toolbox talk on traffic and neighbours.	No loaded trucks are leaving the site. Weekly inspections of trucks and roads undertaken when mine will be operational.	Compliant

<table>
<tr>
<td>4-23</td>
<td>Minimisation of Visible Dust
The Applicant must regularly monitor the development for visible dust; and if visible dust is being generated on-site, then the Applicant must relocate, modify, and/or stop mining operations to minimise adverse dust impacts occurring on any privately-owned land.</td>
<td>RFI12
Spreadsheet, Air monitoring data, 05/01/2023 to 07/05/2026 (every 6 days or make-up dates when missed)
Spreadsheet, Dust monitoring data, 08/12/2023 to 08/04/2026 showing monthly averages
Plan, CVM Air Quality Management Plan rev 2 20/08/2026
23/09/2025 Environmental Inspection
23/16/2025 Environmental Inspection
26/11/2025 Environmental Inspection
30/12/2025 Environmental Inspection
Website has monitoring records retained for:
Monthly environmental reports including dust 2015-2026
Annual reviews 2014-2026
Complaints register 2026
Complaints register 2025
Complaints register 2024
Complaints register 2023
Complaints register 2022</td>
<td>The auditee provided evidence of regular environmental inspections implemented on this site from 2025
2026 – 6 complaints. Dust from vehicle on haul road x 1 complaint
2025 – 30 complaints. No dust complaints
2024 – 18 complaints. NO dust complaints
2023 – 16 complaints. Air quality x 3 complaints
The auditee indicated that as mining operations recommence, mitigation of dust generation would be implemented to minimise potential impacts</td>
<td>Compliant</td>
</tr>
<tr>
<td>4-24</td>
<td>Land Acquisition Criteria
The land acquisition criteria for air pollution generated by the development are listed in Tables 9, 10, and 11.
<table><tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr><tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>90 µg/m^3</td></tr><tr><td>Particulate matter < 10 µm (PM_{10})</td><td>Annual</td><td>25 µg/m^3</td></tr></table>Table 9: Long term land acquisition criteria for particulate matter
<table><tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th><th>Percentile[1]</th><th>Basis</th></tr><tr><td>Particulate matter < 10 µm (PM_{10})</td><td>24 hour</td><td>150 µg/m^3</td><td>99[2]</td><td>Total[3]</td></tr><tr><td>Particulate matter < 10 µm (PM_{10})</td><td>24 hour</td><td>50 µg/m^3</td><td>98.6</td><td>Increment[4]</td></tr></table>Table 10: Short term land acquisition criteria for particulate matter
[1]Based on the number of block 24 hour averages in an annual period.
[2]Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Planning Secretary in consultation with the EPA.
[3]Background PM_{10} concentrations due to all other sources plus the incremental increase in PM_{10} concentrations due to the mine alone.
[4]Incremental increase in PM_{10} concentrations due to the mine alone.
<table><tr><th>Pollutant</th><th>Averaging period</th><th>Maximum increase in deposited dust level</th><th>Maximum total deposited dust level</th></tr><tr><td>Deposited dust</td><td>Annual</td><td>2 g/m^2/month</td><td>4 g/m^2/month</td></tr></table>Table 11: Long term land acquisition criteria for deposited dust
Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.</td>
<td>Site inspection and interviews with auditees 16/06/2026</td>
<td>N/A</td>
<td>Not triggered</td>
</tr>
</table>

<table>
<tr>
<td>4-25</td>
<td>Monitoring
The Applicant must monitor the air quality impacts of the development at representative locations around the site, using the specified averaging period, frequency, and sampling method in Table 12 to the satisfaction of EPA and the Planning Secretary
<table>
<tr><th>Pollutant</th><th>Units of Measure</th><th>Averaging Period</th><th>Frequency</th><th>Sampling method[1]</th></tr>
<tr><td>PM_{10}</td><td>µg/m³</td><td>24 hour, annual</td><td>Continuous and 1 day in 6</td><td>AS3580.9.8 – 2001[2] AM-18</td></tr>
<tr><td>TSP</td><td>µg/m³</td><td>24 hour, annual</td><td>1 day in 6</td><td>AM-15</td></tr>
<tr><td>Dust Deposition</td><td>g/m²/month</td><td>Month, annual</td><td>Continuous</td><td>AM-19</td></tr>
<tr><td>Siting</td><td>-</td><td>-</td><td>-</td><td>AM-1</td></tr>
</table>
Table 12: Air quality monitoring</td>
<td>Site inspection and interviews with auditees 16/06/2026
Spreadsheet, Air monitoring data, 05/01/2023 to 07/05/2026 (every 6 days or make-up dates when missed)
Spreadsheet, Dust monitoring data, 08/12/2023 to 08/04/2026 showing monthly averages
Plan, CVM Air Quality Management Plan rev 2 20/08/2026
Monthly environmental monitoring data January 2015 to April 2026</td>
<td>Evidence provided of 6 day rolling monitoring of air quality 2023 to 2026 and dust monthly averages 2023 to 2026
The monthly monitoring data is published on the website and includes monitoring results on depositional dust, PM10 and TSP
Representative locations set out in air quality management plan and compliant.
Note the auditee self-reported the following incidences during the audit period.
Between 25 June and 6 August 2025 PM10 and Total Suspended Particulates were not monitored (catch up events were undertaken)
From January 2024 to March 2024 PM10 and Total Suspended Particulates were not monitored.
error had occurred during analysis of the January depositional dust samples resulting in loss of all results for the month of January 2023.
technicians did not attend site to carry out collection and routine filter changes after some scheduled HVAS runs between July and October 2023
Inability to analyse the filter papers resulted in PM10 & TSP data as unable to be determined 3rd, 9th, 15th and 21st of August 2023

Non-compliance: The monitoring is non-compliant with the frequency requirements set out in schedule 4 condition 25.
Recommendation: It is noted that the mine generally is consistent with the intent of monitoring air quality and is proactive since 2024 in self-reporting non-compliance. Mine to confirm with EPA/ DPHI frequency requirements or a suitable correlation</td>
<td>Non Compliant</td>
</tr>
<tr>
<td>4-26</td>
<td>Within 3 months of the date of this consent, the Applicant must prepare, and then implement, an Air Quality Monitoring Program for the development to the satisfaction of the Planning Secretary.
1 NSW EPA, 2001, Approved Methods for the Sampling and Analysis of Air Pollutants in NSW.
2Standards Australia, 2001, AS3580.9.8-2002, Method for Sampling and Analysis of Ambient Air - Determination of Suspended Particulate Matter - PM10 Continuous Direct Mass Method using a Tapered Element Oscillating Microbalance Analyser, or any other method that is approved by the EPA and the Planning Secretary.</td>
<td>Site inspection and interviews with auditees 16/06/2026
Plan, CVM Air Quality Management Plan rev 2 20/08/2026
Letter DPHI to CVM PA47 28/04/2026
Spreadsheet, Air monitoring data, 05/01/2023 to 07/05/2026 (every 6 days or make-up dates when missed)
Spreadsheet, Dust monitoring data, 08/12/2023 to 08/04/2026 showing monthly averages</td>
<td>PA-47 Submission dated 09/10/2025 resubmitted plan with in 3 months of the mod.</td>
<td>Compliant</td>
</tr>
</table>

<table>
<tr>
<td>4-27</td>
<td>OFFENSIVE ODOUR
The Applicant must not cause or permit the emission of offensive odour beyond the boundary of the site in accordance with section 129 of the Protection of the environment Operations Act 1997</td>
<td>Site inspection and interviews with auditees 16/06/2026
Complaints register, 2023, 2024 2025, 2026
2026 – 6 complaints.
Odour from heating areas x 5 complaints,
2025 – 30 complaints.
Odour from heating area x 15,
2024 – 18 complaints.
Odour x 9
2023 – 16 complaints.
odour x 4</td>
<td>The previous audit in 2022 raised a finding on the issue of odour complaints and subsurface heating. This issue has continued through this audit period and there have been 33 recorded complaints relating to odour releases during the audit period, totalling 47% of all recorded complaints received. Odour complaints that have been received all appear to relate to odour from the heating area which is a known issue by the mine.
In November 2025, the Resources Regulator (RR) requested that CVM provide a strategy for the management of heating at CVM that included measurable targets, timelines and on ground actions beginning immediately. Failure to do so would result in Regulatory action under the Mining Act (1992). In response, CVM developed and submitted a CVM Heating Area Remediation Strategy which included 2026 actions for implementation which has yet to be implemented to rectify the issue.
Areas of subsurface heating were observed within rehabilitation areas including smoke and odour.

Non-compliance: there has been an ongoing odour issue at the site due to subsurface heating
Recommendation: This matter is causing ongoing issues and requires resolution as per the Heating area strategy prepared in 2026.</td>
<td>Non Compliant</td>
</tr>
<tr>
<td>4-28</td>
<td>METEOROLOGICAL MONITORING
Within 3 months of the date of this consent, or as otherwise agreed, the Applicant must establish a permanent meteorological station at a location approved by the EPA, and to the satisfaction of the Planning Secretary, to monitor the parameters in Table 13, using the specified units of measure, averaging period, frequency, and sampling method.

<table>
<tr><th>Parameter</th><th>Units of measure</th><th>Averaging period</th><th>Frequency</th><th>Sampling method[1]</th></tr>
<tr><td>Lapse rate</td><td>°C/100m</td><td>1 hour</td><td>Continuous</td><td>Note[2]</td></tr>
<tr><td>Rainfall</td><td>mm/hr</td><td>1 hour</td><td>Continuous</td><td>AM-4</td></tr>
<tr><td>Sigma Theta @ 10 m</td><td>°</td><td>1 hour</td><td>Continuous</td><td>AM-2</td></tr>
<tr><td>Siting</td><td>-</td><td>-</td><td>-</td><td>AM-1</td></tr>
<tr><td>Temperature @ 10 m</td><td>K</td><td>1 hour</td><td>Continuous</td><td>AM-4</td></tr>
<tr><td>Temperature @ 2 m</td><td>K</td><td>1 hour</td><td>Continuous</td><td>AM-4</td></tr>
<tr><td>Total Solar Radiation @ 10m</td><td>W/m²</td><td>1 hour</td><td>Continuous</td><td>AM-4</td></tr>
<tr><td>Wind Direction @ 10 m</td><td>°</td><td>1 hour</td><td>Continuous</td><td>AM-2</td></tr>
<tr><td>Wind Speed @ 10 m</td><td>m/s</td><td>1 hour</td><td>Continuous</td><td>AM-2</td></tr>
</table>
Table 13: Meteorological monitoring

[1] NSW EPA, 2001, Approved Methods for the Sampling and Analysis of Air Pollutants in NSW.
[2]The Applicant must calculate lapse rate from measurements made at 2m and 10m.</td>
<td>Site inspection and interviews with auditees 16/06/2026
Cullen Valley Mine Environmental Monitoring Program for Shoalhaven Coal Pty Ltd rev 2 17/12/2025
Cullen valley mine annual review 2025 1 January 2025 to 31 December 2025 Chapter 6.2
Cullen valley mine annual review 2024 1 January 2025 to 31 December 2025 Chapter 6.2
Cullen valley mine annual review 2023 1 January 2023 to 31 December 2023 Chapter 6.2
Cullen valley mine annual review 2022 1 January 2022 to 31 December 2022 Chapter 6.2</td>
<td>Meteorological Station was originally established in March 2000. A new meteorological station was installed in 2018 prior to this audit period. the CVM weather station (CMET2) is located at the stone cottage to the compensatory habitat area. A monthly summary of data obtained from the meteorological station is included in the CVM Annual Reviews for the audit period</td>
<td>Compliant</td>
</tr>
</table>

4-29	FLORA AND FAUNA Compensatory Habitat Within the limits of best practice flora and fauna management, the Applicant must conserve, manage and maintain at least 50 hectares of land on or adjacent to the site to the satisfaction of the Planning Secretary to compensate for the vegetation that would be removed by the development, in general accordance with the proposal contained in the Applicant's correspondence to the Department dated 20 May 2004 (see Appendix 2).	Site inspection and interviews with auditees 16/06/2026 Plan, Cullen valley Mine Flora and fauna Management plan Rev 01, Shoalhaven coal Pty Ltd, 04/12/2025 – Chapter 2.2.2 Cullen Valley Mine Environmental Monitoring Program for Shoalhaven Coal Pty Ltd rev 2 17/12/2025 Cullen valley mine annual review 2025 1 January 2025 to 31 December 2025 Chapter 6.5.2 Biodiversity monitoring Cullen valley mine annual review 2024 1 January 2025 to 31 December 2025 Chapter 6.6 Cullen valley mine annual review 2023 1 January 2023 to 31 December 2023 Chapter 6.6 Cullen valley mine annual review 2022 1 January 2022 to 31 December 2022 Chapter 6.6 Email Atlantech to CVM 17/06/2026 re rehabilitation areas and compensatory habitat areas mapping	The Flora and fauna Management plan chapter 2 Compensatory Habitat Area Management Plan states that the CHA is over 50 ha in size, and contains a mixture of Sandstone Dry Ridgetop Woodland, Tablelands Sheltered Valley Forest. The environmental monitoring program includes planning for Compensatory habitat areas. The published annual reports include in chapter 6 results and commentary on the annual CHA ecological inspections. The areas of retained bushland appeared to be in generally good condition and relatively free of invasive weeds. An area of disturbance was noted in the southern area near the gate where a laydown area and access track has been created. This area appears to encroach on the defined CHA, though it is not clear as signage is not present to define CHA. Further GIS mapping provided by Atlantech to the auditee on 17/06/2026 indicate that the total mapped area of the CHA is only 40.3 hectares. **Non compliance:** There is no defined mechanism to secure the site area at 50ha as required. Observation made during site audit of clearing encroaching on compensatory habitat area. Actual area is unclear as the area is not clearly defined. The area appears to be less than the required 50ha based on mapping provided **Recommendation**: Confirm and implement a method to secure the compensatory habitat area at least 50Ha.	Non Compliant
4-30	Flora and Fauna Management Plan Within 12 months of the date of this consent, the Applicant must prepare, and then implement, a Flora and Fauna Management Plan for the development, in consultation with CPHR, and to the satisfaction of the Planning Secretary. This plan must include a: (a) Compensatory Habitat Plan; (b) Vegetation Clearance Protocol; (c) Weed Management Strategy; (d) Ecological Monitoring Program; and (e) description of who would be responsible for monitoring, reviewing, and implementing the plan.	Site inspection and interviews with auditees 16/06/2026 Plan, Cullen valley Mine Flora and fauna Management plan Rev 01, Shoalhaven coal Pty Ltd, 04/12/2025 Cullen valley Mine Flora and fauna Management plan for Shoalhaven Coal Pty Ltd, JBA 20/04/2022 _ss Plan, Cullen valley Mine, Species management plan for Clandulla geebung Rev 01, Shoalhaven Coal Pty Ltd, 04/12/2025 Spreadsheet, Management plan revision tracker, CVM Cullen valley mine annual review 2025 1 January 2025 to 31 December 2025 Chapter 6.2 Cullen valley mine annual review 2024 1 January 2025 to 31 December 2025 Chapter 6.6 Cullen valley mine annual review 2023 1 January 2023 to 31 December 2023 Chapter 6.6 Cullen valley mine annual review 2022 1 January 2022 to 31 December 2022 Chapter 6.6	The auditee provided a copy of the Flora and Fauna Management Plan. Plan was revised in 2025 with minor updates only so not resubmitted to DPHI. Previous submission was in 2022 submitted to DPHI 15/02/2022. Original submission unable to be verified as in 2003. – previous audit period. This is also published on the CVM website. The plan includes: Chapter 2 Compensatory Habitat Plan Chapter 3 Vegetation Clearance Protocol Chapter 4 Weed management strategy Chapter 5 Ecological Monitoring program Chapter 7 Roles and responsibilities and Chapter 8 Review and reporting **Observation**: The plan appears to meet the condition requirements. There is no evidence that the FFMP has been prepared in consultation with CPHR. **Recommendation**: Resubmit current plan to DPHI and undertake consultation with CPHR as required in current conditions.	Compliant

4-31	The Compensatory Habitat Plan must: (a) describe the immediate and long-term compensatory habitat proposal, and demonstrate how this proposal would be integrated with the proposed rehabilitation of the site and surrounding areas of remnant vegetation; (b) identify strategies to protect areas excluded from open cut mining from disturbance during mining operations; (c) identify options for the permanent protection of areas of compensatory habitat; (d) provide baseline data on the existing flora and fauna in the proposed compensatory habitat areas; (e) describe how the compensatory habitat proposal would be implemented; and (f) set completion criteria for the compensatory habitat proposal.	Plan, Cullen valley Mine Flora and fauna Management plan Rev 01, Shoalhaven coal Pty Ltd, 04/12/2025 – Chapter 2 Cullen Valley Mine Environmental Monitoring Program for Shoalhaven Coal Pty Ltd rev 2 17/12/2025 Cullen valley mine annual review 2025 1 January 2025 to 31 December 2025 Chapter 6.5.2 Biodiversity monitoring Cullen valley mine annual review 2024 1 January 2025 to 31 December 2025 Chapter 6.6 Cullen valley mine annual review 2023 1 January 2023 to 31 December 2023 Chapter 6.6 Cullen valley mine annual review 2022 1 January 2022 to 31 December 2022 Chapter 6.6	The 2025 revision of the Flora and Fauna Management Plan (current) includes in Chapter 2 a Compensatory Habitat Management Plan; this plan indicates that the area of compensatory habitat surrounds the CVM mining lease holding. This area is adjacent to both rehabilitated mine land and the neighbouring Gardens of Stone State Conservation Area, on land owned by Castlereagh Coal. A separate Conservation Area for the Clandulla Geebung (Persoonia marginata) has also been established in the north-west of the CVM approval boundary. A0, b) and c) Section 2.2.5 of the Plan sets out CHA permanent protection of the CHA via it being on land which is owned by Castlereagh Coal. Two options which are expected to be available for the long-term permanent protection of the CHAs, including: A Biodiversity Stewardship Agreements (BSA) under Part 5, Division 2 of the Biodiversity Conservation Act 2016 (BC Act); or A Conservation Agreement under Part 5, Division 3 of the BC Act. These options for permanent protection of the CHAs will be reviewed by Castlereagh Coal to identify the most appropriate permanent protection pathway to be implemented d) and e) Section 2.2.2 of the plan states that the CHA is over 50 ha in size, and contains a mixture of Sandstone Dry Ridgetop Woodland, Tablelands Sheltered Valley Forest, and Tablelands Dry Woodland f) Section 2.2.4 defines the long-term objective of the CHA management actions is to achieve the completion criteria outlined in Section 2.2.3. Section 2.3 of the Plan sets out CHA monitoring requirements and methodology, and section 2.4 indicates that reporting will be included in each Annual Review. The reporting on CHA monitoring is included in each annual review published during the audit period and on the website. **Observation**: While the plan generally meets the requirements of Sch. 4 condition 31, there is no definitive documentation to confirm that this land is 50ha in size, and effectively conserved in long term (refer to finding against condition 4-29) **Recommendation**: Confirm and implement a method to secure the compensatory habitat area at least 50Ha and update plan	Compliant

4-32	The Vegetation Clearance Protocol must include: (a) plans showing the vegetation communities in the area, highlighting important fauna habitat areas and threatened species locations; the areas to be cleared; and the proposed clearing program; (b) procedures for progressive vegetation clearing and soil management; (c) strategies for minimising vegetation clearance within the development area and protection of vegetated areas outside that area; (d) identification of fauna management strategies; (e) collection of seed from the local area; (f) salvage and reuse of material from the site; (g) a habitat tree management program, including fauna recovery procedures; (h) potential for relocation of hollow bearing trees, compensatory management measures (such as replacement of lost hollows with nesting boxes); and (i) where possible, strategies for re-using individuals or populations of any threatened plant species that would otherwise be destroyed by the development in rehabilitation works.	Site inspection and interviews with auditees 16/06/2026 Cullen valley Mine Flora and fauna Management plan Rev 01, Shoalhaven coal Pty Ltd, 04/12/2025 – Chapter 3 Report, Cullen Valley Mine 2025 Biodiversity Monitoring Rev 227/03/2026 Atlantech	The 2025 revision of the Cullen valley Mine Flora and fauna Management plan includes in Chapter 3 the Vegetation Clearing Protocol. The Plan shows locations of known vegetation communities at the site. Section 3.1 states that no proposed clearing is associated with the mining of remnant coal at CVM but then sets out a contingent clearing protocol if required. This meets the requirement of item b) and c) 3.1.1 Fauna Recovery Procedure 3.1.2 Hollow-bearing Tree Management Program 3.1.3 Controlled Felling of Trees 3.12 Vegetation Protection 3.3 Threatened species 3.4 topsoil management	Compliant
4-33	The Weed Management Strategy must include: (a) weed identification; (b) weed eradication methods and protocols for the use of herbicides; and (c) methods to treat and re-use weed infested topsoil	Site inspection and interviews with auditees 16/06/2026 Plan, Cullen valley Mine Flora and fauna Management plan Rev 01, Shoalhaven coal Pty Ltd, 04/12/2025 – Chapter 4 Spreadsheet Biosecurity register (Weed and Pest control) Showing application of chemical spraying between August 2024 and March 2026, and feral pest sightings	The 2025 revision of the Cullen valley Mine Flora and fauna Management plan includes in Chapter 4 The weed management strategy. This section includes: 4.4 Weed identification of those known at CVM (a) 4.5 Weed management measures including legal obligations, prevention and treatment and monitoring (b) 3.4 Topsoil management (c) No major weed issues noted on site.	Compliant
4-34	The Ecological Monitoring Program must include: (a) a program to monitor revegetation of disturbance areas including: visual monitoring to determine the need for maintenance and/or contingency measures; monitoring of the quality of rehabilitation using a systems based approach through the assessment of landscape function, vegetation dynamics and habitat complexity; and (b) a program to monitor the effectiveness of rehabilitation	Site inspection and interviews with auditees 16/06/2026 Plan, Cullen valley Mine Flora and fauna Management plan Rev 01, Shoalhaven coal Pty Ltd, 04/12/2025 – Chapter 5 Plan, Cullen Valley Mine Environmental Monitoring Program for Shoalhaven Coal Pty Ltd Rev02, 17/12/2025 chapter 2.7 ecology	The 2025 revision of the Cullen valley Mine Flora and fauna Management plan includes in Chapter 5 The Ecological Monitoring Program. This includes: 5.2 Rehabilitation monitoring including visual monitoring methodology (a) 5.3 Habitat Compensation Area Monitoring including methodologies and techniques for survey (b) Observed rehabilitation areas, extensive regrowth has occurred but areas where subsurface heating is occurring are causing dieback – this requires ongoing management and future rehabilitation as per RCE and forward program. Monthly rehabilitate inspections and annual report summarises findings including dieback.	Compliant
4-35	Annual Review The Applicant must: (a) review the performance of the Flora and Fauna Management Plan annually; and (b) revise the document as necessary to take into account any recommendations from the annual review to the satisfaction of the Planning Secretary.	Site inspection and interviews with auditees 16/06/2026 Plan, Cullen valley Mine Flora and fauna Management plan Rev 01, Shoalhaven coal Pty Ltd, 04/12/2025 – Chapter 8 Cullen valley mine annual review 2025 1 January 2025 to 31 December 2025 Chapter 6.5 Cullen valley mine annual review 2024 1 January 2025 to 31 December 2025 Chapter 6.6 Cullen valley mine annual review 2023 1 January 2023 to 31 December 2023 Chapter 6.6 Cullen valley mine annual review 2022 1 January 2022 to 31 December 2022 Chapter 6.6	The 2025 revision of the Cullen valley Mine Flora and fauna Management plan includes in Chapter 8.1.1 Annual reporting will include CVM Annual Review to be provided to DPHI, NSW Resources – Resources Regulator (RR), EPA, LCC and the representatives of the mine CCC The annual reviews have been undertaken annually during the audit period. The FFMP section 8.3 states that s FFMP will be reviewed on at least a five yearly basis to ensure that it remains consistent with operations - The latest revision to the FFMP was 04/12/2025 within the defined timeframe. The annual reports have the required information and are published annually and contain appropriate detail.	Compliant

4-36	Independent Audit Within 2 years of the date of this consent, and every 5 years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission, and pay the full cost of, an Independent Audit of the compensatory habitat proposal. This audit must: (a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been approved by the Planning Secretary; (b) assess the performance of the compensatory habitat proposal; (c) review the adequacy of the Flora and Fauna Management Plan; and, if necessary d) recommend actions or measures to improve the performance of the compensatory habitat proposal, and the adequacy of the Fauna and Flora Management Plan. The plans must cover the development area and extend to vegetation in adjoining areas where this is both contiguous with the development and contains important fauna habitat areas and/or threatened species.	Site inspection and interviews with auditees 16/06/2026 Report, Independent environmental Audit, Caras, 04/03/2022 Cullen Valley Mine (CVM) - Independent Environmental Audit 2022 Response to Recommendations	The previous audit undertaken by Caras in 2022 included an audit of the compensatory habitat and made recommendations: that CVM include an explicit plan for the short-, medium- and long-term management of the compensatory habitat in future AEMR reports. that marking, and signage should be installed to clearly identify these nominated locations. In response to these audit recommendations, CVM made the following undertakings: CVM will provide an account in the Annual review of the Annual Biodiversity Monitoring Report outcomes which includes assessment of the Compensatory Habitat, and further, consult with its ecologists toward and required revision, if necessary, of the management plan which are currently undergoing agency consultation. CVM management plans are currently undergoing agency consultation, and required changes will be adopted in the appropriate plans This audit,16/06/2026 is within the required timeframe of the audit schedule defined in schedule 4 condition 36 allowing for the modification 5 in 2-25 and approved extension of time from DPHI	Compliant
4-37	Within 3 months of commissioning this audit, the Applicant must submit a copy of the audit report to the Planning Secretary with a detailed response to any recommendations in the audit report.	Site inspection and interviews with auditees 16/06/2026 Report, Independent environmental Audit, Caras, 04/03/2022 Cullen Valley Mine (CVM) - Independent Environmental Audit 2022 Response to Recommendations	RFI – Confirm submission to DPHI	Compliant
4-38	SUBSIDENCE Note: This development will be regulated under the new approval process for managing the impacts of coal mining subsidence under the Mining Act 1992. Before carrying out any underground mining operations that will potentially lead to subsidence of the land surface, the Applicant must prepare a Subsidence management Plan for those operations in accordance with the following documents, or their latest version: New Approval Process for Management of Coal Mining Subsidence - Policy; and Guideline for Applications for Subsidence Management Approvals, to the satisfaction of the Resource Regulator.	Site inspection and interviews with auditees 16/06/2026	Auditee indicates no current underground mining during audit period, but previous old workings exist (from pre 1960s)	Not triggered

4-39	SURFACE WATER Pollution of Waters Except as may be expressly provided by an EPL, the Applicant must comply with section 120 of the Protection of the Environment Operations Act 1997 during the carrying out of the development.	Site inspection and interviews with auditees 16/06/2026 Letter, CVM to EPA re Notification of Water Quality Exceedance at licenced discharge point 004 for TSS on 23 December 2024 sample report received 24 January 2025. 28/01/2025 Letter, CVM to EPA re Notification of Water Quality Exceedance at licenced discharge point 004 for TSS on 13 August 2024 sample report received 09 October 2025. 10/10/2025 Letter, CVM to DPHI re Notification of water quality exceedance sample report received 09 October 2025. 14/10/2025 Letter, CVM to DPHI re Notification of water quality exceedance sample report received 27 September 2025. 14/10/2025 Letter, CVM to EPA re Notification of Water Quality Exceedance at licenced discharge point 004 for iron, zinc, cobalt sample report received 27 October 2025. 27/10/2025 Email, EPA to CVM noting water quality exceedance reporting and noting that matter will remain open until CVM complete Groundwater Investigation and Surface Water Management Report, as required by EPL 10341 Pollution Reduction Program condition U1.2, 19/12/2025 Email, EPA to CVM noting water quality exceedance reporting and noting that matter will remain open until CVM complete Groundwater Investigation and Surface Water Management Report, as required by EPL 10341 Pollution Reduction Program condition U1.2, 26/11/2025 Email, EPA to CVM noting water quality exceedance reporting and noting that matter will remain open until CVM complete Groundwater Investigation and Surface Water Management Report, as required by EPL 10341 Pollution Reduction Program condition U1.2, 17/10/2025 Letter, CVM to DPHI re Notification of water quality exceedance non-compliance with schedule 4 condition 41 reporting timeframes, 01/12/2025 Letter, CVM to DPHI re Notification of water quality exceedance report received 15 December 2025. 15/12/2025 Letter, CVM to EPA re Notification of water quality exceedance report for Cobalt, Nickel, Zinc, Iron received 15 December 2025. 15/12/2025 Letter, CVM to EPA re Notification of water quality exceedance report for Cobalt, Nickel, Zinc, Iron received 15 December 2025. 15/12/2025 Letter, CVM to EPA re Notification of water quality exceedance report for Cobalt, Nickel, Zinc, Iron, TSS received 03 February 2026 03/02/2026 Letter, CVM to EPA re Notification of water quality exceedance report for Cobalt, Nickel, Zinc, Iron, TSS received 12 March 2026 16/03/2026 Letter DPHI to CVM PA-55 re Non-compliance Schedule 4, condition 41(a) accepting water quality non-compliance self-report on 01 December 2025 and acknowledging actions to be completed 13/01/2026 Letter DPHI to CVM PA-49 re Non-compliance Schedule 4, condition 41(a) accepting water quality non-compliance self-report from 14 October 2025 and acknowledging actions to be completed 15/10/2026 Letter DPHI to CVM PA-56 re Non-compliance Schedule 4, condition 41(a) accepting water quality non-compliance self-report from 15 December 2025 and acknowledging actions to be completed. 18/12/2025 Letter DPHI to CVM PA-51 re Non-compliance Schedule 4, condition 41(a) accepting water quality non-compliance self-report from 14 October 2025 and acknowledging actions to be completed and details to be in next annual review 20/11/2025 Email EPA to CVM Confirming receipt of water quality exceedance notification at LDP004 28/01/2025 Clean up notice EPL10341 #3515373 issued by EPA 18/05/2026 for exceedances of licence criteria between August 2025 and February 2026 from LDP4 on the following dates: 13 August 2025 – exceedance of cobalt and iron 20 August 2025 – exceedance of iron 27 August 2025 – exceedance of cobalt and iron 3 September 2025 – exceedance of copper and Iron 10 September 2025 – exceedance of iron 17 September 2025 – exceedance of cobalt, zinc and iron 3 December 2025 – exceedance of cobalt and iron 10 December 2025 – exceedance of cobalt, nickel, zinc, iron	The audit team and site inspection included a specialist mine hydrogeologist to assess the surface and groundwater issues at the site. The auditee has reported 5 exceedances of the defined water quality criteria from the EPL10341. The EPA in clean up notice issued defines 28 exceedances based on monitoring records Water quality criteria exceedances identified at monitoring point 004: TSS exceedance identified on 23/12/2024, results received 24/1/2025 and reported 28/01/2025 (within 7 days) TSS exceedance identified on 13/08/2024, results received 09/10/2025 and reported 10/10/2025 (within 7 days) Heavy metals exceedance, results received on 15/12/2025 and reported on 15/12/2025 Heavy metals exceedance, results received on 03/02/2026 and reported on 03/02/2026 Heavy metals and TSS exceedance, results received 122/03/2026 and reported on 16/03/2026 The EPA for EPL10341 #3515373 Clean up notice issued18/05/2026 identifies 28 exceedances based on monitoring records **Observation** Reported exceedances of the EPL water quality criteria have occurred during the audit period which could potentially have caused pollution of waters **Recommendation**: Note that this matter is currently under a Clean Up Notice issued by the EPA 10/04/2026 (#3515373) and requires actions. Also, the auditee is to respond to Notice of incomplete actions issued by EPA 27/02/2026 relating to Pollution Reduction Program EPL condition U1.1	Compliant

		17 December 2025 – exceedance of cooper and iron 1 October 2025 – exceedance of cobalt, nickel, zinc, iron 8 October 2025 – exceedance of cobalt, nickel, zinc, iron 15 October 2025 – exceedance of iron 22 October 2025 – exceedance of EC 29 October 2025– exceedance of cobalt, zinc, iron 5 November 2025 – exceedance of iron 12 November 2025 – exceedance of iron 19 November 2025 – exceedance of iron 26 November 2025 – exceedance of iron 23 December 2025 – exceedance of iron 30 December 2025 – exceedance of EC, TSS, cobalt, iron 7 January 2026 – exceedance of iron and zinc 14 January 2026 – exceedance of iron 21 January 2026 – exceedance of iron 28 January 2026 – exceedance of iron 4 February 2026 – exceedance of iron, EC, TSS, cobalt, copper, nickel, zinc 11 February 2026 – exceedance of iron and EC 17 February 2026 – exceedance of iron 25 February 2026 – exceedance of iron Report, Assessment of Water Source Discharging at LDP004 – Cullen Valley Mine – 19/05/2026 Notice of incomplete actions issued by EPA 27/02/2026 relating to Pollution Reduction Program EPL condition U1.1		
4-40	Discharge limits Except as may be expressly provided by an EPL, the Applicant must ensure that the discharges from any licenced discharge point comply with the limits in Table 14. **Pollutant** / **Units of measure** / **100% concentration limit** Total suspended solids / mg/L / 50 Oil and grease / mg/L / 10 pH / pH units / 6.5-8.5 *Table 14: Discharge limits* *Note: To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.*	Site inspection and interviews with auditees 16/06/2026 Exceedances reported above criteria in Schedule 4 condition 39	The audit team and site inspection included a specialist mine hydrogeologist to assess the surface and groundwater issues at the site **Non compliance** – There have been reported exceedances for TSS at monitoring point 4 discharge point during the audit period. Note the amended EPL requires additional analytes since 2025, which have been included in more recent testing. This NC reflects findings against L2 in the EPL also. **Recommendation**: Review dam suitability, sizing and management to meet discharge criteria	Non Compliant

<table>
<tr>
<td>4-41</td>
<td>Monitoring
The Applicant must:
(a) measure:
the volume of water discharged from the site; and
water use on the site; and
(b) monitor the quality of the surface water discharged from the license discharge point/s at the development.</td>
<td>Site inspection and interviews with auditees 16/06/2026
Plan, Cullen Valley Mine Environmental Monitoring Program for Shoalhaven Coal Pty Ltd Rev02 17/12/2025 section 2.5 surface water
Monthly environmental reports May 2015 to March 2026 section 4 surface water quality
Lab data sheers, Enviro lab
Lab data sheets, RCA Australia</td>
<td>The audit team and site inspection included a specialist mine hydrogeologist to assess the surface and groundwater issues at the site
Monthly monitoring records have been retained for discharge water during the audit period. The auditee states ‘A discharge event is deemed to occur when water leaves the site either through the overflow channel or as a result of actively pumping water’.
LDP001 – CVM have installed a flowmeter recently and all water is recycled back into site and if discharge required volume can now be monitored. LDP004 no active discharge but potential discharge unmeasured. Water quality is monitored as required by 41 (b). Lab sheets and test results were provided.

Non compliance: There has been no monitoring of volumes of discharge water as required by condition 41 (a).
Recommendation: the auditee generally monitors surface water discharge and provides results on the website monthly as required by condition 4-41(b). It is noted that the auditee has installed a flowmeter at dam 002 and is working to rectify issues at dam004 to meet compliance with 4-41(a). The site surface water management plan update has been approved to EOT until 31/08/2-026 – this report would aim to address these issues.</td>
<td>Non Compliant</td>
</tr>
<tr>
<td>4-42</td>
<td>For each monitoring/discharge point, the Applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant in Table 15, using the specified units of measure, frequency, and sampling method.
<table><tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr><tr><td>Filtrable iron</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>Filtrable manganese</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>Oil and Grease</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>Salinity</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>Total suspended solids</td><td>mg/L</td><td>Weekly during any discharge</td><td>Representative sample</td></tr><tr><td>pH</td><td>pH</td><td>Weekly during any discharge</td><td>Representative sample</td></tr></table>Table 15: Monitoring parameters for discharge points

Note: 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; or if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol,
• a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.</td>
<td>Site inspection and interviews with auditees 16/06/2026
Monthly environmental reports May 2015 to March 2026 section 4 surface water quality
Spreadsheet, monitoring data, Water Transfer register, November 2025 to June 2026
Spreadsheet, surface water monitoring data, regular reporting Dam 1, Dam 23, Dam 3, North Void, from 24/01/2024 to 08/04/2026
Spreadsheet, Groundwater monitoring data CP115, CP116, CP132, BHW1, North void, LDP004 intermittent testing results between September 2024 and March 2025
Spreadsheet, Groundwater monitoring depth to aquifer GW01, CP114, CP115, CP132, BHW1 intermittent testing results between November 2024 and May 2026</td>
<td>The audit team and site inspection included a specialist mine hydrogeologist to assess the surface and groundwater issues at the site
Auditee provided spreadsheets and monthly reports containing monitoring data during the audit period for:
Surface water monitoring data
Groundwater monitoring data
Note EPL was modified in November 2025 adding a large number of analytes hence no data for these analytes prior to 2025.</td>
<td>Compliant</td>
</tr>
</table>

4-43	Site Water Management Plan Prior to 5 December 2025, the Applicant must prepare (and then implement) a Site Water Management Plan for the development, in consultation with EPA and Water Group, and to the satisfaction of the Planning Secretary. This plan must include: (a) the predicted site water usage including; (i) predicted annual inflows to and outflows from the site; (ii) sources and security of water supply for the life of the development (including authorised entitlements and licences); (iii) water storage capacity; (iv) water use and management on the site, including any water transfers or sharing with neighbouring mines; (v) licenced discharge points and limits; and (vi) reporting procedures, including the annual preparation of an updated site water balance; (b) a Surface Water Monitoring Program; and (c) an Erosion and Sediment Control Plan.	Site inspection and interviews with auditees 16/06/2026 Letter, DPHI to CVM reference# OUT26/3083 – re Site Water Management Plan and Erosion and Sediment Control Plan review - makes a recommendation to include water balance assessments for each year of the proposed mining period during wet and dry periods. 30/03/2026 Letter, NSW EPA to CVM re consultation and review on Site Water Management Plan & Erosion and Sediment Control Plan 30/03/2026 Letter, CVM to DPHI re extension of time for resubmission to 30 June 2026 of the Site Water Management Plan due to EPA requirements. 22/04/2026 Letter DPHI to CVM approving extension request for resubmission of SMWP to 30 June 2026, 30/04/2026 Draft Plan, Cullen Valley Mine Site Water Management Plan Shoalhaven Coal Pty Ltd Rev 02, 16/03/2026 Plan, Cullen Valley Mine Site Water Management Plan James Bailey and Associates Rev 04, 20/04/2022 Spreadsheet, Surface water data register 01/04/24 to 04/08/2026 at dam1,2, 3,4, North void, BSWo3, RSC US and DS discharge	An extension of time has been requested and approved by DPHI for submission of this until 30/06/2026. Comments have been received from DCCEEW Water and EPA on draft plan; consultant is revising plan for resubmission to DPHI. In the interim 2022 plan remains current but auditee has started implementing the proposed monitoring to be included in 2026 revision as guided by EMM Water study results. An extension of time has been requested and approved by DPHI for submission of Site water management plan Surface water monitoring program Erosion and sediment control plan until 30/06/2026. The auditee has prepared a DRAFT Site Water Management plan for review by stakeholders. **Non compliance:** The Site Water Management Plan has not been prepared within the timeframes of Sch. 4 condition 43. An extension of time has been requested and approved by DPHI for submission of • Site water management plan • Surface water monitoring program • Erosion and sediment control plan until 30/06/2026. The auditee has prepared a DRAFT Site Water Management plan for review by stakeholders. **Recommendation**: Complete consultation and submit plan by revised submission date to demonstrate compliance.	Non compliant
4-44	The Surface Water Monitoring Program must include: (a) detailed baseline data on surface water flows and quality; (b) surface water impact assessment criteria; (c) a program to monitor surface water flows and quality; and (d) a program to monitor the effectiveness of the Erosion and Sediment Control Plan.	Site inspection and interviews with auditees 16/06/2026 Draft Plan, Cullen Valley Mine Site Water Management Plan Shoalhaven Coal Pty Ltd Rev 02, 16/03/2026 Plan, Cullen Valley Mine Site Water Management Plan James Bailey and Associates Rev 04, 20/04/2022 Chapter 3.1 Surface Water monitoring	The audit team and site inspection included a specialist mine hydrogeologist to assess the surface and groundwater issues at the site. An extension of time has been requested and approved by DPHI for submission of this until 30/06/2026 This forms part of plan as per condition 4-43. Comments have been received from DCCEEW Water and EPA on draft plan; consultant is revising plan for resubmission to DPHI. In the interim 2022 plan remains current but auditee has started implementing the proposed monitoring to be included in 2026 revision as guided by EMM Water study results. An extension of time has been requested and approved by DPHI for submission of this until 30/06/2026. The auditee has prepared a DRAFT Site Water Management plan. **Refer to NC raised against Condition 4.43**	Compliant
4-45	The Erosion and Sediment Control Plan must: (a) comply with the requirements of the Department of Housing's Managing Urban Stormwater: Soils and Construction manual; (b) identify activities that could cause soil erosion or discharge sediment or water pollutants from the site; (c) describe the location, function and capacity of all erosion and sediment control structures, and nominate which, if any, of these structures would be used as water sources for the development; and (d) describe the measures to minimise soil erosion and the potential migration of sediments to downstream waters.	Site inspection and interviews with auditees 16/06/2026 Cullen Valley Mine Erosion and Sediment Control Plan for Shoalhaven Coal Pty Ltd Rev03, 20/04/2022 Draft Plan, Cullen Valley Mine Site Water Management Plan Shoalhaven Coal Pty Ltd Rev 02, 16/03/2026	An extension of time has been requested and approved by DPHI for submission of this until 30/06/2026. No significant erosion and sediment control issues were identified during the site audit. **Refer to NC raised against Condition 4.43**	Compliant

4-46	Bunding The Applicant must ensure that impervious bunds are constructed around all fuel, oil and chemical storage areas in accordance with the requirements of EPA's Environment Protection Manual Technical Bulletin Bunding and Spill Management.	Site inspection and interviews with auditees 16/06/2026	Mine not currently operational, no fuel or chemical stored onsite. Noted fuel trans tank and pump has double containment for future use. Pumps in use have inbuild spill containment sled. Workshop area (not currently in use) has concrete bunded area and storage.	Compliant
4-47	VISUAL IMPACT Visual Amenity The Applicant must implement measures to mitigate the visual impacts of the development, including: (a) designing and constructing development infrastructure in a manner that minimises visual contrasts; (b) placing and maintaining visual screens around the development; (c) revegetating the proposed noise bund along the western boundary of the development as soon as practicable following each stage of its progressive construction; and/or (d) progressively rehabilitating the site as soon as practicable after active mining is completed, to the satisfaction of the Planning Secretary.	Site inspection and interviews with auditees 16/06/2026	No complaints have been received during the audit period relating to visual impacts. Visual screening bund on the western boundary is in place and largely revegetated. Some areas have been reconstructed over time and vegetation requires further rehab (forward program) however natural recruitment occurring on these areas also. Revegetation areas looked to be largely well established however some dieback has occurred due to subsurface heating areas though these areas are not easily visible from outside the site.	Compliant
4-48	If the landowner of the Hillcroft, Red Springs, and/or Forest Lodge properties (see Appendix 3) requests the Applicant in writing to investigate ways to minimise the visual impact of the development on his/her property, the Applicant must: (a) within 14 days of receiving this request, commission a suitably qualified person whose appointment has been approved by the Planning Secretary, to investigate reasonable and feasible measures to minimise the visual impacts of the development on the landowner's property; and (b) give the landowner a copy of the visual impact mitigation report within 14 days of receiving this report. If both parties agree on the measures that should be implemented to minimise the visual impact of the development, then the Applicant must implement these measures to the satisfaction of the Planning Secretary. If the Applicant and the landowner disagree on the measures that should be implemented to minimise the visual impact of the development, then either party may refer the matter to the Planning Secretary for resolution.	Site inspection and interviews with auditees 16/06/2026	Auditee indicates that no requests have been made on this matter.	Not triggered
4-49	Lighting Emissions The Applicant must ensure that all external lighting associated with the development complies with Australian Standard AS4282(INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version.	Site inspection and interviews with auditees 16/06/2026	No lighting sources observed on the site. No electricity or generators onsite to power lighting. No works outside day hours.	Compliant
4-50	TRANSPORT Coal Haulage Limits The Applicant must ensure that all coal haulage from the development: (a) uses the dedicated coal haulage route from the development to the Castlereagh Highway; (b) is not conveyed on any local road within the Lithgow local government area, except with the written approval of the Planning Secretary; (c) occurs between 7.00 am and 5.30 pm Monday to Friday, between 7.00 am and 5.00 pm Saturdays, for no more than 30 days annually to the satisfaction of the EPA and Council, and at no time on Sundays and Public Holidays. *Note: The hours of operation specified in this condition may be varied with the written consent of the EPA if it is satisfied that the amenity of the residents in the locality will not be adversely affected.*	Site inspection and interviews with auditees 16/06/2026 Plan, Cullen Valley Mine Coal Haulage Vehicle Management Plan, Shoalhaven Coal Pty Ltd Rev 01, 04/12/2025	Auditee indicates that no coal haulage has occurred at the site since July 2023. Coal haulage occurred from early 2022 to July 2023. Coal haulage management plan has been approved by DPHI to avoid transport of coal through township of Cullen Bullen. Inductions include hours of work and transport restrictions	Compliant
4-51	Coal Haul Road The Applicant must ensure that: (a) the use of the haul road does not restrict access to the Speedway and sports ground; and access to haul road is restricted when it is not in use, in accordance with the terms of the Cullen Bullen Recreational Trust agreement.	Site inspection and interviews with auditees 16/06/2026	Auditee indicates that no coal haulage has occurred at the site since July 2023. Coal haulage occurred from early 2022 to July 2023 No road closures occurred during audit period or complaints were received on this matter. Usage is not restricted by the haulage route as access is available from Cullen Bullen Township.	Compliant

4-52	Prior to 31 December 2004, the Applicant must prepare and implement a Coal Haulage Vehicle Management Plan to reduce the impacts of coal haulage traffic from the development on public roads to the satisfaction of the Planning Secretary.	Site inspection and interviews with auditees 16/06/2026 Plan, Cullen Valley Mine Coal Haulage Vehicle Management Plan, Shoalhaven Coal Pty Ltd Rev 01, 04/12/2025 Plan, superseded Cullen Valley Mine Coal Haulage Vehicle Management Plan, James Bailey and Associates for Shoalhaven Coal Pty Ltd 20/04/2022	Auditee indicates that no coal haulage has occurred at the site since July 2023. Revision of plan completed 04/12/2025, no updates were required. Coal haulage occurred from early 2022 to July 2023	Compliant
4-53	Road Closure The Applicant must not close any public roads without the approval of the relevant road authority.	Site inspection and interviews with auditees 16/06/2026	Auditee indicates that no coal haulage has occurred at the site since July 2023. Coal haulage occurred from early 2022 to July 2023 No road closures occurred during audit period or complaints were received on this matter.	Compliant
4-54	Road Crossing The Applicant must ensure that the road crossing of the mine haul road and Red Springs Road is undertaken in consultation with Council and to the satisfaction of the Planning Secretary.	Site inspection and interviews with auditees 16/06/2026	2025 revision of coal haulage management plan did not update or change the plan, no further consultation required. Note there is no crossing of mine haul road with Red Springs Road	Compliant
4-54A	54A. Unless otherwise agreed by the Planning Secretary, within 3 months of approval of Modification 5, the Applicant must, in consultation with TfNSW, install intersection warning signs on the Castlereagh Highway; (a) northbound on to the north of Watson Avenue; and (b) north and south bound near Boulder Road	Site inspection and interviews with auditees 16/06/2026 Letter, CVM to DPHI re request for extension of time for the installation of traffic signs as per condition 54A 28/10/2025 Letter, DPHI to CVM approving extension of time request for installation of signage until 15 February 2026. 11/11/2025 Letter DPHI to CVM PA-57 agreeing to waiving this requirement 02/03/2026	Consultation with road authority TFNSW and Council, who each referred CVM to the other party. CVM indicate they have not begun mining activities at Cullen Valley Mine, which would necessitate the installation of the traffic warning signs and does not intend on increasing the traffic flow through Watson Avenue or Boulder Road as a result of mining activities or coal haulage in the near future Letter DPHI to CVM PA-57 agreeing to waiving this requirement 02/03/2026 as per consultation with TFNSW	Compliant
4-55	ABORIGINAL ARCHAEOLOGY The Applicant must protect the campsite-stone artifact scatter site C-OS-1 (see Appendix 4) and associated Potential Archaeological Deposit during the development, in consultation with local Aboriginal groups, and to the satisfaction of the Planning Secretary.	Site inspection and interviews with auditees 16/06/2026 Plan, Cullen Valley environmental Monitoring map, 04/03/2013	Auditee indicates that these archaeology sites are located outside the mining lease and are mapped. No evidence of engagement with aboriginal parties. It is noted that the sites identified in the conditions fall outside the active mining lease ML1557 45-1-2542 on other land across railway C-OS-1 is located within NPWS lands C-S-1 is located within inactive ML1556	Compliant
4-56	The Applicant must (a) ensure that a protective buffer zone of at least 50 metres (radius) is maintained around the site C-S-1 (see Appendix 4), and that the site is not impacted by mining operations or surface activities; (b) the site C-S-1(see Appendix 4) is monitored in accordance with Condition 16, to the satisfaction of the Planning Secretary. *Note: Under section 90(1) of the National Parks and Wildlife Act 1974, a person who, without first obtaining the consent of the Planning Secretary, knowingly destroys, defaces* *or damages, or knowingly causes or permits the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place is guilty of an offence against this Act.*	Site inspection and interviews with auditees 16/06/2026 Plan, Cullen Valley Environmental Monitoring Map, 04/03/2013	Auditee indicates that these archaeology sites are located outside the mining lease and are mapped. It is noted that the sites identified in the conditions fall outside the active mining lease ML1557 45-1-2542 on other land across railway C-OS-1 is located within NPWS lands C-S-1 is located within inactive ML1556 and appears based on mapping to be approx. 95m outside disturbance footprint. **Observation**: While these are marked on mine maps, and appear to be outside the footprint of the mine, they are not clearly marked or communicated to ensure ongoing protection **Recommendation**: Confirm location and ensure do not disturb is communicated	Compliant

4-57	BUSHFIRE MANAGEMENT The Applicant must: (a) ensure that the development is suitably equipped to respond to any fires on site; and (b) prepare a Fire Management Plan; to the satisfaction of the Rural Fire Service.	Site inspection and interviews with auditees 16/06/2026 Plan, Cullen Valley Mine Fire Management Plan Shoalhaven Coal Pty Ltd rev 01, 03/12/2025 Plan, Cullen Valley Mine Fire Management Plan rev 03, James Bailey and Associates 20/04/2022	CVM prepared a Fire Management Plan for the mine site. The latest revision of the plan is December 2025 with minor changes made to the previous 2022 version. Section 3.1 and Appendix A indicate Correspondence with regulatory agencies relating to this revision of the FMP. No consultation with RFS on this 2025 plan as only very minor updates and no material changes to plan. but Appendix A of the 2022 version showing department commentary indicates that the RFS is satisfied with the plan but notes the plan could expand how it's suitably equipped to deal with fires, however,	Compliant
4-58	WASTE MANAGEMENT Waste Minimisation The Applicant must: (a) monitor the amount of waste generated by the development; (b) investigate ways to minimise waste generated by the development; (c) implement reasonable and feasible to minimise waste generated by the development; and (d) report on waste monitoring and minimisation in the AEMR, to the satisfaction of the Planning Secretary.	Site inspection and interviews with auditees 16/06/2026 Spreadsheet, showing waste pick up 10/07/2024, 02/10/2024, 20/09/2024 via skip bin with total on 17.5 tonnes removed. Cullen valley mine annual review 2025 1 January 2025 to 31 December 2025 Chapter 6.7 Cullen valley mine annual review 2024 1 January 2025 to 31 December 2025 Chapter 6.8 Cullen valley mine annual review 2023 1 January 2023 to 31 December 2023 Chapter 6.8 Cullen valley mine annual review 2022 1 January 2022 to 31 December 2022 Chapter 6.9	Note site is not currently actively operational but would be managed similarly to currently operational Invincible mine. Annual reports each year indicate: Waste oils and grease would be collected by a licensed waste recycling contractor on an as needs basis. All paper and general wastes from workshop areas would be disposed of in garbage bins located adjacent to the workshop areas, which are collected by a licensed contractor on an as needs basis. Sewage from the workshop areas would go to a septic system which is pumped out by a licensed waste collection and disposal contractor on an as-needs basis. Steel goes to Cooks metal recycling. Site does not really generate much waste, auditee indicated that as mine moves back into operation and production waste minimisation practices would be revised	Compliant
4-59	Waste Disposal The Applicant must not cause, permit or allow any waste generated outside the mine to be received at the mine for storage, treatment, processing, reprocessing or disposal, or any waste generated at the mine to be disposed of at the mine, except as expressly permitted by a EPL. *Note: This condition only applies to the storage, treatment, processing, reprocessing, or disposal of waste that requires a licence under the Protection of the Environment Operations Act 1997.*	Site inspection and interviews with auditees 16/06/2026	Auditee confirms onsite no waste is received at the site during this audit period. Noting that VENM had been imported to site in the precious audit period. No waste of that nature was observed in the audit. Some crushed rock material is stockpiled (won on site not imported) Some rubbish observed in areas outside the gate at time of audit.	Compliant

4-60	GREENHOUSE GAS 60. The Applicant must: (a) monitor the greenhouse gas emissions generated by the development; (b) investigate ways to minimise greenhouse gas emissions generated by the development; (c) implement reasonable and feasible measures to minimise greenhouse gas emissions generated by the development; and (d) report on greenhouse gas monitoring and minimization in the AEMR, to the satisfaction of the Planning Secretary. *Note: In accordance with its Climate Change Action Plan 2023-26, the NSW EPA is preparing guidance for the preparation and implementation of various climate change related guidelines (e.g., including but not limited to Climate Change Mitigation and Adaptation Plans). Preparation of Climate Change Mitigation and Adaptation Plan (CCMAP) may be required under the EPA's regulatory framework, including conditions in the Environment Protection Licence.*	Site inspection and interviews with auditees 16/06/2026 Report, National Greenhouse and Energy Reporting Section 19 - Emissions and Energy Report Castlereagh Holdings Australia Pty Ltd for the Reporting Year 2021 – 2022, 17/12/2024 Report, National Greenhouse and Energy Reporting Section 19 - Emissions and Energy Report Castlereagh Holdings Australia Pty Ltd for the Reporting Year 2022 – 2023, 17/12/2024 Report, National Greenhouse and Energy Reporting Section 19 - Emissions and Energy Report Castlereagh Holdings Australia Pty Ltd for the Reporting Year 2023 – 2024, 17/12/2024 Report, National Greenhouse and Energy Reporting Section 19 - Emissions and Energy Report Castlereagh Holdings Australia Pty Ltd for the Reporting Year 2021 – 2022, 17/12/2024 Report, National Greenhouse and Energy Reporting Section 19 - Emissions and Energy Report Castlereagh Holdings Australia Pty Ltd for the Reporting Year 2024 – 2025, 06/10/2025 Cullen valley mine annual review 2025 1 January 2025 to 31 December 2025 Chapter 6.10 Cullen valley mine annual review 2024 1 January 2025 to 31 December 2025 Chapter 6.11 Cullen valley mine annual review 2023 1 January 2023 to 31 December 2023 Chapter 6.11 Cullen valley mine annual review 2022 1 January 2022 to 31 December 2022 Chapter 6.12	The auditee provided NGERs reporting for each year during the audit period. Thes emissions totals are also reported in the annual environmental review published on the website. This demonstrates compliance with condition 60 (a) and d) b) Environment manage indicated that the greenhouse reduction investigations is yet to be completed **Observation**: While the NGERs reporting indicates consistent monitoring and reporting and is included in the annual report, there is no evidence of measures for minimisation of greenhouse emissions. **Recommendation**: As the mine moves back into operation, include of potential ways to minimise emissions	Compliant
4-60A	The Scope 1 and 2 emissions generated by Modification 5 must not exceed the 25,000 tCO2-e Large Greenhouse Gas Emitters threshold in any financial year.	Site inspection and interviews with auditees 16/06/2026 Report, National Greenhouse and Energy Reporting Section 19 - Emissions and Energy Report Castlereagh Holdings Australia Pty Ltd for the Reporting Year 2021 – 2022, 17/12/2024 Report, National Greenhouse and Energy Reporting Section 19 - Emissions and Energy Report Castlereagh Holdings Australia Pty Ltd for the Reporting Year 2022 – 2023, 17/12/2024 Report, National Greenhouse and Energy Reporting Section 19 - Emissions and Energy Report Castlereagh Holdings Australia Pty Ltd for the Reporting Year 2023 – 2024, 17/12/2024 Report, National Greenhouse and Energy Reporting Section 19 - Emissions and Energy Report Castlereagh Holdings Australia Pty Ltd for the Reporting Year 2021 – 2022, 17/12/2024 Report, National Greenhouse and Energy Reporting Section 19 - Emissions and Energy Report Castlereagh Holdings Australia Pty Ltd for the Reporting Year 2024 – 2025, 06/10/2025	The annual reporting to NGERs shows that scope 1 and 2 emissions have been below the threshold each year in the audit period.	Compliant
SCHEDULE 5	ADDITIONAL PROCEDURES FOR AIR QUALITY AND NOISE MANAGEMENT			

5-1	Notify Landowners If the results of the monitoring required in Schedule 4 identify exceedances of the air quality and/or noise limits/criteria in Schedule 4, then the Applicant must notify the Planning Secretary and relevant landowner/s in writing about these exceedances, and provide quarterly monitoring results to these parties until the monitoring results show that the development is complying with the relevant air quality and/or noise limits/criteria.	RFI22 Letter, CVM to DPHI re Notification of PM_{10} Air Quality Exceedance 10 May 2024. 15/07/2024 Letter, CVM to DPHI re Notification of PM_{10} Air Quality Exceedance 29 May 2024. 09/08/2024 Letter, CVM to DPHI re Notification of PM_{10} Air Quality Exceedance 14 January 2025 noting nearby bushfire likely cause. 20/01/2025 Letter, CVM to DPHI re detailed investigation into Air Quality Exceedance 10 May 2024 noting CVM is not actively mining and activity is generally limited to site access for inspections and water management tasks. The likely cause of the exceedance remains unclear. 22/07/2024 Letter, Draft templates (no recipient specified), CVM to 'Landholder' re Air Quality Exceedance 10 May 2024 22/07/2024 Letter DPHI to CVM PA-37 re Non-compliance Schedule 4, condition 41(a) accepting air quality non-compliance self-report from 10 May 2024 and acknowledging satisfaction with conditions to be completed 17/08/2024	Evidence provided of submission to DPFI of notifications Note that these submissions are unavailable based on records available No evidence of notification to landholders for exceedances 10 May 2024, 29 May 2024, 14 January 2025 – or of quarterly monitoring results provided following these exceedances. **Non compliance**: Records not available of actual issuing of letters to landholders of exceedances, draft versions provided only. **Recommendation**: For all future exceedances, the requirements of this condition are to be implemented	Non Compliant
5-2	Independent Review If a landowner considers the development to be exceeding the relevant air quality and/or noise limits/criteria listed in Schedule 4 on his/her land, then he/she may ask the Applicant for an independent review of the air quality and/or noise impacts of the development on his/her land. Within two weeks of receiving the request from a landowner, the Applicant must advise the Planning Secretary of the request. If the Planning Secretary is satisfied that an independent review is warranted, the Applicant must: (a) consult with the landowner to determine his/her concerns; and (b) commission a suitably qualified person – whose appointment has been approved by the Planning Secretary – to conduct air quality and/or noise monitoring at the relevant property to determine whether the development is complying with the relevant impact assessment criteria, and identify the source(s) and scale of any air quality and/or noise impact at the property, and the development's contribution to this impact. Within 14 days of receiving the results of this independent review, the Applicant must give a copy of these results to the Planning Secretary and landowner. If the independent review determines that the development is complying with the relevant air quality and/or noise limits/criteria at the property, then the Applicant may discontinue the independent review with the approval of the Planning Secretary. If the independent review determines that the development is not complying with the relevant air quality and/or noise limits/criteria at the property, then the Applicant must: (a) take all practicable measures, in consultation with the landowner, to ensure that the development complies with the relevant limits/criteria; and (b) conduct further air quality and/or noise monitoring at the property to determine whether these measures ensure compliance; or (c) secure a written agreement with the landowner to allow exceedances of the air quality and/or noise limits/criteria, to the satisfaction of the Planning Secretary. If the independent review determines that the development is not complying with the relevant air quality and/or noise land acquisition criteria at the property, and the Applicant cannot secure a written agreement with the landowner to allow these exceedances, then upon receiving a written request from the landowner, the Applicant must acquire the landowner's property in accordance with the Department's land acquisition procedures.	Site inspection and interviews with auditees 16/06/2026	Auditee indicates no responses were received from landholders relating to air quality or noise criteria during the audit period.	Not triggered

5-3	Land Acquisition Within 6 months of receiving a written request from the landowner, the Applicant must pay the landowner: the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development the subject of the DA, having regard to the: existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date; (b) the reasonable costs associated with: relocating within the Lithgow local government area, or to any other local government area determined by the Planning Secretary; obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and (c) reasonable compensation for any disturbance caused by the land acquisition process. However, if within 6 months of receiving this written request, the Applicant and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Planning Secretary for resolution. Upon receiving such a request, the Planning Secretary shall request the President of the Australian Institute of Valuers and Land Economists to appoint a qualified independent valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired. If either party disputes the independent valuer's determination, then the independent valuer must refer the matter back to the Planning Secretary. Upon receiving such a referral, the Planning Secretary shall appoint a panel to determine a fair and reasonable acquisition price for the land, and/or the terms upon which the land is to be acquired, comprising the: appointed independent valuer, Planning Secretary or nominee, and President of the Law Society of NSW or nominee. Within 14 days of receiving the panel's determination, the Applicant must make a written offer to purchase the land at a price not less than the panel's determination. If the landowner refuses to accept this offer within 6 months of the date of the Applicant's offer, the Applicant's obligations to acquire the land shall cease, unless otherwise agreed by the Planning Secretary.	Site inspection and interviews with auditees 16/06/2026	Auditee indicates no responses were received from landholders relating to air quality or noise criteria during the audit period.	Not triggered
5-4	The Applicant must bear the costs of any valuation or survey assessment requested by the independent valuer, panel, or the Planning Secretary and the costs of determination referred to in Condition 3.	Site inspection and interviews with auditees 16/06/2026	Not triggered	Not triggered
5-5	If the Applicant and landowner agree that only part of the land should be acquired, then the Applicant must pay all reasonable costs associated with obtaining Council approval for any plan of subdivision, and registration of the plan at the Office of the Registrar-General.	Site inspection and interviews with auditees 16/06/2026	Not triggered	Not triggered

SCHEDULE 6	ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING & REPORTING			
6-1	ENVIRONMENTAL MANAGEMENT STRATEGY Within 6 months of the date of this consent, the Applicant must prepare (and then implement) an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must: (a) provide the strategic context for environmental management of the development; (b) identify the statutory requirements that apply to the development; (c) describe in general how the environmental performance of the development would be monitored and managed during the development; (d) describe the detailed procedures that would be implemented to: keep the local community and relevant agencies informed about the operation and environmental performance of the development; receive, handle, respond to, and record complaints; report any environmental incidents; resolve any disputes that may arise during the course of the development; respond to any non-compliance; manage cumulative impacts; and respond to emergencies; and (e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.	Site inspection and interviews with auditees 16/06/2026 Plan, Cullen Valley Mine Environmental Management Strategy James Bailey and Associates Rev 03, Published on website, Appendix A provides original DPE feedback on the plan. 20/04/2022 Letter DPHI to CVM PA-43 re Cullen Valley Coal - Annual Review 2024 acceptance 09/04/2025 Letter DPHI to CVM PA-62 re Cullen Valley Coal - Annual Review 2025 acceptance 16/04/2026 Letter DPHI to CVM PA-35 re Cullen Valley Coal - Annual Review 2023 acceptance 18/07/2024 Email, DPHI to CVM re Cullen Valley Coal - Annual Review 2022 acceptance 03/05/2023 Submission to DPHI of revised EMS 29/10/2025 PA 53	Cullen Valley Mine Environmental Management Strategy James Bailey and Associates Rev 03, 20/04/2022. This plan was implemented in April 2022. No revisions have been completed since then. The strategy document provides: Background EMS overview Monitoring and Management for air quality, noise, blasting, water and erosion and sediment control, coal haulage. Stakeholder engagement Roles and responsibilities Review and reporting Whilst the plan generally meets the requirements set out in schedule 6, condition 1 a) to e). Section 6.3 states that review will be undertaken on a minimum 5 yearly basis but was reviewed after the 2025 mod.	Compliant
6-2	Within 14 days of the Planning Secretary's approval, the Applicant must: (a) send copies of the approved strategy to the relevant agencies, Council, and the CCC; and (b) ensure the approved strategy is publicly available during the development.	Site inspection and interviews with auditees 16/06/2026	The strategy is published on the project website and accessible. Auditee will submit and issue once recent review is approved.	Compliant
6-3	ENVIRONMENTAL MONITORING PROGRAM Within 6 months of the date of this consent, the Applicant must prepare (and then implement) an Environmental Monitoring Program for the development in consultation with the relevant agencies, and the satisfaction of the Planning Secretary. This program must consolidate the various monitoring requirements in Schedule 4 of this consent into a single document.	Site inspection and interviews with auditees 16/06/2026 Report, Cullen Valley Mine Environmental Monitoring Program Shoalhaven Coal Pty Ltd Rev 02, 17/12/2025 Submission to DPHI of revised EMS 22/12/2025 PA 46	DPHI acceptance of Submission of revised EMS 22/12/2025 PA 46 Appendix a shows a letter from 2005 from the then DEC. No evidence of consultation on plan or of further revisions. The monitoring program has been prepared 12/12/2025 if approval of mod 5 was January 2025, then this is > 6 months of approval The program includes: Background Monitoring programs for: Air quality, Noise, Blasting< Surface waiter, Groundwater, Waste, and Coal Transport Stakeholder engagement Audit, reporting and review	Compliant
6-4	The Applicant must regularly review, and if necessary update, this program to the satisfaction of the Planning Secretary.	Site inspection and interviews with auditees 16/06/2026 Report, Cullen Valley Mine Environmental Monitoring Program Shoalhaven Coal Pty Ltd Rev 02, 17/12/2025 section 4.3	The program states in section 4.3 that This EMP shall be regularly reviewed to the satisfaction of the Planning Secretary and will include an assessment of all sites within the monitoring network. These reviews will be undertaken to ensure that monitoring locations remain relevant to the current status of CVM and provide data that representative of the closest private receivers. Individual monitoring sites will be updated as required in consultation with EPA and DPHI. Modifications to this EMP and EPL 10341 will be approved prior to any amendments to the site monitoring program. The most recent version is December 2025.	Compliant

6-5	ANNUAL REPORTING By the end of March each year, unless the Planning Secretary agrees otherwise, the Applicant must submit a review of the environmental performance of the development for the previous calendar year to the satisfaction of the Secretary. The review must (a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current calendar year; (b) include a comprehensive review of the monitoring results and complaints records of the development over the past calendar year, which includes a comparison of these results against the: the relevant statutory requirements, limits or performance measures/criteria; the monitoring results of previous years; and the relevant predictions in the EIS; (c) identify any non-compliance over the past 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 development; (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and (f) describe what measures will be implemented over the next year to improve the environmental performance of the development. Note: The report may be developed in conjunction with the AEMR provided to other agencies to avoid duplication of reporting requirements.	Site inspection and interviews with auditees 16/06/2026 Cullen valley mine annual review 2025 1 January 2025 to 31 December 2025 Chapter 6.10 Cullen valley mine annual review 2024 1 January 2025 to 31 December 2025 Chapter 6.11 Cullen valley mine annual review 2023 1 January 2023 to 31 December 2023 Chapter 6.11 Cullen valley mine annual review 2022 1 January 2022 to 31 December 2022 Chapter 6.12 Letter DPHI to CVM 02/05/2023 acknowledging receipt of 2022 annual review Letter DPHI to CVM 18/07/2024 acknowledging receipt of 2023 annual review Letter DPHI to CVM 09/04/2025 acknowledging receipt of 2024 annual review Letter DPHI to CVM 16/04/2026 acknowledging receipt of 2025 annual review	The annual reviews are published on the project website for years 2014 – 2025. Annual reviews have been submitted to DPHI as required (noting the requirement amended in the 2025 mod is now by end March each following year. The annual review contains the required sections: Statement of compliance Background Approval details Summary of operations Previous rereview actions Environmental performance against criteria for air quality, water quality, groundwater and noise Monitoring results for weather, air quality, surface water, groundwater, noise, biodiversity, blasting. Waste, hazardous materials, heritage, greenhouse gas emissions, spontaneous combustion, bushfire, mine subsidence, safety, water management and rehabilitation Community including CCC Audits Incidents and non-compliances Next reporting period actions	Compliant
6-6	INDEPENDENT ENVIRONMENTAL AUDIT Within 2 years of the date of this consent, and every 3 years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit. This audit must: (a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Planning Secretary; (b) be consistent with ISO 10911:2002 – Guidelines for Quality and/or Environmental Systems Auditing, or updated version of this guideline; (c) assess the environmental performance of the development, and its effects on the surrounding environment; (d) assess whether the development is complying with the relevant standards, performance measures, and statutory requirements; (e) review the adequacy of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; and, if necessary, (f) recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems.	Report, Independent Environmental Audit Cullen Valley Mine, Caras consulting 04/04/2022. Published on website. Document, Audit response to findings CVM2021 Letter, Castlereagh coal (CC)C to Department of Planning (DPHI) re approval of mod 5 and request for extension of time for audit (sch 6 con 6), 27/08/2025	Noting that the 2025 modification has changed the frequency of independent environmental audits from to 3 years DPHI granted an extension of time granted for this independent audit until 1 September 2026 Previous audit completed by Caras and submitted in 2022 (due to extension of time granted during Covid). This audit has been conducted in line with the conditions set out in the CoC.	Compliant
6-7	Within 3 months of commissioning this audit, or as otherwise agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, with a detailed response to any of the recommendations contained in the audit report.	Site inspection and interviews with auditees 16/06/2026	Unable to confirm submission of previous audit report to DPHI as CVM records do not go back that far for DPHI submissions. It is inferred that the previous audit report and response has been issued, noting it is published on CVM website. Observation: Record keeping is not consistent for audit period (likely due to changes of ownership and staffing **Recommendation**: Ensure submission of this audit report and response within the defined timeframe and retain records for each audit period	Compliant

6-8	COMMUNITY CONSULTATIVE COMMITTEE The Applicant must ensure that there is a Community Consultative Committee to oversee the environmental performance of the development. This committee must: (a) be comprised of: 2 representatives from the Applicant, including the person responsible for environmental management at the mine; 1 representative from Council; and 4 representatives from the local community, whose appointment has been approved by the Planning Secretary in consultation with the Council; (b) be chaired by an independent person whose appointment has been endorsed by the Planning Secretary; (c) meet at least twice a year; and (d) review and provide advice on the environmental performance of the development, including any environmental management plans, monitoring results, audit reports, or complaints.	Site inspection and interviews with auditees 16/06/2026 CCC presentation 01/04/2025 CCC meeting minutes 07/10/2025 CCC meeting minutes 01/04/2025 CCC Meeting minutes 29/10/2024 CCC presentation 07/10/2025 CCC agenda 01/04/2025 CCC agenda 07/10/2025 CCC presentation PowerPoint 29/10/2024 CCC Meeting minutes 29/10/2024 CCC meeting minutes 30/04/2024 CCC meeting agenda and presentation 06/10/2023 CCC meeting minutes 29/03/2023 CCC meeting minutes 15/03/2023 CCC meeting minutes 23/09/2022 CCC meeting minutes 15/03/2022 Letter, advertisement seeking nominations for CCC 2026 Email, advertisement in Lithgow Mercury for CCC nominations 19/07/2024 Email, CVM to chair CCC seeking approval for issuing advertisement for CCC membership 2026, 28/04/2026 Letter DPHI to CVM PA-70 re Invincible mine CCC (noting that the CCC covers both Invincible and Cullen Valley Mines) Email DPHI to CVM 19/03/2026 RE current chair of CCC	The Community Consultative Committee CCC appears to consist of representation from the mine, the council and the community and chaired by facilitator appointed in 2012. Meetings have been held twice yearly during the audit period with agendas, presentation contents and meeting minutes and actions provided. Note that the CCC covers both the Cullen Valley Mine and the Invincible Mine (under a different consent). The requirements for the CCC are consistent with the approval conditions under this approval – DA-200-5-2003.Mod 5, however CVM self-reported a governance issue to DPHI under the Invincible mine consent. An email from DPHI to CVM in March 2026 notes that the current chair is consistent with the CCC Guideline and consent condition and may retain this position. April 2026 CCC meeting cancelled until governance system is created and DPHI approval of CCC nominees is received. Nominations currently being sought from community. Nominations due by 15/6/26. Meeting will be scheduled following completion of this process. Notwithstanding the self-reported issue relating to the CCC (pertaining to Invincible mine conditions the CCC is compliant for the conditions for Cullen Valley Mine	Compliant
6-9	The Applicant must, at its own expense: (a) ensure that 2 of its representatives attend the Committee's meetings; (b) provide the Committee with regular information on the environmental performance and management of the development; (c) provide meeting facilities for the Committee; (d) arrange site inspections for the Committee, if necessary; (e) arrange to take minutes of the Committee's meetings; (f) make these minutes available to the public for inspection within 14 days of the Committee meeting, or as agreed to by the Committee; (g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and (h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Planning Secretary within a month of the Committee meeting.	Site inspection and interviews with auditees 16/06/2026 Refer to evidence in schedule 6, condition 8 above CCC meeting minutes published on the CVM website from previous audit periods - December 2012, December 2013, August 2015, March 2016, September 2016, April 2017, December 2017, August 2018, December 2018, December 2019, December 2020 And published from current audit period: November 2021 March 2022 September 2022 March 2023 October 2023 April 2024 October 2024 April 2025 October 2025	The Community Consultative Committee CCC appears to consist of representation from the mine, the council and the community and chaired by approved facilitator. The mine has presented information to the CCC on the environmental performance and provided facility, meeting minutes. Meeting minutes are published on the CVM website **Observation**: Records are not available of submission of minutes to DPHI. It is recommended that the mine retains copies of submissions in future (noting that the CCC covers two separate mine approvals) **Recommendation**: Ensure submission of this future minutes and retain records for each audit period	Compliant
6-10	INCIDENT NOTIFICATION The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including: date, time and location; a brief description of what occurred and why it has been classified as an incident; a description of what immediate steps were taken in relation to the incident; and (d) identifying a contact person for further communication regarding the incident.	Site inspection and interviews with auditees 16/06/2026 Spreadsheet, Incident and non-compliance register 2024-2026	CVM have reported 3x environmental incidents in 2025 and 3x incidents in 2026. These have been reported with the timeframe of becoming aware of the incident and recorded in the incident register. No information is available for incident reporting prior to 2024 (if any reported)	Compliant
6-11	The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 7 (Incident Notification and Reporting Requirements).	Spreadsheet, Incident and non-compliance register 2024-2026	It is noted that the incidents recorded have all been reported within the 7 day timeframe *of becoming aware of the incident*. Noting that the data on triggers fort these may have not always been available on the actual date of incident occurrence due to lab processing and reporting timeframes	Compliant

6-12	NON-COMPLIANCE NOTIFICATION Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.	Site inspection and interviews with auditees 16/06/2026 Letter, CVM to DPHI re Notification of PM_{10} Air Quality Exceedance 10 May 2024. 15/07/2024 Letter, CVM to DPHI re Notification of PM_{10} Air Quality Exceedance 29 May 2024. 09/08/2024 Letter, CVM to DPHI re Notification of PM_{10} Air Quality Exceedance 14 January 2025 noting nearby bushfire likely cause. 20/01/2025 Letter, CVM to DPHI re detailed investigation into Air Quality Exceedance 10 May 2024 noting CVM is not actively mining and activity is generally limited to site access for inspections and water management tasks. The likely cause of the exceedance remains unclear. 22/07/2024 Letter DPHI to CVM PA-37 re Non-compliance Schedule 4, condition 41(a) accepting air quality non-compliance self-report from 10 May 2024 and acknowledging satisfaction with conditions to be completed 17/08/2024 Spreadsheet, Incident and non-compliance register 2024-2026	There have been 3 non compliances identified and reported by the auditee during the audit period relating to air quality within the 7 day reporting timeframe **Non compliance**: The auditee has self reported a number of incidents and non compliances since 2024/25. They have reported these when they become aware of the issue, not consistently within the 7 and 24 day time frames. Information prior to 2024 is not available on incidents or non compliance reporting times **Recommendation**: It is noted that the self reporting has been implemented more frequently since 2024/25 and this is a positive improvement. It is recommended that this continues as the active issues around surface water, dust and odour are rectified. Record keeping generally has improved and this should be maintained	Non Compliant

Table 9 Environmental protection Licence compliance

EPL10341 **Other compliance matters**				
ID No.	Compliance Requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
P1 Monitoring	EPA monitoring points Point 5 weather monitor Adjacent to Mine Office Point 1 spillway of final pollution control dam Point 4 dewatering point located near the railway line	Site inspection and interviews with auditees 16/06/2026 Map Surface water monitoring points CVM Map Groundwater monitoring points monitoring map CVM	Site inspection – Meteorological monitor, Surface water points 004, Point 001, groundwater bores x 4 CP114, CP115, CP132 and GW01 BHW1. Note recommendations for further bores is expected once finalised 2026 water study and management plans. Air monitoring and meteorological monitoring point at Pm10 and TSP interpolated PP2.5 near stone cottage 5x depositional dust monitors CDD1, CDD2, CDD3, CDD4, CDD5 Note flow meter now in place for point 001.	Compliant
L2	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. These include • Boron • Cobalt (total) • Copper (total) • Electrical Conductivity • Nickel (total) • Oil and Grease • pH • Total Iron • Total manganese • Total suspended solids • □ Zinc (total)	Surface water and groundwater data spreadsheets Annual reports Monthly environmental reports May 2015 to March 2026 section 4 surface water quality	Note EPL includes additional analytes to those in the Conditions of consent. Metals are to be analysed as total as opposed to filterable in the CoC. They apply to discharge points 1 and 4. Note that this list of analytes is only applicable from August 2025 when they were added to the EPL. Prior to that the only analytes to be monitored were • Oil and Grease • pH • Total suspended solids Technical specialist reviewed the data in the annual reports for 2023 – 4 which state that the above three analytes were assessed but no supporting laboratory sheets or summaries are provided It is stated that there was one exceedance of TSS and pH during 2023 and three TSS exceedances in 2024. The 2025 annual report notes the additional	Compliant

EPL10341 Other compliance matters				
			analytes required by the August 2025 amendment have been assessed but no supporting laboratory sheets or summaries are provided. It was stated that multiple exceedances were reported. For 2026 based on data provided in the 2026 excel sheet these analytes have been assessed. Exceedances were noted for Total Nickel, Total Cobalt and Total Iron. **Recommendation** – as per findings in Coc condition 4-39 and recommendations made in EP risk report, ensure that a robust QA/QC is implemented for monitoring program	
L3 L.1 Waste	Confirm no waste received at the premises	Site inspection and interviews with auditees 16/06/2026	Auditee confirms onsite no waste is received at the site during this audit period. Noting that VENM had been imported to site in the precious audit period. No waste of that nature was observed in the audit. Some crushed rock material is stockpiled (won on site not imported) Some rubbish observed in areas outside the gate at time of audit.	Compliant
L4 L4.1 - L4.7 Noise	Confirm noise monitoring against noise limit criteria, locations	Refer to audit evidence in conditions of consent checklist items 4-2 to 4-8	Quarterly noise monitoring and reported in annual review	Compliant
L5 L5.1 – L5.5 Blasting	Confirm blasting monitoring for noise and vibration 9:00am-3:00pm Monday to Friday	Site inspection and interviews with auditees 16/06/2026	Auditee indicates no blasting in the audit period or likely to occur at the mine	Compliant
O2 O2.1 Maintenance of plant and equipment	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.	Site inspection and interviews with auditees 16/06/2026	MEX system used by mine for all plant onboarding and maintenance. Note the mine is not currently operational. Only limited plant onsite (2x pumps) and some retired earth, moving equipment.	Compliant
O3 O3.1 – O3.3 Dust	The premises must be maintained in a condition which minimises or prevents the emission of dust	Site inspection and interviews with auditees 16/06/2026 Refer to audit evidence in conditions of consent checklist against items 4-20 to 4-27	The mine is not currently operational.	Compliant
M1 Monitoring records	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained for at least 4 years after the monitoring or event to which they relate took place; and 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.	Site inspection and interviews with auditees 16/06/2026 23/09/2025 Environmental Inspection 23/16/2025 Environmental Inspection 26/11/2025 Environmental Inspection 30/12/2025 Environmental Inspection Website has monitoring records retained for: Quarterly noise monitoring reports 2016-2026 Monthly environmental reports 2015-2026 Annual reviews 2014-2026 Spreadsheet, Air monitoring data, regular reporting 05/01/2023 to 07/05/2026 (every 6 days or make-up dates when missed) Spreadsheet, Dust monitoring data, regular reporting 08/12/2023 to 08/04/2026 showing monthly averages Spreadsheet, Monitoring HVAS data register regular reporting 05/01/2023 to 06/04/2026 (PM10, TSP, PM2.5) Spreadsheet, monitoring data, Water Transfer register, November 2025 to May 2026 (flow meter – note only new on 2025) Spreadsheet, surface water monitoring data, regular reporting Dam 1, Dam 2, Dam 3, North Void, from 24/01/2024 to 08/04/2026. Information not available prior – Spreadsheet, Groundwater monitoring data CP115, CP116, CP132, BHW1, North void, LDP004 intermittent testing results between September 2024 and March 2025. Every 6 months required now monthly.	The auditee has undertaken internal environmental inspections and identified non compliance for water discharge at LDP004, signage yet to be installed Evidence has been provided of monitoring records for Noise Air Surface Water Limited Groundwater data For > 4 years **Recommendation**: As per EP Risk report ensure that a robust QA/QC is implemented for monitoring program and data is retained for requirements M1 a - d	Compliant

EPL10341 Other compliance matters				
		Spreadsheet, Groundwater monitoring depth to aquifer GW01, CP114, CP115, CP132, BHW1 intermittent testing results between November 2024 and May 2026 Spreadsheet, depositional dust register, regular reporting CDD1, CDD2, CDD3, CDD4, CDD5 between August 2023 and March 2026 Spreadsheet List of Surface water (x15) and groundwater (x5) monitoring sites		
M4 Complaints	Complaints re Pollution record must include details: 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. The record of a complaint must be kept for at least 4 years after the complaint was made. must operate during its operating hours a telephone complaints line AND must notify the public of the complaints line telephone number	Site inspection and interviews with auditees 16/06/2026 Complaints register 2026 Complaints register 2024 Complaints register 2023 Complaints register 2022	Complaints register has been maintained annually for the audit period. Complaints register is published on the website for each year in the audit period. Complaints may be lodged on the CVM website or via email or phone. The nature of complaints received in the audit period has been related to: 2026 – 6 complaints. Odour from heating areas x 5 complaints, dust from vehicle on haul road x 1 complaint 2025 – 30 complaints. Odour from heating area x 15, Noise from pump and trucks out of hours x 4, Trucks parking or washing near stone cottage x 6, trucks travelling with body raised, EPA complaint re sludge on Castlereagh hwy x3 2024 – 18 complaints. Odour x 9, Traffic x 7 and other x 2 2023 – 16 complaints. Air quality x 3, water x 2, odour x 4, traffic x 4 other x 2	Compliant
M6 Blasting	Airblast overpressure and ground vibration levels must be measured and electronically recorded at the nearest residence or sensitive location that is not owned by the licensee	Site inspection and interviews with auditees 16/06/2026	Auditee reports no blasting has occurred during the audit period	Not triggered
R1 Annual returns	licensee must complete and supply to the EPA an Annual Return. 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.	Site inspection and interviews with auditees 16/06/2026 Email trail CVM and EPA re issues with eConnect and submission of annual return via email EPA annual return submission 04/02/2025	Documentary evidence not provided for 2022-2023 submissions of annual returns Noting that as of 2026 The requirement for licensees to submit an Annual Return has been replaced by the requirement to report a non-compliance within 21 days of becoming aware of it. Licensees are required to report through eConnect EPA.	Compliant
R2	R2 Notification of environmental harm? Notifications must be made by telephoning the Environment Line service. 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.	Site inspection and interviews with auditees 16/06/2026 Letter, CVM to EPA re Notification of Water Quality Exceedance at licenced discharge point 004 for TSS on 23 December 2024 sample report received 24 January 2025. 28/01/2025 Letter, CVM to EPA re Notification of Water Quality Exceedance at licenced discharge point 004 for TSS on 13 August 2024 sample report received 09 October 2025. 10/10/2025 Letter, CVM to DPHI re Notification of water quality exceedance sample report received 09 October 2025. 14/10/2025 Letter, CVM to DPHI re Notification of water quality exceedance sample report received 27 September 2025. 14/10/2025 Letter, CVM to EPA re Notification of Water Quality Exceedance at licenced discharge point 004 for iron, zinc, cobalt sample report received 27 October 2025. 27/10/2025 Email, EPA to CVM noting water quality exceedance reporting and noting that matter will remain open until CVM complete Groundwater Investigation and Surface Water Management Report, as required by EPL 10341 Pollution Reduction Program condition U1.2, 19/12/2025 Email, EPA to CVM noting water quality exceedance reporting and noting that matter will remain open until CVM complete Groundwater Investigation and Surface Water Management Report, as required by EPL 10341 Pollution Reduction Program condition U1.2, 26/11/2025 Email, EPA to CVM noting water quality exceedance reporting and noting that matter will remain open until CVM complete Groundwater Investigation	The auditee has self-reported to the EPA environmental line during the audit period as follows: Water quality criteria exceedances identified at monitoring point 004 on TSS exceedance identified on 23/12/2024, results received 24/1/2025 and reported 28/01/2025 (within 7 days) TSS exceedance identified on 13/08/2024, results received 09/10/2025 and reported 10/10/2025 (within 7 days) Heavy metals exceedance, results received on 15/12/2025 and reported on 15/12/2025 Heavy metals exceedance, results received on 03/02/2026 and reported on 03/02/2026 Heavy metals and TSS exceedance, results received 122/03/2026 and reported on 16/03/2026 The delay of receipt of sample results means that reporting is when the mine becomes aware of the exceedance not the date of sampling. There are some periods where the receipt of samples is a long time after actual sampling date. The evidence indicates that the mine is reporting exceedance es when it becomes aware, however there is no evidence of regular reporting prior to late 2024 this	Compliant

EPL10341 Other compliance matters				
		and Surface Water Management Report, as required by EPL 10341 Pollution Reduction Program condition U1.2, 17/10/2025 Letter, CVM to DPHI re Notification of water quality exceedance non-compliance with schedule 4 condition 41 reporting timeframes, 01/12/2025 Letter, CVM to DPHI re Notification of water quality exceedance report received 15 December 2025. 15/12/2025 Letter, CVM to EPA re Notification of water quality exceedance report for Cobalt, Nickel, Zinc, Iron received 15 December 2025. 15/12/2025 Letter, CVM to EPA re Notification of water quality exceedance report for Cobalt, Nickel, Zinc, Iron, TSS received 03 February 2026 03/02/2026 Letter, CVM to EPA re Notification of water quality exceedance report for Cobalt, Nickel, Zinc, Iron, TSS received 12 March 2026 16/03/2026 Letter DPHI to CVM PA-55 re Non-compliance Schedule 4, condition 41(a) accepting water quality non-compliance self-report on 01 December 2025 and acknowledging actions to be completed 13/01/2026 Letter DPHI to CVM PA-49 re Non-compliance Schedule 4, condition 41(a) accepting water quality non-compliance self-report from 14 October 2025 and acknowledging actions to be completed 15/10/2026 Letter DPHI to CVM PA-56 re Non-compliance Schedule 4, condition 41(a) accepting water quality non-compliance self-report from 15 December 2025 and acknowledging actions to be completed. 18/12/2025 Letter DPHI to CVM PA-51 re Non-compliance Schedule 4, condition 41(a) accepting water quality non-compliance self-report from 14 October 2025 and acknowledging actions to be completed and details to be in next annual review 20/11/2025 Email EPA to CVM Confirming receipt of water quality exceedance notification at LDP004 28/01/2025	may be as filing is not available prior to these dates due to change of ownership and personnel. These above instances have also been reported to DPHI	
G1	G1 Copy of licence kept at the premises or plant	Site inspection and interviews with auditees 16/06/2026	Confirmed EPL copy available in site office at Invincible mine as CVM currently inactive	Compliant
U1 Water seepage	U1.1 The Licensee must take all reasonable and feasible actions to cease any seepage and maintain the North Void to ensure no future seepage occurs from the premises. U1.2 By 26 January 2026, the Licensee must submit a 'Groundwater Investigation and Surface Water Management Report' for the Premises U1.3 Based on the outcome of U1.2, the Licensee must update their Water Management Plan and Water Balance for the Premises by no later than 31 March 2026 and submit the documents to the EPA via info@epa.nsw.gov.au. U1.5 The Licensee must prepare monthly summary reports detailing: 1. Progress in addressing seepage and uncontrolled discharge. 2. Actions taken to manage and remediate any confirmed contamination. 3. Updates on investigation and rehabilitation efforts. Reports must be submitted to the EPA via info@epa.nsw.gov.au, by no later than 5:00pm on the last Friday of October, January, April and July, until the EPA notifies the licensee in writing that the requirements of U1 have been met and that reports are no longer required.	Report, Groundwater Investigation and Surface Water Management Report, EMM Rev 03, 21/01/2026 Monthly Environmental Reports (EPL) published on website from May 2016 to March 2026	The audit team included a specialist mine hydrogeologist to assess surface and groundwater compliance. The Auditees has provided a copy of the Groundwater Investigation and Surface Water Management Report prepared by EMM in January 2026 as required by the EPA. The auditee has provided evidence of a request for an extension of time for submission of the updated Water Management Plan and Water Balance. Submission of this has been extended to 30 June 2026. A draft version has been provided with review commentary from DCEEW and the EPA. Auditee has indicated that this is likely to be extended further. There are a number of recommendations arising from this report. The auditee has published the monthly environmental summary report on the website with data available from May 2016 until March 2026. These documents show reporting on depositional dust, PM10 and PM2.5 and TSP and surface water quality results summary for each month. Noise monitoring results are also available on the website in quarterly summaries from 2016 until 2026. The monthly reports do not provide updates on: Progress in addressing seepage and uncontrolled discharge actions taken to manage and remediate any confirmed contamination or investigation and rehabilitation efforts or actions taken. The site inspection shows that the auditee is currently pumping what appears to be constantly inflowing groundwater from the area known as the	Compliant

EPL10341 Other compliance matters				
			North void back into the open cut workings approximately 1.8km to the south. Water in this receiving area is not retained but disappears into ground relatively quickly. While this is a temporary management measure to reduce risk of seepage or overtopping, it is recommended that a more robust approach is taken to minimise risk of site water entering bushland to the north. There was no evidence of active seeping outside the site in bushland on the day of inspection, likely due to CVM keeping water levels down in the North Void. There is evidence of several trees having died in the area north of the North Void but it is likely that this is due to wet ground conditions rather than contamination based on the isolated nature of this. At the time of inspection, it appeared the majority of water from this void had been removed and was continually being pumped away from the void and contained onsite. The seepage location which was not flowing but soils were water logged and some minor ponded water evident. It is considered that this current management action is adequate but note that in the long term continually pumping may prove difficult. Audit noted a small groundwater spring daylighting adjacent to the void and consider that groundwater will continue to be flow into. **Observation:** While the auditee is actively pumping water to reduce potential impacts from the north void at the time of audit, this is a temporary solution to cease seepage. It is noted that an extension of time has been granted for the submission of the updated plans to 30/06/2026 **Recommendation**: Complete the revision of site water management plans and implement feasible recommendations to cease seepage issues	

Table 10 Mining Licence compliance

MINING LEASE STANDARD CONDITIONS				
(Mining regulation 2016, Schedule 8 Part 2)	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*. 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. 6 Rehabilitation must achieve final land use (1) The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area. (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). (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).	Results of audit - monitoring / Confirm on site RFI29 Spreadsheet, rehabilitation Risk assessment (references Risk assessment prepared in 2022?) 09/03/2025 Plan, Cullen Valley Mine Rehabilitation Management Plan Rev 01, Atlantech 26/09/2025 published on website Report, Cullen Valley Mine Annual Rehabilitation Report ARR0001727 01/01/2025 to Wednesday 31/12/2025. Submission to Resources regulator 31/03/2026 Report, Cullen Valley Mine Forward Program FWP0001859 01/01/2026 to 3112/2026 submission to Resource Regulator 31/03/2026 Report, Cullen Valley Mine Annual Rehabilitation Report ARR0001456 from 1/01/2024 to 31/12/2024 submitted to Resources Regulator 31/03/2025 FWP0001580 Cullen Valley Mine Forward Program 1/01/2025 to 31/12/2027, submission to Resource Regulator 31/03/2025 Approval, Mining Licence ML1557 Variation signed 14/03/2018 Report, ML1455 Annual Report August 2022 August 2023, 15/09/2023	The auditee has completed and published the required documentation under these standard conditions, The Rehabilitation risk assessment raises a number of actions – Auditee has shown a spreadsheet for section 240 and TAPS however risk assessment. The auditee showed their environmental task and priority tracker where these are proposed to be addressed in the future. The auditor requested confirmation of areas of dieback, and the auditee provided mapping of these post audit. It indicates that 7.14 ha of rehabilitation area has been affected by subsurface heating and is effectively now bare or vegetation. Confirmed progressive restoration but note no active mining in last 3-4 years. Rehabilitation areas looked in generally good condition except that there are	Compliant

MINING LEASE STANDARD CONDITIONS				
	Note— Clause 7 requires a rehabilitation risk assessment to be conducted whenever a hazard is identified under this subclause. (4) In this clause— *final land use* for the mining area means the final landform and land uses to be achieved for the mining area— (a) as set out in the rehabilitation objectives statement and rehabilitation completion criteria statement, and (b) for a large mine—as spatially depicted in the final landform and rehabilitation plan, and (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. *planning approval* means— (a) a development consent within the meaning of the *Environmental Planning and Assessment Act 1979*, or (b) an approval under that Act, Division 5.1. Division 2 Risk assessment 7 Rehabilitation risk assessment (1) The holder of a mining lease must conduct a risk assessment (a *rehabilitation risk assessment*) that— (a) identifies, assesses and evaluates the risks that need to be addressed to achieve the following in relation to the mining lease— (i) the rehabilitation objectives, (ii) the rehabilitation completion criteria, (iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan, and (b) identifies the measures that need to be implemented to eliminate, minimise or mitigate the risks. (2) The holder of the mining lease must implement the measures identified. (3) The holder of a mining lease must conduct a rehabilitation risk assessment— (a) for a large mine—before preparing a rehabilitation management plan, and (b) for a small mine—before preparing the rehabilitation outcome documents for the mine, and (c) whenever a hazard is identified under clause 6(3)—as soon as reasonably practicable after it is identified, and (d) whenever given a written direction to do so by the Secretary. Division 3 Rehabilitation documents 8 Application of Division This Division does not apply to a mining lease unless— (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 (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. 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. 10 Rehabilitation management plans for large mines (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— (a) a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area, (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, (c) a summary of rehabilitation risk assessments conducted by the holder, (d) the risk control measures identified in the rehabilitation risk assessments, (e) the rehabilitation outcome documents for the mining lease,	Approval, ML1556 renewal 04/02/2025 Report, Annual Report ML1556 for September 2021 – September 20022 19/10/2022 Approval, ML1557 renewal 04/02/2025 Report, Annual Report ML1557 from September 2021 to September 2022 19/01/2022. Annual rehabilitation reporting published on website 2024 and 2025 Rehabilitation Forward Programs published on website 2025-2027 and 2026 -2028 Email Atlantech to CVM 17/06/2026 re rehabilitation areas and compensatory habitat areas mapping 2026	areas of dieback due to subsurface heating within rehab areas. The CVM website has the documents defined in clause 16 including: (a) a rehabilitation management plan, (b) a forward program, (c) an annual rehabilitation report (annual environmental review chapter 8) **Observation**: The subsurface heating has caused dieback of approximately 7 hectares of rehabilitation **Recommendation** a number of actions require following up and progress from the rehabilitation risk assessment. The potential for ongoing subsurface heating poses a risk to the success of rehabilitation and requires remediation and updating of rehabilitation plans as per division 3 clause 11 (c)	

MINING LEASE STANDARD CONDITIONS				
	(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. (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. (3) A rehabilitation management plan is not required to be given to the Secretary for approval. (4) The holder of the mining lease— (a) must implement the matters set out in the rehabilitation management plan, and (b) if the forward program specifies timeframes for the implementation of the matters—must implement the matters within those timeframes. 11 Amendment of rehabilitation management plans The holder of a mining lease must amend the rehabilitation management plan for the mining lease as follows— (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, (b) as a consequence of an amendment made under clause 14 to a rehabilitation outcome document—within 30 days after the amendment is made, (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, (d) whenever given a written direction to do so by the Secretary—in accordance with the direction. 12 Rehabilitation outcome documents (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— (a) the *rehabilitation objectives statement*, which sets out the rehabilitation objectives required to achieve the final land use for the mining area, (b) the *rehabilitation completion criteria statement*, which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives, (c) for a large mine, the *final landform and rehabilitation plan*, showing a spatial depiction of the final land use. (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. 13 Forward program and annual rehabilitation report (1) The holder of a mining lease must prepare a program (a *forward program*) for the mining lease that includes the following— (a) a schedule of mining activities for the mining area for the next 3 years, (b) a summary of the spatial progression of rehabilitation through its various phases for the next 3 years, (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. (2) The holder of a mining lease must prepare a report (an *annual rehabilitation report*) for the mining lease that includes— (a) a description of the rehabilitation undertaken over the annual reporting period, (b) a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period, (c) a report demonstrating progress made towards the achievement of the following— (i) the objectives set out in the rehabilitation objectives statement, (ii) the criteria set out in the rehabilitation completion criteria statement, (iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan. (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. (4) The holder of the mining lease must give the forward program and annual rehabilitation report to the Secretary. (5) In this clause— *annual reporting period* means each period of 12 months commencing on— (a) the date on which the mining lease is granted, or (b) if the Secretary approves another date in relation to the mining lease—the other date. 14 Amendment of rehabilitation outcome documents and forward program (1) This clause applies to—			

MINING LEAGUE STANDARD CONDITIONS				
	(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. 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. (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. (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. (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. (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. (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. 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. (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. (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			

MINING LEASE STANDARD CONDITIONS				
	(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. Division 4 Records, reporting and notification 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. 18 Report on non-compliance (1) The holder of a mining lease must provide the Minister with a written report detailing any non-compliance with— (a) a condition of the mining lease, or Note— The Act, section 364A contains provisions relating to the use and disclosure of information provided under this condition. (b) a requirement of the Act or this Regulation relating to activities under the mining lease. (2) The holder of the mining lease must provide the report within 7 days after becoming aware of the non-compliance. (3) The holder of the mining lease must ensure the report— (a) identifies the condition of the mining lease, or the requirement of the Act or this Regulation, to which the non-compliance relates, and (b) describes the non-compliance and specifies the date or dates on which, or the period during which, the non-compliance occurred, and (c) describes the causes or likely causes of the non-compliance, and (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 19 Nominated contact person (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. 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. (2) The holder of the mining lease must give written notice to the Secretary of— (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 (b) any change in nomination or in the nominated person's contact details—within 28 days after the change occurs. (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. Division 5 Applications relating to development consent 20 Additional requirements—application for or to modify development consent (1) The holder of a mining lease must give written notice to the Secretary within 10 days after— (a) making an application for development consent that relates to the mining area, or (b) making an application for modification of a development consent— (i) under the *Environmental Planning and Assessment Act 1979*, section 4.55(2), and (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. (2) This clause does not apply if the development is State significant development.			
ML1556 ML1557 ML1455 ML1488	General conditions 1. Notice to Landholders (a) The lease holder must cause written notice of the grant or renewal of this mining lease to be provided to each landholder of land over which the mining lease was granted or renewed in accordance with paragraph (b). (b) If there are –	Email to Shoalhaven Coal (landowner) re renewal of ML1556 06/02/2025 Email to Shoalhaven Coal (landowner) re renewal of ML1557 06/02/2025 Letter NSW Resources Regulator to CVM LETT0009453 re Investigation outcome 24/09/2024 Form, ML15, Mining act 1992 re Application to vary a mining lease to attach a condition regulating ancillary mining activity	Them nine currently has 4x active licences (ML1556, ML1557, ML1455 and ML1488). Notification to landowner of mining leases ML1556 and ML1557 provided (Shoalhaven Coal) Renewal of these leases took effect on 20/09/2025 ML1455 was renewed on 31/5/23	Compliant

MINING LEASE STANDARD CONDITIONS				
	i. less than 10 landholders of the land over which the lease was granted or renewed – the notice must be provided to each landholder, ii. 10 or more landholders of the land over which the lease was granted or renewed – the notice may be provided to each landholder or published in a newspaper circulating in the area where the mining lease is situated. (c) The notice must be provided – i. for notice of the grant of the mining lease – not later than 90 days after the date on which the mining lease was granted, ii. for notice of the renewal of the mining lease – not later than 90 days after the date on which the renewal of the mining lease takes effect. (d) The notice must include the following – i. a statement that the mining lease has been granted or renewed (as relevant), ii. confirmation as to whether the mining lease includes the surface of the land, iii. a plan which identifies – 1. the area of the land subject to the mining lease, and 2. geographical and other features (such as roads, rivers, railways, towns, suburbs, or localities) that are sufficient to identify the area of the State within which the mining lease is situated.		ML1488 was not renewed during the audit period (next due 20/6/2033) The NSW resources regulator issued a letter to CVM on 24/09/2024. This letter relates to submission requirement for an ancillary mining activity approval for Dam 2 and Dam 3 by 31/10/2024. CVM submitted a form to vary a mining lease to attach a condition regulating ancillary mining activity (MLs 1455, 1556, 1488). ML1556 and ML1557 were renewed on 04/02/2025. **Observation**: ML1455 was renewed on 31/5/23 but no evidence of notification to landholder was provided as per ML condition 1 to all landholders **Recommendation**: Confirm issuing of this letter to all required landholders.	
WAL27898	Annual returns - groundwater		**Observation**: Groundwater take data not available **Recommendation**: Groundwater extraction must be in line with requirements and reporting as per WAL	

APPENDIX B – PLANNING SECRETARY AGREEMENT OF INDEPENDENT AUDITORS

Department of Planning, Housing and Infrastructure

Reference: DA200-5-2003-PA-63

Mrs Taresa Hateley
Environmental Superintendent
SHOALHAVEN COAL PTY LTD
14/04/2026

Sent via the Major Projects Portal only

Subject: Cullen Valley Coal - Independent Environmental Audit Auditor Endorsement Request

Dear Mrs Hateley

I refer to your Auditor Approval Request, submitted to NSW Department of Planning, Housing and Infrastructure (the Department) on 9 April 2026, for the Planning Secretary's approval of a suitably qualified, experienced, and independent persons, to conduct the Independent Environmental Audit (IEA), as required by Schedule 6 Condition 6 for the Cullen Valley Coal Project DA200-5-2003 (Consent).

The Department has reviewed the independent auditor nominations and based on the information provided, is satisfied that the proposed audit team from Wolfpeak Group Pty Ltd are suitably qualified, experienced, and independent.

In accordance with Schedule 6 Condition 6, as nominee of the Planning Secretary, I endorse the appointment of the following independent audit team to prepare the IEA:

- Mr Stuart Longman (Lead Auditor)
- Mr Ricardo Prieto-Curiel (Alternate Lead Auditor)
- Mr Derek Low (Peer Reviewer)

However, the Department is of the view that the audit team does not contain the skills, knowledge or experience in surface and groundwater impacts associated with mining projects. Therefore, the Department requests that the audit team includes an independent expert/technical specialist that possesses specific skills, knowledge and/or experience in surface and groundwater impacts associated with mining activities.

The independent expert/ technical specialists are to be agreed to by the Planning Secretary, and the audit must not commence until the proposed technical specialist has been agreed to in writing. The technical specialists must be able to demonstrate in writing their competence, based on formal qualifications and relevant experience in the industry of the project. Technical specialists with audit experience are preferable. The technical specialists are required to provide technical advice to the lead auditor.

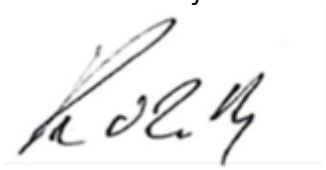
Please note:

- This correspondence must be appended to the Independent Audit Report.
- The Independent Audit must be prepared, undertaken, and finalised in accordance with the conditions of Consent and have consideration for the Department's *Independent Audit Post Approval Requirements* (2020). Failure to meet these requirements will require revision and resubmission.
- Any change to the auditor or auditor roles must be approved by the Planning Secretary prior to the audit commencing.
- The Lead Auditor must attend the site inspection component of the audit.
- Endorsed experts/specialists must attend the site inspection component of the audit unless otherwise agreed by the Planning Secretary and the IEA report must include specific sections (and/or an appended report) prepared by the experts which addresses their assessment of compliance (and recommendations for improvements) in respect to the consent conditions, management plans and any other matters considered relevant for their areas of expertise.
- The audit period is the day after the site inspection date of the previous audit, to the final site inspection date of the current audit.

Notwithstanding the endorsement of the above independent audit team for the project, each respective project approval or consent requires a request for endorsement of the independent auditor or audit team be submitted to the Department, for consideration of the Planning 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.

Should you wish to discuss the matter further, please contact Jennifer Rowe, (Senior Compliance Officer) on 0242471851 or email compliance@planning.nsw.gov.au.

Yours sincerely



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

This email is to be appended to the Audit Report.

The Proponent should review the Audit Report prior to submission to NSW Planning, to ensure all the requirements of the Consent relating to Independent Environmental Audits have been met.

Lastly, it is the expectation that the lead auditor attends audit site inspections and interviews. The Independent Audit Post Approval Requirements 2020 (IA PAR) requires the proponent to provide the auditor with reasonable access to all requested development areas and activities; thus the NSW Plannings expectation is the auditor is to attend the site inspection. The IA PARs do not differentiate between a "lead auditor" and an "auditor" - so all references to "the auditor" in the PARS includes all approved auditors (lead and otherwise).

Should you have any further questions, please don't hesitate to contact me on the details below.

Regards,

Jennifer Rowe
Senior Compliance Officer

Compliance | Department of Planning, Housing and Infrastructure
| **E** jennifer.rowe@planning.nsw.gov.au
PO Box 5475 | Level 2/84 Crown Street Wollongong, NSW 2500
(Work Days: Tuesday, Wednesday & Thursday)

www.dphi.nsw.gov.au

NSW GOVERNMENT

The Department of Planning, Housing & Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Please note that I work flexibly. I'm sending this message now because it's a good time for me, but I don't expect that you will read, respond to or action it outside of your own regular hours.

Please consider the environment before printing this e-mail

From: Stuart Longman <slongman@wolfpeak.com.au>
Sent: Thursday, May 07, 2026 1:24 PM
To: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Subject: Cullen Valley Mine Audit scope - DA-200-5-2003 - IA

APPENDIX C – CONSULTATION RECORDS

Stuart Longman

From: Jennifer Rowe <Jennifer.Rowe@planning.nsw.gov.au>
Sent: Wednesday, 13 May 2026 11:13 AM
To: Stuart Longman
Subject: Department Consultation on Cullen Valley Mine Audit scope - DA-200-5-2003

Hi Stuart

I have reviewed your email below to the Department, seeking consultation on the upcoming Independent Environmental Audit (IEA) for Cullen Valley Mine (DA-200-5-2003).

As noted in your email, the Audit needs to ensure that it addresses all conditions of consent for the Project and meet the requirements of the *Independent Audit Post Approval Requirements (DPIE, 2020)*. https://www.planning.nsw.gov.au/sites/default/files/2023-02/independent-audit-par-202005.pdf.

As part of your Audit can you please address/review the following aspects:

- Ensure you assess compliance with all conditions of consent applicable to the phase of the development that is being audited and all post approval and compliance documents prepared to satisfy the conditions of consent, including management plans.
- Review the environmental performance of the development including actual impacts compared to predicted impacts, incidents, non-compliances, complaints, the physical extent of the development in comparison with the approved boundary.
- A high-level assessment and review of Environmental Management Plans and Sub-plans and whether they are adequate, specifically the surface/groundwater Management Plans and Air Quality Management Plan.
- Ensuring all notifications have been carried out, eg incident/non-compliance reporting and check that reported non-compliances/incidents (including those reported in the Annual Review and previous audits) have been actioned appropriately and closed out.
- Ensuring all environmental controls have been installed, maintained and are adequate, specifically in relation to managing water, noise and dust, and are being used in a fit and proper manner.
- Erosion and sediment management and maintenance across the Project is being undertaken and adequate and that dams are sized and being utilised to their design capacity.

Please consult with the following:

a. Local Council - Lithgow City Council
b. Environment Protection Authority
c. NSW Resource Regulator
d. Transport for NSW
e. CPHR - Conservation Programs Heritage and Regulation Group within the NSW Department of Climate Change, Energy, the Environment and Water Heritage NSW
f. Water Group - Water Group within the NSW Department of Climate Change, Energy, the Environment and Water Community Consultative Committee
g. Heritage NSW - Heritage NSW within the NSW Department of Climate Change, Energy, the Environment and Water

Dear Sir/Madam,

I am one of the Department of Planning, Housing and Infrastructure (the Department) approved Independent Auditors of the Cullen Valley Mine (the Project).

I am currently preparing to undertake the next three yearly independent audit (IA) for the operational phase of the Project. The audit is required to be conducted in accordance with Development Consent DA-200-5-2003 (mod 5 - 2004), Schedule 6, condition 6 and 7 and schedule 4 conditions 36-37, and the Department's *2026 Independent Audit Post Approval Requirements* (or IAPAR).

The Approval is available at the following link: https://www.planningportal.nsw.gov.au/major-projects/projects/cullen-valley-coal

The IAPAR is available at the following link: https://www.planning.nsw.gov.au/sites/default/files/2026-03/independent-audit-par-202603.pdf

The on-site component of the audit is planned to take place on the 9th/10th June 2026, with the report and proponents response to be submitted to the Department within 3 months of the audit. The audit pertains to post-approval requirements and compliance.

In accordance with Section 3.2 of the IAPAR, I am consulting with the Department on the **scope of the audit** and for confirmation as to whether other parties or agencies are to be consulted.

As you will see the required scope (outlined in Section 3.3 of the IAPAR) already covers an assessment of each relevant condition along with all post approval documents prepared to satisfy the conditions of Approval, including an assessment of the implementation of Environmental Management Plans and Sub-plans, complaints, incidents and so forth. These are included in the audit scope for this Project.

In providing input to the scope, I kindly request the Department confirm:

- If it has any concerns/key issues it would like examined, relating to post-approval requirements and compliance that are not already called up by the scope in Section 3.3 of the IAPAR, or
- If it recommends that other parties or agencies are to be consulted. If so, I request that the Department identify those parties.

Outlook

Cullen Valley Mine Audit scope - DA-200-5-2003 - IA

From Stuart Longman <slongman@wolfpeak.com.au>
Date Thu 2026-05-07 10:51 AM
To compliance@planning.nsw.gov.au <compliance@planning.nsw.gov.au>
Cc Derek Low <dlow@wolfpeak.com.au>; Taresa Hateley <taresa.hateley@ccoal.com.au>

Dear Sir/Madam,

I am one of the Department of Planning, Housing and Infrastructure (the Department) approved Independent Auditors of the Cullen Valley Mine (the Project).

I am currently preparing to undertake the next five yearly independent audit (IA) for the operational phase of the Project. The audit is required to be conducted in accordance with Development Consent DA-200-5-2003 (mod 5 - 2004), Schedule 4 conditions 36-37, and the Department's *2026 Independent Audit Post Approval Requirements* (or IAPAR).

The Approval is available at the following link: https://www.planningportal.nsw.gov.au/major-projects/projects/cullen-valley-coal

The IAPAR is available at the following link: https://www.planning.nsw.gov.au/sites/default/files/2026-03/independent-audit-par-202603.pdf

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In providing input to the scope, I kindly request the Department confirm:

- If it has any concerns/key issues it would like examined, relating to post-approval requirements and compliance that are not already called up by the scope in Section 3.3 of the IAPAR, or
- If it recommends that other parties or agencies are to be consulted. If so, I request that the Department identify those parties.

Please let me know if you have any questions. I look forward to hearing from you.

Yours sincerely,

Outlook

RE: Audit Scope Consultation - Cullen Valley Mine - Due 29 May 2026 - Wolf Peak

From Lithgow City Council <council@lithgow.nsw.gov.au>
Date Fri 5/15/2026 9:09 AM
To Stuart Longman <slongman@wolfpeak.com.au>

Dear Stuart,

Thank you for notifying Council of the Audit for Cullen Valley Mine. At this stage Council has no comment or concerns relating to the development consent of the mine.

Yours Sincerely

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

COMMUNICATION | ACCOUNTABILITY | RESPECT | EMPATHY | SUPPORT

#RESPOND 2510134
#ECMBODY
From: Stuart Longman <slongman@wolfpeak.com.au>
Sent: Wednesday, 13 May 2026 12:17 PM
To: Lithgow City Council <council@lithgow.nsw.gov.au>
Subject: Audit scope consultation - Cullen Valley Mine

Dear Sir/Madam,

I am one of the Department of Planning, Housing and Infrastructure (DHPI) approved Independent Auditors of the **Cullen Valley Mine (the Project).**

In pre audit consultation with DPHI – they have requested that we consult your organisation on input on anything you would like the scope of this audit to focus on.

I am currently preparing to undertake the next three yearly independent audit (IA) for the operational phase of the Project. The audit is required to be conducted in accordance with Development Consent DA-200-5-2003 (mod 5 - 2004), Schedule 6, condition 6 and 7 and schedule 4 conditions 36-37, and the Department's *2026 Independent Audit Post Approval Requirements* (or IAPAR).

Outlook

RE: Audit scope consultation - Cullen Valley Mine

From Alison Lamond <alison.lamond@dcceew.nsw.gov.au>
Date Thu 5/14/2026 10:01 AM
To Stuart Longman <slongman@wolfpeak.com.au>

Hello Stuart,
Thank you for your referral seeking comment from Heritage NSW on the scope for the Independent Environmental Audit for your project. Please consider as a part of your audit scope any conditions relating to heritage within the Conditions of Consent for the project and any approved Management Plans. In addition, please confirm that any required updates to the AHIMS register, including Aboriginal Site Impact Recording forms, have been completed.
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.
If you have any questions regarding these comments, please contact heritagemailbox@environment.nsw.gov.au.

Kind regards,

Alison Lamond *BSci, BA (Hons), (she/her)*
Strategic Manager – Major Projects
Heritage NSW
Department of Climate Change,
Energy, the Environment and Water

E alison.lamond@dcceew.nsw.gov.au

dcceew.nsw.gov.au

Level 3, 6 Stewart Ave
Newcastle West NSW 2303

Locked Bag 1002, Dangar NSW 2309

Working days Monday to Friday, 9:00am - 5:00pm

NSW GOVERNMENT

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Please consider the environment before printing this email.

From: Stuart Longman <slongman@wolfpeak.com.au>
Sent: Wednesday, 13 May 2026 12:25 PM
To: heritagemailbox@environment.nsw.gov.au
Subject: Audit scope consultation - Cullen Valley Mine

Dear Sir/Madam,

I am one of the Department of Planning, Housing and Infrastructure (DHPI) approved Independent Auditors of the **Cullen Valley Mine (the Project).**

In pre audit consultation with DPHI – they have requested that we consult CPHR - Conservation Programs Heritage and Regulation Group on input on anything you would like the scope of this audit to focus on.

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The IAPAR is available at the following link: https://www.planning.nsw.gov.au/sites/default/files/2026-03/independent-audit-par-202603.pdf

The on-site component of the audit is planned to take place on the 9th/10th June 2026, with the report and proponents' response to be submitted to the Department within 3 months of the audit. The audit pertains to post-approval requirements and compliance.

Please let me know if you have any questions. Otherwise, I look forward to hearing from you on any matters you would like included in the audit.

A response would be greatly appreciated by the 29th May to allow time to prepare for the audit.

Yours sincerely,

Stuart Longman

Principal Environmental Consultant

wolfpeak
A SEQUANA COMPANY

E: slongman@wolfpeak.com.au
P: 1800 979 716
W: www.wolfpeak.com.au
Gadigal Country – 10 Bridge Street, Sydney NSW 2000

Awabakal Country - Newcastle NSW





At WolfPeak, we live by our values and are committed to building a better future by enabling prosperity, environmental protection and positive stakeholder outcomes. In doing so, ***we acknowledge the Traditional Owners of Country and all Aboriginal and Torres Strait Islander people with whom we collaborate with, and respect their continuous connection to the land, waters and community.*** *We commit to amplifying their voices in all aspects of our business and recognise their continued custodianship over the lands that have built modern Australia.*

This email is intended only for the addressee and may contain confidential information. If you receive this email in error, please delete it and any attachments and notify the sender immediately by reply email. WolfPeak takes all care to ensure that attachments are free from viruses or other defects. WolfPeak assume no liability for any loss, damage or other consequences, which may arise from opening or using an attachment.

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Department of Climate Change, Energy, the Environment and Water.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

Outlook

Audit scope consultation - Cullen Valley Mine

From Stuart Longman <slongman@wolfpeak.com.au>
Date Wed 5/13/2026 12:22 PM
To info@sys.resources.nsw.gov.au <info@sys.resources.nsw.gov.au>

Dear Sir/Madam,

I am one of the Department of Planning, Housing and Infrastructure (DHPI) approved Independent Auditors of the **Cullen Valley Mine (the Project).**

In pre audit consultation with DPHI – they have requested that we consult your organisation on input on anything you would like the scope of this audit to focus on.

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A response would be greatly appreciated by the 29th May to allow time to prepare for the audit.

Outlook

Audit scope consultation - Cullen Valley Mine

From Stuart Longman <slongman@wolfpeak.com.au>
Date Wed 5/13/2026 12:20 PM
To info@epa.nsw.gov.au <info@epa.nsw.gov.au>

Dear Sir/Madam,

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A response would be greatly appreciated by the 29th May to allow time to prepare for the audit.

Outlook

Re: Audit scope consultation - Cullen Valley Mine

From DPIE Water Enquiries Mailbox <water.enquiries@dcceew.nsw.gov.au>
Date Wed 5/13/2026 1:22 PM
To Stuart Longman <slongman@wolfpeak.com.au>

Dear Stuart,

Thank you for your enquiry to the Water Group in the NSW Department of Climate Change, Energy, the Environment and Water.

Your reference number is IS-14598.

I have referred your enquiry to the Water Assessments team for review.

If you have any further questions or would like more information from us, please get in touch by reply email or phone 1300 081 047 to speak to the Water Enquiries team.

Kind regards,

Please view our privacy statement

Ben Gilchrist
Project Officer
Water Enquiries
Department of Climate Change,
Energy, the Environment and Water

Ph: 1300 081 047 | **E:** water.enquiries@dpie.nsw.gov.au

dcceew.nsw.gov.au

6 Stewart Avenue Newcastle West NSW
Awabakal country

NSW GOVERNMENT

Our Vision: *Together, we create thriving environments, communities and economies.*

The Department of Climate Change, Energy the Environment and Water acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Stuart Longman <slongman@wolfpeak.com.au>
Sent: Wednesday, 13 May 2026 12:26 PM
To: DPIE Water Enquiries Mailbox <water.enquiries@dcceew.nsw.gov.au>
Subject: Audit scope consultation - Cullen Valley Mine

Dear Sir/Madam,

I am one of the Department of Planning, Housing and Infrastructure (DHPI) approved Independent Auditors of the **Cullen Valley Mine (the Project).**
In pre audit consultation with DPHI – they have requested that we consult Water Group - Water Group within the NSW DCCEEW on input on anything you would like the scope of this audit to focus on.
I am currently preparing to undertake the next three yearly independent audit (IA) for the operational phase of the Project. The audit is required to be conducted in accordance with Development Consent DA-200-5-2003 (mod 5 - 2004), Schedule 6, condition 6 and 7 and schedule 4 conditions 36-37, and the Department's *2026 Independent Audit Post Approval Requirements* (or IAPAR).

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Please let me know if you have any questions. Otherwise, I look forward to hearing from you on any matters you would like included in the audit.

A response would be greatly appreciated by the 29th May to allow time to prepare for the audit.

Yours sincerely,

Stuart Longman
Principal Environmental Consultant
wolfpeak
A SEQUANA COMPANY
E: songman@wolfpeak.com.au

NSW Department of Climate Change, Energy, the Environment and Water

Our ref: OUT26/5633

Stuart Longman
Wolfpeak
Email: slongman@wolfpeak.com.au

14/05/2026

Subject: **Cullen Valley Mine - Independent Environmental Audit - DA-200-5-2003**

Dear Stuart Longman,

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 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.

- 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 2025.
- 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 years, 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 the Water Assessments team at water.assessments@dcceew.nsw.gov.au

Yours sincerely,



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

Outlook

Audit scope consultation - Cullen Valley Mine

From Stuart Longman <slongman@wolfpeak.com.au>
Date Tue 5/19/2026 11:44 AM
To assetmanagementengagement@transport.nsw.gov.au <assetmanagementengagement@transport.nsw.gov.au>

Dear Sir/Madam,

I am one of the Department of Planning, Housing and Infrastructure (DHPI) approved Independent Auditors of the **Cullen Valley Mine (the Project).**

In pre audit consultation with DPHI – they have requested that we consult your organisation on input on anything you would like the scope of this audit to focus on.

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Please let me know if you have any questions. Otherwise, I look forward to hearing from you on any matters you would like included in the audit.

A response would be greatly appreciated by the 29th May to allow time to prepare for the audit.

Yours sincerely,

Stuart Longman

NSW Resources
Resources Regulator

2 June 2026

Mr Stuart Longman
Wolf Peak Pty Ltd
By email: slongman@wolfpeak.com.au

Re: Cullen Valley Mine – Independent Environmental Audit

Dear Mr Longman,

Thank you for your email dated 13 May 2026 (our reference: AREQ0074870) requesting consultation on the independent audit to be undertaken of the Cullen Valley Mine which is covered by the following mining leases:

- ML1455 (1992)
- ML1488 (1992)
- ML1556 (1992)
- ML1557 (1992)

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 info@sys.resources.nsw.gov.au upon completion of the audit.

Sincerely

Jenny Ehmsen
Principal Compliance Auditor
NSW Resources Regulator

Outlook

WST25/00029/005 - FOR YOUR DIRECTION: Audit scope consultation - Cullen Valley Mine (Due by 27.05.2026)

From Development West <development.west@transport.nsw.gov.au>
Date Fri 5/29/2026 11:39 AM
To Stuart Longman <slongman@wolfpeak.com.au>
Cc Asset Management Engagement <AssetManagementEngagement@transport.nsw.gov.au>

Hi,

I can confirm the Development Services West team has received your email.

This has been registered and the matter has been assigned to case officer – Kylie-Anne Pont.

TfNSW reference – WST25/00029/005

Please ensure development.west@transport.nsw.gov.au is included in all future correspondence.

Kind Regards,

Rosa Gillogly
Development Services Support Officer
Development Services West
Transport Planning – Planning, Integration and Passenger
Transport for NSW

E rosa.gillogly@transport.nsw.gov.au

transport.nsw.gov.au

Level 1 51-55 Currajong Street
Parkes NSW 2870

I work flexibly. Unless it suits you, I don't expect you to read or respond to my emails outside of your normal work hours.

Transport for NSW

I recognise and acknowledge that modern New South Wales is an overlay on Aboriginal land and that many of the transport routes of today follow songlines Aboriginal people have followed for tens of thousands of years. I pay my respects to the Aboriginal people of NSW and Elders past and present.

Please consider the environment before printing this email.

OFFICIAL

OFFICIAL

From: Asset Management Engagement <AssetManagementEngagement@transport.nsw.gov.au>
Sent: Tuesday, 26 May 2026 9:50 AM
To: Rachel Cumming <rachel.cumming@transport.nsw.gov.au>
Cc: Asset Management Engagement <AssetManagementEngagement@transport.nsw.gov.au>
Subject: FOR YOUR DIRECTION: Audit scope consultation - Cullen Valley Mine (Due by 27.05.2026)

Hi Rachel,

I hope this email finds you well.

As directed by Sahan Wijayaratna (SM Technical Guidance & Frameworks), we are reaching out to you to seek your advice on the below email we received from Department of Planning, Housing and Infrastructure (DHPI) approved Independent Auditors of the **Cullen Valley Mine (the Project).**

Seeking your advice by COB Wednesday 27 May 2026, noting the attached response and project details here -> Cullen Valley Modification 5 - Extension of Life | Planning Portal - Department of Planning and Environment.

If you have any questions, please reach out to Hansa Save on assetmanagementengagement@transport.nsw.gov.au.

Kind regards,

Asset Management Engagement

Planning, Integration and Passenger

Transport for NSW

E AssetManagementEngagement@transport.nsw.gov.au

transport.nsw.gov.au

7 Harvest Street
Macquarie Park NSW 2113

NSW GOVERNMENT

Transport for NSW

This email is intended only for the addressee and may contain confidential information. If you receive this email in error please delete it and any attachments and notify the sender immediately by reply email. Transport for NSW takes all care to ensure that attachments are free from viruses or other defects. Transport for NSW assume no liability for any loss, damage or other consequences which may arise from opening or using an attachment.

P **Consider the environment. Please don't print this e-mail unless really necessary.**

OFFICIAL

OFFICIAL

From: Stuart Longman <slongman@wolfpeak.com.au>
Sent: Tuesday, 19 May 2026 11:44 AM
To: Asset Management Engagement <AssetManagementEngagement@transport.nsw.gov.au>
Subject: Audit scope consultation - Cullen Valley Mine

You don't often get email from slongman@wolfpeak.com.au. Learn why this is important

CAUTION: This email is sent from an external source. Do not click any links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

I am one of the Department of Planning, Housing and Infrastructure (DHPI) approved Independent Auditors of the **Cullen Valley Mine (the Project).**

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A response would be greatly appreciated by the 29th May to allow time to prepare for the audit.

Yours sincerely,

Stuart Longman

Principal Environmental Consultant

wolfpeak
A SEQUANA COMPANY

E: slongman@wolfpeak.com.au

P: 1800 979 716
W: www.wolfpeak.com.au

Gadigal Country – 10 Bridge Street, Sydney NSW 2000

Awabakal Country - Newcastle NSW

Certified B Corporation

WolfPeak is a Certified B Corporation®, meeting standards set by B Lab for social and environmental performance, accountability and transparency.

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APPENDIX D – ATTENDANCE SHEET

wolfpeak
A SEQUANA COMPANY

INDEPENDENT AUDIT MEETING ATTENDANCE RECORD

PROJECT (NAME AND APPROVAL NUMBER)	CULLEN VALLEY MINE		
LOCATION:	MINE OFFICE CULLEN BULLEN		
DATE/TIME (Opening Meeting):	16/06/2026	DATE/TIME (Closing Meeting):	16/6/26 8:00
Lead Auditor:	STUART LONGMAN	Audit Scope:	DA-200-5-2003 MOD 5 EPL 13341, MINE LICENCE

NAME	POSITION / TITLE	ORGANISATION	SIGNATURE	
			Opening Meeting	Closing Meeting
PHILLIP Hitchcock	Auditor	EP		
STUART LONGMAN	AUDITOR	WOLFPEAK		
Teresa Hateley	Env. Superintendent	Castlereagh Coal		

JUN 1, 2026
moto 957

APPENDIX E – SITE PHOTOS

Observations from the site inspection are provided in Table 11. The Auditor was escorted around the site by Project personnel who made themselves available for this purpose.

Table 11: Site inspection photographs

No.	Comment	Photograph
1	Dam 001 including heigh gauges	
2	Dam 001 EPL monitoring point at spillway	
3	Dam 001 spillway and pipe outlet including flowmeter	

No.	Comment	Photograph
4	Dam 001 water recycling setup with flowmeter	
5	Dam 001 stable discharge point	
6	Section of visual screening bund showing typical vegetation progress	

No.	Comment	Photograph
7	Section of visual screening bund that has been reconstructed showing less well established vegetation	
8	Dam 004 dewatered (pump on right hand side)	
9	Pad area showing rehabilitation areas in background	

No.	Comment	Photograph
10	Pad areas and access roads	
11	North void area with pump dewatering inflowing groundwater back into mine workings	
12	North void showing inflowing groundwater (left of picture)	

No.	Comment	Photograph
13	Area below bund wall north of the North Void showing some minor tree dieback, likely due to saturated ground conditions	
14	Looking north from bund wall below North Void, no obvious sign of water flow	
15	View southwards from North of mine showing edge of disturbance and intact bushland	

No.	Comment	Photograph
16	Main mine open cut, discharge point for water pumped from the North Void (2km to the north)	
17	Discharge of water pumped from north void back into mine open curt working	
18	Section of rehabilitation area showing typical condition in subsurface heating areas (foreground) and intact	

No.	Comment	Photograph
19	Rehabilitation area showing dieback of areas from subsurface heating and smoke emanation areas	
20	Fuel storage (currently empty)	
21	Site won crushed material	

No.	Comment	Photograph
22	EPL monitoring point 004 below dam 004	
23	Seepage point below dam 004, not flowing at time of audit	
24	Area below dam 004, currently dry	

No.	Comment	Photograph
25	Intersection with public road	
26	Meteorological monitoring station and air quality	

No.	Comment	Photograph
27	Disturbance area possibly within mapped compensatory habitat area	 
28	**Workshop area**	
29		

APPENDIX F – AUDITOR DECLARATION

Independent Audit Report Declaration

Final Independent Audit Report Declaration Form – Lead Auditor	
Project Name	Stuart Longman
Application Number	DA-200-5-2003.MOD 5
Project Address	Carsons Siding road Cullen Valley NSW
Proponent	Castlereagh Coal
Title of the Audit	Independent audit 2026
Date	0607/2026

I declare 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. the audit has been undertaken in accordance with relevant condition(s) of consent and the Independent Audit Compliance Requirements (Department 2019);

ii. the findings of the audit are reported truthfully, accurately and completely;

iii. I have exercised due diligence and professional judgement in conducting the audit;

iv. I have acted professionally, objectively and in an unbiased manner;

v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;

vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;

vii. I neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and

viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

a) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, $1 million and for an individual, $250,000; and

b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

Name of Auditor	Stuart Longman
Signature	

Independent Audit Report Declaration

Final Independent Audit Report Declaration Form – Lead Auditor	
Qualification	Exemplar Global Lead Auditor *(#EGTPECS/9051/23)* Certified Professional Erosion and Sediment control *(CPESC #6805)*
Company	WolfPeak Group Pty Ltd
Company Address	10 Bridge Street, Sydney NSW 2000

APPENDIX G TECHNIAL SPECIALIST REPORT

30 June 2026
Ref: EP4734.001

Wolfpeak Pty Ltd
Level 6, 10 Bridge Street,
Sydney NSW 2000

Attention: Stuart Longman

Independent Audit Hydrogeological Expert Review
Cullen Valley Mine

INTRODUCTION

EP Risk was engaged by Wolfpeak Pty Ltd (Wolfpeak) as a Hydrogeological Expert for the Independent Audit of Cullen Valley Mine (the Site). The Site is located at Carsons Siding Rd, Cullen Bullen, NSW, 2790.

The most current planning consent for this mine (DA 200-5-2003) requires an initial audit of the mine after two years and then every three years thereafter. The initial audit was completed in 2022 by Construction and Remediation Advisory Services (CARAS) 2022 and this current audit represents the required follow up which was conducted by Wolfpeak.

Expert hydrogeological advice was requested to be included in this current audit, and I was engaged by Wolfpeak through EP Risk for that purpose. I was approved by DPHI as a suitable technical expert in mine hydrogeology for this audit.

SCOPE OF WORK

The scope of work includes:

- Evidence sighted based on desktop review of info provided by the mine and on site.
- Statements as to whether the evidence adequately addresses the condition, plus any observations (positive or negative) that are relevant.
- Assignment of compliance status (Compliant / Non-compliant).
- Delivery of a brief letter report presenting the summary of findings and any key recommendations to address deficiencies (if any).

The audit period is 2023 until the 15th June 2026.

BACKGROUND

The following documents in **Table 1** were provided for this audit with a brief summary of the pertinent information contained within.

Table 1 – Summary of Key Documents			
Author	**Date**	**Type of Document**	**Relevance to Audit**
Minister of Infrastructure and Planning	2004, modified 7/2025 and 12/2025	DA 200-5-2003	Schedule 4 and Schedule 6 contains conditions that forms part of the basis of this audit around water quality monitoring and reporting. These are detailed on Table 2.
James Bailey and Assoc (JBA)	20/4/2022	Site Water Management Plan (SWMP)	This is the SWMP required by the DA consent and is the sentinel document that informs the monitoring.
NSW Environment Protection Authority (EPA)	11/12/2025	Environment Protection License (EPL) 10341	The EPL contains further conditions that are also the subject of this audit. These are detailed on Table 2.
EMM	20/01/2206	Groundwater Investigation and Surface Water Management Report	Report requested as condition of EPL. Includes review of existing surface and groundwater information, assessment of issues and development of an action plan intended to inform revision of the 2022 SWMP.
EPA	27/2/26	EPA review document	EPA review of pollution reduction plan (PRP) from EPL.
Castlereagh Coal (CC)	Undated	Quarterly PRP report Feb – April 2026	Quarterly report on PRP progress as required by EPA in response to EPA review. Includes information on control of seepage, remediation and investigations.
Castlereagh Coal	02/03/2026	Response to EPA	Letter in response to EPA request for action plan and risk assessment in relation to the PRP actions around seepage and discharge.
NSW EPA	10/04/2026	Clean Up Notice (CUN)	NSW EPA CUN requires cessation of water discharge and repairs to Dam 4.
Castlereagh Coal	19/05/2026	Internal report	Assessment of origins of water discharging water from the Site. In response to CUN.
Castlereagh Coal	11/06/2024	2023 Annual Review 1 Jan 2023 to 31 Dec 2023	Contains water quality monitoring data used to assess compliance to EPL and DA conditions in 2023.
Castlereagh Coal	31/03/2025	2024 Annual report 1 Jan 2024 to 31 Dec 2024	Contains water quality monitoring data used to assess compliance to EPL and DA conditions in 2024.
Castlereagh Coal	30/03/2026	2025 Annual report 1 Jan 2025 to 31 Dec 2025	Contains water quality monitoring data used to assess compliance to EPL and DA conditions in 2025.
Castlereagh Coal	Undated	Excel Spreadsheets	Excel spreadsheets of 2026 monitoring data.

AUDIT PROCESS

Audit Meeting

A meeting was held in the Castlereagh Coal (CC) offices at the Invincible colliery on Monday 15th June 2026. In attendance were Teresa Hately (CC environment representative), Stuart Longman (Lead Auditor) and myself.

The audit period was confirmed as 2023 until the 15tyh June 2026. I requested copies of the relevant Cullen Vale Mine Annual Review Reports i.e. 2023 – 2025 to assist in my part of the audit.

Teresa provided a short history of the mine activities (it is currently not operational) and the regulatory background. She also noted that the JBA (2022) SWMP was the main document that informed the water monitoring at the site. This document had been updated earlier in 2026 and is currently with the EPA for review. In addition, the December update of the EPL is also used to inform the current monitoring as it contains addition analytes.

I was asked to express my view on the likely origins of the seepage noted near Dam 4 and North Void.

Audit Inspection

The key observations made during the site inspection include:

Licensed Discharge Point 1

This point is the outlet of Dam 2 which receives surface water from the site via a series of dams. Discharge rarely occurs from this location as water is pumped back to the upstream dams. The volume of water pumped back started being recorded in early 2026. No records of offsite discharge are kept.

Licensed Discharge Point 4

This point is located immediately downslope of Dam 4. Seepage has previously been observed about 20m upgradient of the discharge point and also at the licensed location.

During the inspection there was little or no seepage observed at this upgradient location where it appears that the historic seepage has caused an erosion void feature, although the vegetation was of a type indicative of sodden areas.

There was minor seepage at the licensed discharge point and reedy type vegetation indicating that this area is likely frequently wet. Discharge flow is not recorded.

North Void

Northern wall is constructed of overburden i.e. is not constructed as a dam wall or compacted.

The water in the void was being pumped back further upgradient to area where flow would not leave the site. Void water levels were low.

A small spring was observed discharging from coal measures strata on the high side of the void. The water was clear and brackish which I suspect is from a groundwater origin.

The seep area behind the wall (outside disturbance area) was not currently flowing but the soil was wet with some ponded water.

AUDIT OUTCOMES

Based on the onsite meeting, site inspection and review of documents listed in **Table 1** the following audit outcomes are provided in **Table 2A and 2B** in relation to the relevant compliance conditions from the conditions of consent and the EPL.

Table 2A – Summary of Compliance (Conditions of Consent)		
Condition	**Comment**	**Compliance**
Development Consent Conditions DA 200-5-2003		
Schedule 4 Condition 40 Except as may be expressly provided by a EPL, the Applicant must ensure that the discharges from any licenced discharge point comply with the following limits: • Total suspended solids (TSS) - 50mg/L, • Oil and Grease - 10 mg/L • pH 6.5 – 8.5	I have reviewed the data in the annual reports for 2023 – 2025 which state that these analytes were assessed but no supporting laboratory sheets or summaries were provided. For 2026 I have reviewed the data provided in the 2026 excel sheet and can confirm that these analytes have been assessed.	Most of 2023 – 2025 may be compliant but this cannot be assessed given the lack of auditable information in the annual reports. 2026 is compliant
Schedule 4 Condition 41a The Applicant must:(a) measure: • the volume of water discharged from the site; and • water use on the site	Based on discussions at the audit meeting, it is understood that the volume of water discharged was not measured	Non Compliant
Schedule 4 Condition 41b (b) monitor the quality of the surface water discharged from the license discharge point/s at the development	Based on the annual reports this has been undertaken	Compliant
Schedule 4 Condition 42 For each monitoring/discharge point, the Applicant must monitor (by sampling and obtaining results by analysis) the concentration of the following weekly during discharge: • Filterable Iron • Filterable Manganese • Oil and Grease • Salinity • Total suspended solids • pH	Based on the 2023 – 2025 annual reports, Oil and Grease, pH and Total suspended solids are stated to have been monitored (no auditable data provided) but the reports are silent on the remaining analytes. It is stated that there was one exceedance of TSS and pH during 2023, three TSS exceedances in 2024 and multiple exceedances reported in 2025. For 2026 all of analytes were monitored with one exceedance noted for Iron.	Non compliant

Table 2A – Summary of Compliance (Conditions of Consent)		
Condition	**Comment**	**Compliance**
Schedule 4 Condition 43 Prior to 5 December 2025, the Applicant must prepare (and then implement) a Site Water Management Plan.	The initial JBA 2022 SMWP has continued to be implemented. It is understood that this was revised in early 2026 and is yet to be endorsed by the consent authority.	NA The revised plan has been submitted for approval
Schedule 6 Condition 3 The Applicant must regularly review, and if necessary, update, this program to the satisfaction of the Planning Secretary.	As above	NA The revised plan has been submitted for approval
Schedule 6 Condition 5 By the end of March each year, unless the Planning Secretary agrees otherwise, the Applicant must submit a review of the environmental performance of the development for the previous calendar year to the satisfaction of the Secretary	I was provided with the 2023, 2024 and 2025 Annual Review Reports and have used these and other data to assess compliance.	Compliant

Table 2B – Summary of Compliance (EPL)		
Condition	**Comment**	**Compliance**
Environment Protection License 10341		
Condition L2 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. These include • Boron • Cobalt (total) • Copper (total) • Electrical Conductivity • Nickel (total) • Oil and Grease • pH • Total Iron • Total manganese • Total suspended solids • Zinc (total)	These include additional analytes to those in the DA and metals are to be analysed as total as opposed to filterable in the DA. They apply to discharge points 1 and 4. Note that this list of analytes is only applicable from August 2025 when they were added to the EPL. Prior to that the only analytes to be monitored were • Oil and Grease • pH • Total suspended solids I have reviewed the data in the annual reports for 2023 – 4 which state that the above three analytes were assessed but no supporting laboratory sheets or summaries are provided It is stated that there was one exceedance of TSS and pH during 2023 and three TSS exceedances in 2024. The 2025 annual report notes the additional analytes required by the August 2025 amendment have been assessed but no supporting laboratory sheets or summaries are provided. It was stated that multiple exceedances were reported. For 2026 I have reviewed the data provided in the 2026 excel sheet and can confirm that these analytes have been assessed. Exceedances were noted for Total Nickel, Total Cobalt and Total Iron.	Non Compliant Lack of auditable data and exceedances in all years

Table 2B – Summary of Compliance (EPL)		
Condition	**Comment**	**Compliance**
Environment Protection License 10341		
Condition 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.	Annual Reports 2023 – 2025 None of this information is provided in the annual reports or Excel sheets provided 2026 Excel Sheets a, b and c were provided but not d (name of sampler)	Non Compliant
Condition M2.1 For each monitoring/discharge point or utilisation area to be weekly (during discharge) via the methods specified.	Monitoring is stated to comply (when discharging) in the Annual Reports but no auditable data provided. No comment on methods is provided.	Non Compliant
EPL Pollution Reduction Program		
Condition U1.1 The Licensee must take all reasonable and feasible actions to cease any seepage and maintain the North Void to ensure no future seepage occurs from the premises	At the time of inspection it appeared the majority of water from this void had been removed and was continually being pumped away from the void and contained onsite. I observed the seepage location which was not flowing but soils were water logged and some minor ponded water evident. I consider that this current management action is adequate but note that in the long term continually pumping may prove difficult. I noted a small groundwater spring daylighting adjacent to the void and consider that groundwater will continue to be flow into the void which would be difficult to mitigate.	Compliant
Condition U1.2 By 26 January 2026, the Licensee must submit a 'Groundwater Investigation and Surface Water Management Report' for the Premises.	The report was prepared by a team from EMM and reviewed by a L Hammersley who signed the report as a Senior Associate Water Resources Engineer.	Compliant

Table 2B – Summary of Compliance (EPL)		
Condition	**Comment**	**Compliance**
Environment Protection License 10341		
The report must be prepared by a suitably qualified expert and must include, but not be limited to the following:	Review of the report indicates it has been authored by professionals with the relevant experience.	
Condition U1.2a Assessment of potential risks and impacts of the premises on the environmental values (e.g. aquatic ecosystem health, stock water, irrigation) of local and regional groundwater and waterways consistent with relevant guidelines. This must be done considering all potential water pollutants.	The report was prepared by a team from EMM and reviewed by a L Hammersley who signed the report as a Senior Associate Water Resources Engineer. The report is well written and presents a thorough review of surface water and groundwater management at the site concluding with a risk assessment and recommendation for augmenting the current monitoring and remediation. I consider that the report represents a sound basis on which to address the PRP concerns and improve ongoing water management. In assessing the environmental risks the correct environmental values were adopted noting the limitations in the data sets (e.g. QA/QC, analytes, time series data etc). EMM suggest further monitoring is required to fully understand the risks and seepage mechanisms and this is supported.	Compliant
Condition U1.2b *Assessment of containment sizing, performance and potential groundwater risks from key infrastructure*	*Task noted as complete in EPA letter dated 27/2/2026 so was not considered further.*	*NA*
Condition U1.2c Identification of any impacts associated with expression of potentially contaminated groundwater from the key infrastructure.	The report identifies the potential of groundwater to be the cause of seepage near the North Void and Dam 4. Installation of further groundwater bores is supported in the locations suggested.	Compliant

Table 2B – Summary of Compliance (EPL)		
Condition	**Comment**	**Compliance**
Environment Protection License 10341		
	This should also include a bore in the seepage area (i.e. near LDP004). This should include assessment of groundwater geochemistry and relative levels for comparison to seepage chemistry.	
Condition U1.2e *Evaluation of effectiveness and suitability of the groundwater, surface water and aquatic ecosystem monitoring waterways.*	*Task noted as complete in EPA letter dated 27/2/2026 so was not considered further.*	*NA*
Condition U1.2f *Provision of clear, concise recommendations for any enhancements to the monitoring programs (e.g. changes to monitoring frequency and/or timing of sampling, additional or alternative monitoring sites, inclusion of reference sites, the analytes and ecological indicators monitored etc) and development or review and update of any current Trigger Action Response Plan (TARP).*	*Task noted as complete in EPA letter dated 27/2/2026 so was not considered further.*	*NA*
Condition U1.3 Based on the outcome of U1.2, the Licensee must update their Water Management Plan and Water Balance for the Premises by no later than 31 March 2026 and submit the documents to the EPA via info@epa.nsw.gov.au.	It is understood that the current 2022 SMWP has been revised in and submitted to the EPA but is yet to be endorsed.	Compliant
Condition U1.5 The licensee must prepare monthly seepage reports and submit quarterly updates to the EPA	I was provided a copy of the first quarterly report since the latest EPL revision December 2025) dated April 2026.	Compliant

SEEPAGE ORIGINS

Based on my site inspection and review of the draft EMM 2026 report, the main hydrogeological feature driving groundwater seepage is likely to be the head of water in the Lithgow Seam. This seam subcrops near LDP004 and also is close to the surface at the North Void where seepage has been observed.

The groundwater level in the Lithgow seam would likely be a result of the recharge elevations. Given the topography rises quickly to the east of the mine and the presence of flooded underground workings is known to over lie this seam, a significant head of water would be expected at the seepage locations. This difference in elevation between recharge and seepage areas, would likely result in upward flow that could be expressed at the surface where the seam subcrops or is near the surface, as occurs at the seepage locations. It is also noted that during the site inspection near the North Void, brackish water was observed to be daylighting the surface from the natural coal measures strata also indicating the artesian conditions exist with likely groundwater chemistry.

Groundwater is therefore considered likely to be a significant component of the seepage. Further assessment as recommended in the following section should also be undertaken for confirmation.

I note that at LDP004, seepage is still occurring after Dam 4 was emptied and the base of the dam was covered in a low permeability material indicating that seepage from the dam is unlikely a major source of seepage water.

RECOMMENDATIONS

The following recommendations are made as a result of this audit.

- Update current surface water and groundwater monitoring with the recommendations from the EMM 2026 report. This should also include a new groundwater well installed into Lithgow Seam downslope of Dam 4 near LDP004 and a suitable QA/QC plan, including at least blank and duplicate samples.
- Conduct a comparison of groundwater and surface water (including seepage) geochemical type to provide a further line of evidence of seepage origins. This will need to include assessment of major cations and anions in surface water which is not currently undertaken.
    - Future Annual Review Reports should be updated to include:
    - Further supporting information including (but not limited to) data summaries, sampling methods, laboratory report sheets and chain of custody to allow the conclusions to be auditable, and
    - Review of QA/QC results
- Development of a groundwater conceptual site model combining the results of the above to understand surface water and groundwater interactions.

Yours sincerely,

Phillip Hitchcock
Principal Hydrogeologist
EP Risk Management Pty Ltd
ABN: 81 147 147 591

Attachments:
Attachment 1 – CV

QUALITY CONTROL

Version	Author	Date	Reviewer	Date	Quality Review	Date
v1	P. Hitchcock	30.06.2026	P. Simpson	30.06.2026	P. Simpson	30.06.2026

DOCUMENT CONTROL

Version	Date	Reference	Submitted to
v1	30.06.2026	EP4734.001	Wolfpeak Pty Ltd

LIMITATIONS

This Independent Audit Hydrogeological Expert Review was conducted on the behalf of Wolfpeak Pty Ltd for the purpose/s stated in the letter.

EP Risk has prepared this document in good faith but is unable to provide certification outside of areas over which EP Risk had some control or were reasonably able to check. The report also relies upon information provided by third parties. EP Risk has undertaken all practical steps to confirm the reliability of the information provided by third parties and do not accept any liability for false or misleading information provided by these parties.

It is not possible in a Independent Audit Hydrogeological Expert Review to present all data, which could be of interest to all readers of this report. Readers are referred to any referenced investigation reports for further data.

Inaccessible areas are omitted from the assessment including beneath concrete slabs, beneath the subsurface, within the soil or fill, beneath floorboards, in the crawlspace of the building inside the walls of the structures and inside the roof cavity.

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