Section 55 Protection of the Environment Operations Act 1997

Environment Protection Licence

Licence Details	
Number:	1095
Anniversary Date:	28-February

Licensee
SHOALHAVEN COAL PTY LTD
PO BOX 3011
BOWENFELS NSW 2790

Premises
THE INVINCIBLE COLLIERY
CASTLEREAGH HIGHWAY
CULLEN BULLEN NSW 2790

Scheduled Activity (Act)	Licensing Fee Category (Regulation)	Scale
Mining for coal	Mining for coal	> 500000 - 2000000 T annual production capacity
Coal works	Coal works	0 - 2000000 T annual handing capacity

Environment Protection Licence

Contact Us

NSW EPA
6 Parramatta Square
10 Darcy Street
PARRAMATTA NSW 2150
Phone: 131 555
Email: info@epa.nsw.gov.au
Locked Bag 5022
PARRAMATTA NSW 2124

Contents

Information about this licence 4
Dictionary 4
Responsibilities of licensee 4
Variation of licence conditions 4
Duration of licence 4
Licence review 4
Fees and information to be sent to the EPA 4
Transfer of licence 5
Public register and access to monitoring data 5
1 Administrative Conditions 6
A1 What the licence authorises and regulates 6
A2 Premises or plant to which this licence applies 6
A3 Information supplied to the EPA 6
2 Discharges to Air and Water and Applications to Land 7
P1 Location of monitoring/discharge points and areas 7
3 Limit Conditions 9
L1 Pollution of waters 9
L2 Concentration limits 9
L3 Volume and mass limits 10
L4 Waste 10
L5 Noise limits 10
L6 Blasting 11
L7 Potentially offensive odour 12

4 Operating Conditions 13
O1 Activities must be carried out in a competent manner 13
O2 Maintenance of plant and equipment 13
O3 Dust 13
O4 Other operating conditions 13
5 Monitoring and Recording Conditions 13
M1 Monitoring records 13
M2 Requirement to monitor concentration of pollutants discharged 14
M3 Testing methods - concentration limits 15
M4 Recording of pollution complaints 16
M5 Telephone complaints line 16
M6 Requirement to monitor volume or mass 16
M7 Blasting 17
6 Reporting Conditions 17
R1 Compliance, and annual reporting requirements 17
R2 Reporting documents 18
R3 Notification of environmental harm 19
R4 Written report 19
7 General Conditions 19
G1 Copy of licence kept at the premises or plant 19
G2 Other general conditions 20
8 Pollution Studies and Reduction Programs 20
U1 Low pH Water Investigation and Management 20
U2 Nil Discharge Investigation 21
U3 PRP: Site Water Management Investigation Report 21
Dictionary 23
General Dictionary 23

Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

Fees and information to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).

Usually, the licence fee period is the same as the reporting period.

The EPA publication "A Guide to Licensing" contains information about how to calculate your licence fees.

A licence subject to load-based licensing (LBL) requires an Annual Return to be submitted to the EPA, comprising a Statement of Compliance for Load Based Fee Calculation for each assessable pollutant required by the licence. The Annual Return must be submitted by the "due date", as defined in the dictionary at the end of the licence. Refer to the Annual Return reporting requirements under Section 6 "Reporting Conditions".

Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

This licence is issued to:

Licensee
SHOALHAVEN COAL PTY LTD
PO BOX 3011
BOWENFELS NSW 2790

subject to the conditions which follow.

1 Administrative Conditions

A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their Scheduled Activity (Act) classification, Licensing Fee Category (Regulation) classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity (Act)	Licensing Fee Category (Regulation)	Scale
Mining for coal	Mining for coal	> 500000 - 2000000 T annual production capacity
Coal works	Coal works	0 - 2000000 T annual handing capacity

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
THE INVINCIBLE COLLIERY
CASTLEREAGH HIGHWAY
CULLEN BULLEN NSW 2790
LOT 1//DP180294, LOT 113//DP877190, LOT 16//DP755769, PART LOT 112//DP877190
PART BEN BULLEN STATE FOREST. INVINCIBLE COLLIERY HOLDING

A3 Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:
a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional)

Regulation 1998; and
b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

Air

EPA Identification Number	Point Type	Point Type Description	Location Description
3	Monitoring	Dust monitoring	High Volume Air Sampler identified as IDD1 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23/121715-2.
4	Monitoring	Dust monitoring	Dust depositional gauge identified as IDD2 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23/121715-2.
5	Monitoring	Dust monitoring	Dust depositional gauge identified as IDD3 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23/121715-2.
6	Monitoring	Dust monitoring	Dust depositional gauge identified as IDD4 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey,

			2023)" - EPA reference DOC23/121715-2.
7	Monitoring	Dust monitoring	Dust depositional gauge identified as IDD5 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23/121715-2.
8	Monitoring	Dust monitoring	Dust depositional gauge identified as IDD6 on figure titled "Figure 6.1: Air Quality Monitoring Locations" (CEH Survey, 2023)" - EPA reference DOC23/121715-2.

P1.2 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

P1.3 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

Water and Land

EPA Identification Number	Type of Monitoring Point	Type of Discharge Point	Location Description
2	Discharge to waters; Discharge quality monitoring	Discharge to waters; Discharge quality monitoring	Discharge from water storage dam labelled as LD002 on figure titled "Figure 1: Invincible EPL Boundary and Monitoring Points (Umwelt 2020)" - EPA reference DOC22/454121.

3 Limit Conditions

L1 Pollution of waters

L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

L2 Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\s.

L2.4 Water and/or Land Concentration Limits

POINT 2

Pollutant	UOM	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Total suspended solids	milligrams per litre				30
Oil and Grease	milligrams per litre				10
pH	pH				6.5-8.5
Electrical conductivity	microsiemens per centimetre				650
Cobalt (dissolved)	milligrams per litre				0.0014
Zinc (total)	milligrams per litre				0.008

Nickel (dissolved)	milligrams per litre				0.011
Manganese (dissolved)	milligrams per litre				1.9
Total Iron	milligrams per litre				0.3
Copper (dissolved)	milligrams per litre				0.0014

L3 Volume and mass limits

L3.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:
a) liquids discharged to water; or;
b) solids or liquids applied to the area;
must not exceed the volume/mass limit specified for that discharge point or area.

POINT 2

Limits Unit of measure	Volume/Mass Limit
megalitres per day	2

L4 Waste

L4.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.

L5 Noise limits

L5.1 Noise from the premises must not exceed:

a) At "Billabong" - 40 dB(A) $L_{Aeq(15\ minute)}$ during the day and evening, 35 dB(A) $L_{Aeq(15\ minute)}$ and 45 dB(A) $L_{A1(1\ minute)}$ at night;

b) At "Hillview" - 43 dB(A) $L_{Aeq(15\ minute)}$ during the day and evening, 35 dB(A) $L_{Aeq(15\ minute)}$ and 45 dB(A) $L_{A1(1\ minute)}$ at night; and

c) At all other privately owned land - 35 dB(A) $L_{Aeq(15\ minute)}$ during the day, evening and night and 45 dB(A) $L_{A1(1\ minute)}$ at night.

Note: The above noise limits do not apply at properties where the licensee has a written agreement with the landowner regarding the applicable noise limit.

L5.2 For the purpose of Condition L4.1:
a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,
b) Evening is defined as the period from 6pm to 10pm
c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays
d) LAeq(15minute) is defined as the equivalent continuous 'A' weighted sound pressure level- the energy average of the noise measured over a 15 minute period.
e) LA1 (1 minute) is defined as the sound pressure level exceeded for one percent of a 1 minute measurement period.

L5.3 The noise emission limits set out in this licence apply under all meteorological conditions except for the following:
a) Wind speeds greater than 3m/s at 10 metres above ground level; or
b) Stability category F temperature inversion conditions and wind speeds greater than 2m/s at 10 metres above the ground level; or
c) Stability category G temperature inversion conditions.

L5.4 To determine compliance:

a) with the Leq(15 minute) noise limits in condition L4.1, the noise measurement equipment must be located:
i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
ii) within 30 metres of a dwelling facade, 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 facade.

c) with the noise limits in condition L4.1, the noise measurement equipment must be located:
i) at the most affected point at a location where there is no dwelling at the location; or
ii) at the most affected point within an area at a location prescribed by conditions L4.4(a) or L4.4(b).

L5.5 For the purposes of determining the noise generated at the premises the modification factors in Fact Sheet C of the Noise Policy for Industry (EPA, 2017) must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L6 Blasting

L6.1 The airblast overpressure level from blasting operations at the premises must not exceed 120 dB (lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6.2 The airblast overpressure level from blasting operations at the premises must not exceed 115 dB (Lin Peak) at any noise sensitive locations for more than five percent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10 mm/sec at any time at noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5 mm/sec at any noise sensitive locations for more than five percent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Note: "Noise sensitive locations" includes buildings used as a residence, hospital, school, child care centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building.

L6.5 Blasting in or on the premises must only be carried out between 0900 hours and 1700 hours, Monday to Saturday. Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.

L6.6 Offensive blast fume must not be emitted from the premises.

Definition:

Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:
1. are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted; or
2. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises to which it is emitted.

L7 Potentially offensive odour

L7.1 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.
This includes:
a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:
a) must be maintained in a proper and efficient condition; and
b) must be operated in a proper and efficient manner.

O3 Dust

O3.1 Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

O3.2 All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

O3.3 Trucks transporting coal from the premises must be covered immediately after loading to prevent wind blown emissions and spillage. The covering must be maintained until immediately before unloading the trucks.

O3.4 The tailgates of all haulage trucks leaving the premises must be securely fixed prior to loading or immediately after unloading to prevent loss of material.

O4 Other operating conditions

O4.1 A truck wheel wash must be maintained and operated at the premises to minimise the tracking of dirt and coal fines from the premises on to the Castlereagh Highway.

5 Monitoring and Recording Conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

M1.2 All records required to be kept by this licence must be:
a) in a legible form, or in a form that can readily be reduced to a legible form;

b) kept for at least 4 years after the monitoring or event to which they relate took place; and
c) produced in a legible form to any authorised officer of the EPA who asks to see them.

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 EPA point identification number for the point at which the sample was taken; and
d) the name of the person who collected the sample

M2 Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M2.2 Air Monitoring Requirements

POINT 3

Pollutant	UOM	Frequency	Sampling Methods
Particulate matter	micrograms per cubic metre	Every 6 days	AM-15
PM10	micrograms per cubic metre	Every 6 days	AM-18

POINT 3,4,5,6,7,8

Pollutant	UOM	Frequency	Sampling Methods
Particulates - Deposited Matter	grams per square metre per month	Once a month (min. of 4 weeks)	AM-19

M2.3 Water and/ or Land Monitoring Requirements

POINT 2

Pollutant	UOM	Frequency	Sampling Methods
Cobalt (dissolved)	milligrams per litre	Weekly during any discharge	Grab sample
Cobalt (total)	milligrams per litre	Weekly during any discharge	Grab sample

Copper (dissolved)	milligrams per litre	Weekly during any discharge	Grab sample
Copper (total)	milligrams per litre	Weekly during any discharge	Grab sample
Electrical conductivity	microsiemens per centimetre	Weekly during any discharge	Grab sample
Iron (dissolved)	milligrams per litre	Weekly during any discharge	Grab sample
Manganese (dissolved)	milligrams per litre	Weekly during any discharge	Grab sample
Nickel (dissolved)	milligrams per litre	Weekly during any discharge	Grab sample
Nickel (total)	milligrams per litre	Weekly during any discharge	Grab sample
Oil and Grease	milligrams per litre	Weekly during any discharge	Grab sample
pH	pH	Weekly during any discharge	In situ
Total Iron	milligrams per litre	Weekly during any discharge	Grab sample
Total manganese	milligrams per litre	Weekly during any discharge	Grab sample
Total suspended solids	milligrams per litre	Weekly during any discharge	Grab sample
Zinc (dissolved)	milligrams per litre	Weekly during any discharge	Grab sample
Zinc (total)	milligrams per litre	Weekly during any discharge	Grab sample

M3 Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:
a) any methodology which is required by or under the Act to be used for the testing of the

concentration of the pollutant; or
b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

M3.2 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2022* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

M4 Recording of pollution complaints

M4.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M4.2 The record must include details of the following:
a) the date and time of the complaint;
b) the method by which the complaint was made;
c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
d) the nature of the complaint;
e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
f) if no action was taken by the licensee, the reasons why no action was taken.

M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M5 Telephone complaints line

M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M5.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

M6 Requirement to monitor volume or mass

M6.1 For each discharge point or utilisation area specified below, the licensee must monitor:
a) the volume of liquids discharged to water or applied to the area;
b) the mass of solids applied to the area;

c) the mass of pollutants emitted to the air;
at the frequency and using the method and units of measure, specified below.

POINT 2

Frequency	Monitoring unit of measure	Monitoring method
Daily during any discharge	megalitres per day	In line instrumentation

M7 Blasting

M7.1 To determine compliance with condition(s) L5.1 to L5.4:

a) Airblast overpressure and ground vibration levels experienced at the following noise sensitive locations must be measured and recorded for all blasts carried out on the premises;

i) "Erin Park" - 30 Farley Street, Cullen Bullen; and
ii) Lot 25 King Street, Cullen Bullen

b) Instrumentation used to measure and record the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

M7.2 A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in conditions L5.1 to L5.4 at any "noise sensitive locations" other than the locations identified in the above condition.

The airblast overpressure and ground vibration levels in conditions L5.1 to L5.4 do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the licensee and land owner.

6 Reporting Conditions

R1 Compliance, and annual reporting requirements

Compliance with licence conditions

R1.1 The licensee must supply the EPA, via the EPA's online digital portal, the following details of any non-compliance with the conditions of the licence within 21 days after the licensee becomes aware of the non-compliance:

a. the date the licensee became aware of the non-compliance;
b. the date(s) the non-compliance occurred, including if the non-compliance is continuing;
c. whether the non-compliance relates to air, water/land, noise or waste matters (if applicable);
d. whether the non-compliance relates to a pollution incident;
e. the licence condition(s) not complied with;

f. a summary of particulars of the non-compliance, including (if known):
   i. the location where the non-compliance occurred;
   ii. the duration of the non-compliance;
   iii. if the non-compliance is continuing, the suspected end date of the non-compliance;
g. the cause or suspected cause of the non-compliance;
h. any action taken, or proposed to be taken, to mitigate the effects of the non-compliance; and
i. any action taken, or proposed to be taken, to prevent a recurrence of the non-compliance.

R1.2 The EPA may make a written request for further details in relation to each non-compliance reported in accordance with Condition R1.1. The licensee must provide such further details to the EPA, via the EPA's online digital portal, within the time specified in the request.

R1.3 Condition R1.1 does not apply where a non-compliance with a licence condition has been identified by the EPA as part of an EPA environmental compliance audit.

Reporting transition arrangements

R1.4 By 05 August 2026, the licensee must supply to the EPA, via the EPA's online digital portal the details required in Condition R1.1 for any non-compliance with the conditions of the licence that occurred:

i. after the date the licensee supplied their last Statement of Compliance - Licence Conditions to the EPA, and
ii. before the date of the notice of variation of licence that added this condition to this Licence.

Pollution monitoring data summary

R1.5 If the licensee undertakes monitoring as a result of a licence condition, the licensee must supply to the EPA a summary of the results of the pollution monitoring data in respect of each reporting period. The summary must be provided as a Microsoft Excel file, formatted with the following column headings:

a. EPA point identification number;
b. pollutant;
c. unit of measure;
d. number of samples required;
e. number of samples collected and analysed;
f. lowest sample value;
g. mean of sample values; and
h. highest sample value.

The pollution monitoring data summary for the reporting period must be supplied to the EPA via the EPA's online digital portal by the "due date", as defined in the dictionary at the end of this licence.

R2 Reporting documents

R2.1 The licensee must report any exceedence of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.

R3 Notification of environmental harm

R3.1 Notifications must be made by telephoning the Environment Line service on 131 555.

R3.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

R4 Written report

R4.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
a) where this licence applies to premises, an event has occurred at the premises; or
b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R4.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R4.3 The request may require a report which includes any or all of the following information:
a) the cause, time and duration of the event;
b) the type, volume and concentration of every pollutant discharged as a result of the event;
c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
g) any other relevant matters.

R4.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

7 General Conditions

G1 Copy of licence kept at the premises or plant

G1.1 A copy of this licence must be kept at the premises to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

G2 Other general conditions

G2.1 **Completed Programs**

Program	Description	Completed Date
Noise mitigation works on haul truck reversing bee	Noise mitigation works on haul truck reversing beepers and Invincible's coal preparation plant. Reduction in noise at residential receivers.(+)	24/10/2008
Works to Reduce the Tracking of Dirt/Coal Fines	- Install and operate a truck wheel wash with sprays; - design of improved drainage and haul road profiling; - management plan to maintain road and drainage system in good order; - implementation of all improved drainage and haul road profiling works.. -	12/02/2011
Coal Mine Particulate Matter Control Best Practice	Site specific determination of particulate matter control against best management pratice.	6/02/2012

8 Pollution Studies and Reduction Programs

U1 Low pH Water Investigation and Management

U1.1 By 31 August 2025 engage a suitably qualified expert to complete the phase 1 actions recommended by the Australasian Groundwater Environmental Consultants - Invincible Environmental Dam pH Exceedance Investigation. The actions required must include but may not be limited to:

- Inspect and repair any damage to the Environmental Dam and Leachate Dam. Consult with a geotechnical engineer or other specialist to determine best methods to repair any leakage immediately.

- Conduct an inspection of the embankment and quantify any seepage and collect samples.
- Undertake sampling of the surface water that the Environmental Dam feeds into downstream of the Leachate Dam but above the confluence with Cullen Creek to identify the extent of any impacts to surface water from leakage from the Environmental Dam and Leachate Dam.
- Collect a full suite of water quality data (including major ions and metals) from the following sources: Environmental Dam, Leachate Dam, Main Storage Dam, Seepage Face of the embankment, surface water above the embankment (eg any standing water in the tailings dams), groundwater bores BTH-12 and B-2 and LDP001.

U1.2 By no later than 5:00 pm on 26 February 2026, the licensee must provide the EPA with a report that summarises the findings of the investigation required by condition U1.1.

U1.3 Notwithstanding condition U1.1, the licensee must immediately undertake all reasonable and feasible actions that will minimise the potential for contaminated surface water to impact on off-site receiving waters. These actions must include those recommendations made in the Australasian Groundwater and Environmental Consultants 2024 report relating to the inspection and repair, as appropriate, of the embankment above the 'Environmental Dam'.

U1.4 The licensee must engage a suitably qualified expert to prepare a report detailing an investigation and analysis of materials within the Embankment, East of the Environmental Dam. The investigation must include but not be limited to:
(a) an analysis and determination on whether the Embankment materials are a contributor to the low pH water within and downstream of the Environmental Dam.
(b) quantification and chemical characterisation of any seepage expressed from the Embankment
(c) recommendations for remediation of the embankment and management of seepage.

The licensee must provide the embankment investigation report by 26 February 2026.

U2 Nil Discharge Investigation

U2.1 By 26 February 2026, the licensee must submit to the EPA, a report which details an investigation into the premises' ability to achieve nil discharge, that is, the cessation of water being discharged from EPA point 2.

This is to include, but should not be limited to:

- feasibility assessment on ability to achieve nil discharge
- options analysis and timeline for steps to be taken to achieve nil discharge.

U3 PRP: Site Water Management Investigation Report

U3.1 By 26 February 2026, the licensee must submit a Site Water Management Investigation Report. The report must be prepared by a suitably qualified expert and must include, but not be limited to the following:

1. Water quality monitoring for all water sources onsite contributing to discharge from the premises (including licensed and any potentially unlicensed points).

2. Assessment of containment sizing, performance and potential groundwater and surface water risks from key infrastructure, including but not limited to the Tailings Dam, Environmental Dam, Northern Void and any other water storage facilities onsite.
3. Discharge impact assessment for full range of potential water pollutants based on current site practices and contemporary water quality data and guidelines, including ANZG (2018) and ANZECC (2000) Upland Rivers guidelines for all relevant physico-chemical stressors.
4. Define a suitable water management system to separate clean, dirty and mine water at the premises.
5. Identify all appropriate options available to the licensee to remediate and/or rehabilitate any parts of the premises that is identified top be causing contaminated water.
6. Evaluation of effectiveness and suitability of the groundwater, surface water, and aquatic ecosystem monitoring programs for detecting and characterising potential risks to and impacts on local and regional groundwater and waterways.
7. 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) and development or review of any current Trigger Action response Plan (TARP).

U3.2 Based on the outcomes of U3.1, update the Water Management Plan and Water Balance and submit to the EPA no later than five business days following approval of the WMP and Water Balance by the Department of Planning, Housing and Infrastructure.

Note: The EPA may further vary the licence based on the outcomes of Site Water Management Investigation Report.

Dictionary

General Dictionary

3DGM [in relation to a concentration limit]	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
Act	Means the Protection of the Environment Operations Act 1997
activity	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
actual load	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2022
AM	Together with a number, means an ambient air monitoring method of that number prescribed by the Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales.
AMG	Australian Map Grid
anniversary date	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
Approved Methods Publication	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2022
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2022
BOD	Means biochemical oxygen demand
CEM	Together with a number, means a continuous emission monitoring method of that number prescribed by the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.

COD	Means chemical oxygen demand
composite sample	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
cond.	Means conductivity
due date	Means: i) not later than 60 days after the end of each reporting period; or ii) in the case of a transferring licence - not later than 60 days after the date the transfer was granted.
environment	Has the same meaning as in the Protection of the Environment Operations Act 1997
environment protection legislation	Has the same meaning as in the Protection of the Environment Administration Act 1991
EPA	Means the Environment Protection Authority of New South Wales.
EPA Online digital portal	Means eConnect EPA
general solid waste (non-putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
flow weighted composite sample	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
general solid waste (putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
grab sample	Means a single sample taken at a point at a single time
hazardous waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
licensee	Means the licence holder described at the front of this licence
Licensing Fee Category (Regulation)	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2022.
load calculation protocol	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2022

local authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
material harm	Has the same meaning as in section 147 of the Protection of the Environment Operations Act 1997
MBAS	Means methylene blue active substances
Minister	Means the Minister administering the Protection of the Environment Operations Act 1997
mobile plant	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
motor vehicle	Has the same meaning as in the Protection of the Environment Operations Act 1997
O&G	Means oil and grease
Percentile [in relation to a concentration limit of a sample]	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
plant	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
pollution incident	Has the same meaning as in the Protection of the Environment Operations Act 1997
Pollution of waters [or water pollution]	Has the same meaning as in the Protection of the Environment Operations Act 1997
premises	Means the premises described in condition A2.1
public authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
regional office	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
reporting period	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.

restricted solid waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
scheduled activity	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
special waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
TM	Together with a number, means a test method of that number prescribed by the Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales.
TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste type	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non - putrescible), special waste or hazardous waste
wellhead	Has the same meaning as in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2022

Sheridan Ledger
Manager Field Operations
ENVIRONMENT PROTECTION AUTHORITY NSW

End Notes

Licence varied by notice POEO-595, issued on 05-11-2026

Licence varied by notice POEO-1211, issued on 05-06-2026

Licence varied by notice POEO-1211, issued on 05-06-2026

Licence varied by notice 1654424 issued on 11-Dec-2025

Licence varied by notice 1638638 issued on 18-Sep-2025

Licence varied by notice 1632873 issued on 27-Oct-2023

Licence varied by notice 1626693 issued on 03-Mar-2023

Licence transferred through application 1530583 approved on 12-May-2015 , which came into effect on 14-May-2015

Licence varied by notice 1509203 issued on 01-Nov-2012

Licence varied by notice 1500654 issued on 08-Aug-2011

Licence varied by notice 1126945, issued on 01-Jul-2011, which came into effect on 01-Jul-2011.

Licence varied by notice 1123055, issued on 22-Dec-2010, which came into effect on 22-Dec-2010.

Licence varied by notice 1120638, issued on 08-Nov-2010, which came into effect on 08-Nov-2010.

Licence varied by notice 1103625, issued on 18-Aug-2009, which came into effect on 18-Aug-2009.

Licence varied by notice 1097440, issued on 13-May-2009, which came into effect on 13-May-2009.

Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>

Licence varied by notice 1090318, issued on 26-Aug-2008, which came into effect on 26-Aug-2008.

Licence varied by notice 1073146, issued on 20-Jul-2007, which came into effect on 20-Jul-2007.

Licence varied by notice 1039056, issued on 31-Aug-2004, which came into effect on 25-Sep-2004.

Licence varied by notice 1036802, issued on 07-Jun-2004, which came into effect on 02-Jul-2004.

Licence varied by notice 1027420, issued on 22-May-2003, which came into effect on 22-May-2003.

Licence varied by notice 1009309, issued on 29-Oct-2001, which came into effect on 29-Oct-2001.

Licence varied by notice 1003396, issued on 01-Feb-2001, which came into effect on 26-Feb-2001.