

# AUSTAR COAL MINE

## Independent Environmental Audit

**Prepared for:**

Austar Coal Mine Pty Ltd  
Locked Bag 806  
Cessnock, NSW 2325

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## BASIS OF REPORT

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

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

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

## DOCUMENT CONTROL

Reference	Date	Prepared	Checked	Authorised
630.30080-R01-v1.0	21 December 2020	Renae Gifford / Nathan Archer	Nathan Archer	Nathan Archer

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# 1 Introduction

## 1.1 Background

Austar, a subsidiary of Yancoal Australia Limited (Yancoal), operates the Austar Coal Mine, an underground coal mine located approximately 10 kilometres southwest of Cessnock in the Lower Hunter Valley in NSW. Austar incorporates the former Pelton, Ellalong, Cessnock No. 1 (Kalingo) and Bellbird South Collieries and includes coal extraction, handling, processing and rail and road transport facilities. Pit top facilities are located on Middle Road, Paxton, and the Coal Handling and Preparation Plant (CHPP) is located at Wollombi Road, Pelton (**Figure 1**).

Development Consent DA29/95 was granted under Section 91 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 14 February 1996 and was most recently modified under Section 75W of the EP&A Act on 25 August 2017. DA29/95 relates primarily to the Bellbird South mining area and operations.

Project Approval PA08\_0111 was granted under Section 75J of the EP&A Act on 6 September 2009 and was most recently modified under Section 75W of the EP&A Act in December 2013. PA08\_0111 relates primarily to the Stage 3 mining area.

Surface infrastructure at Austar includes:

- Pit Top facilities (including administration buildings, the main access drift, coal clearance, store, workshop and laydown facilities);
- No 1 shaft (second egress man winder);
- No 2 shaft (mine dewatering);
- Kalingo Infrastructure Area (ventilation fans and underground services);
- CHPP area (including CHPP, administration areas, Reverse Osmosis (RO) plant, overland conveyor and a number of heritage listed buildings in various states of repair);
- Coarse reject emplacement areas (REAs) (Aberdare, Area 12 and Area 13); and
- Kitchener Surface Infrastructure Site (ventilation shafts and fans, services borehole/drophole), along with water management dams, pipelines and powerlines.

During the audit period, mining was undertaken in the Bellbird South mining area and included mining in longwall panels LWB3 to LWB6. Mining in LWB6 was completed on 12 February 2020. There was no mining in the Stage 3 Project Approval Area during the audit period.

On 30 March 2020, Austar suspended production and transitioned to a care and maintenance phase. Ongoing geological exploration works is planned to continue into 2021. The CHPP, underground mining activities (including the extraction of the longwalls) and associated activities have now ceased. Ventilation shafts remain operational as well as dewatering of the mine and operation of the RO plant. All environmental monitoring and management requirements remain in place.





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## 1.2 Audit Requirements

The audit has been prepared in accordance with the relevant conditions of the Stage 3 Development Consent (PA 08\_0111) and the Bellbird South Development Consent (DA 29/95).

Schedule 7 Condition 7 and 8 of the Stage 3 Development Consent (08\_0111) stipulates the following requirements for this audit:

*7. By end of December 2011, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the mine complex. This audit must:*

- (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;*
- (b) include consultation with the relevant agencies;*
- (c) assess the environmental performance of the mine complex and assess whether it is complying with the requirements in relevant project approvals and development consents and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);*
- (d) review the adequacy of strategies, plans or programs required under these approvals; and*
- (e) recommend appropriate measures or actions to improve the environmental performance of the mine complex, and/or any assessment, plan or program required under these approvals.*

*Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.*

*8. Within 6 weeks of the completing of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.*

Schedule 5 Condition 5 of the Bellbird South Development Consent (DA 29/95) states that:

*5. Prior to 31 December 2008, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:*

- (a) be conducted by suitably qualified, experienced, and independent expert/s whose appointment has been endorsed by the Secretary;*
- (b) include consultation with the relevant agencies and the CCC;*
- (c) assess, in respect of the requirements of this consent and any relevant mining lease or environment protection licence, the environmental performance of the development and its effects on the surrounding environment;*
- (d) assess whether the development is complying with relevant standards and performance measures specified in these approvals (including under any strategy, plan or program required under this consent) and with other statutory requirements;*
- (e) review the adequacy of strategies, plans or programs required under this consent; and, if necessary, recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under this consent; and*



(f) be conducted and reported to the satisfaction of the Secretary.

*Note: This audit team must be led by a suitably qualified auditor and include experts in the fields of subsidence, surface water, groundwater, noise and air quality.*

The audit has been completed in accordance with the *Independent Audit Guideline* (DPIE, 2015).

### 1.3 Audit Scope

This Audit has assessed compliance with the key approvals and documentation outlined in **Section 5**, including:

- Stage 3 Development Consent (08\_0111);
- Bellbird South Development Consent (DA 29/95);
- Environment Protection Licence 416;
- Environmental Assessment (EA) Modification 5 (MOD 5) Consolidated Statement of Commitments;
- Mining Leases (18 leases assessed); and
- Water Access Licences.

The audit covers the Austar Mine Complex with the physical boundaries of the audit being defined by the Development Consent areas as presented in **Figure 1**.

### 1.4 Audit Period

This audit covers the period from 24 November 2017 to 23 October 2020 (hereafter referred to as the “*Audit Period*”). This is the date of the previous audit site visit, until the final day of the 2020 audit site inspection.

### 1.5 Audit Submission

In accordance with Schedule 7 Condition 8 of the Stage 3 Development Consent (08\_0111), this audit report and response to submissions must be submitted to the Secretary within six weeks of completion of the Audit.

As per the audit team approval letter attached as **Appendix A**, the audit report is to be submitted to the DPIE six weeks after the completion of the audit which is to be completed on or around the 24 November 2020 and no later than 31 December 2020.

The audit was completed with the close out meeting on 26 November 2020; as such, submission of this audit report and the response to recommendations is required by 7 January 2021.

### 1.6 Selection and Endorsement of the Audit Team

The audit team presented in **Table 1** was endorsed by Department Planning, Infrastructure and Environment (DPIE) on 14 September 2020, with a change to the groundwater specialist approved on 15 December 2020 as per the endorsement letters attached as **Appendix A**

**Table 1 Audit Team**

Name	Company / Position	Audit Role
Nathan Archer BSc M Env Mgt Certified Exemplar Global Lead Auditor (#133601)	SLR - Principal Environmental Scientist Lead Environmental Auditor	Lead Auditor and Noise Specialist Present at site for 3 days
Renaë Gifford B Env Sc M Bus Admin Grad Cert Marketing	SLR - Principal Environmental Scientist	Assistant Auditor Present at site for 3 days
Paul Delany B.Eng. (Civil/Hons)	SLR - Technical Discipline Manager - Civil & Structural Engineering	Surface Water Specialist Present at site for one day
Ali Naghizadeh BSc Microbiology MSc Environmental Management	SLR - Associate Consultant	Air Quality Specialist Desktop assistance and data review
Angus McFarlane Bachelor of Land and Water Science	SLR – Principal Hydrology and Hydrogeology	Groundwater Specialist Desktop assistance and data review
Steve Ditton B.Eng. (Civil/Hons)	DgS - Principal Engineer and Director	Subsidence Specialist Desktop assistance and data review

The SLR audit team are independent of Austar as defined under Section 3.3 of the Independent Audit Guideline.

## 1.7 Key Site Contacts

Contact details for key personnel at the Austar site involved in the audit are provided in **Table 2**.

**Table 2 Contact Details for Key Personnel**

Personnel	Role	Contact
Cary McCormack	Environment and Community Superintendent	+61 2 4993 7334 caryl.mccormack@yancoal.com.au
Julie McNaughton	Environment Coordinator	+61 2 4993 7334 Julie.Mcnaughton@yancoal.com.au

## 1.8 Consultation

### 1.8.1 Summary of Consultation

In accordance with the Independent Audit Guideline, the following consultation was undertaken, prior to the site visit component of the audit. Consultation letters were sent to the key stakeholders identified in **Table 3** on 6 October 2020 requesting feedback and comment on any key issues to be addressed within the agreed scope of the audit. Responses, where received, are detailed in **Table 3**.

**Table 3 Summary of Consultation**

Organisation	Contact Details	Response
Department of Planning Industry and Environment	Ann Hagerthy Senior Compliance Officer - Compliance 02 6575 3407, 0428 976 540 ann.hagerthy@planning.nsw.gov.au	Email received 13 October 2020 confirming no comments.
Environment Protection Agency	Anthony Vanderhorst Anthony.vanderhorst@epa.nsw.gov.au	Call received from Anthony Vandendorst on 6 October 2020. No particular areas of concern were raised. EPA are working with Austar to modernise their EPL and to remove some special conditions from the licence. In particular EPA would like to resolve noise limits for the site and include compliance noise limits within the EPL. EPA noted that issues of non-compliance likely to be associated with the required modernisation of licence.
Resource Regulator	Jenny Ehmsen Principal Compliance Auditor 02 4063 6443, 0438 735 010 nswresourcesregulator@service-now.com	Response received on the 12 October 2020. Resources Regulator response is attached as <b>Appendix B</b> and is addressed in <b>Section 1.8.2</b> .
Natural Resources Access Regulator	Ryan Shepard Ryan.shepard@nrar.nsw.gov.au	No response
Cessnock Council	Austar CCC - Councillor Mark Lyons 0417 083 073 mark.lyons@cessnock.nsw.gov.au	No response
Community Consultative Committee (CCC) - Chair	Margaret MacDonald Hill 0448 414 888 mmacdonald-hill@bigpond.com	Email received on 6 October 2020. Responded there were no specific issues to be addressed. Confirmed that CCC meetings had been reduced from quarterly to six monthly.

### 1.8.2 Resources Regulator Consultation

**Table 4** outlines the key issues raised by the Resources Regular for address in this audit along with the audit findings.

**Table 4 Resources Regulator Comments Relating to this Audit**

Resources Regulator Comment	Audit Response
Review relevant mining leases and exploration licences as agreed with Resources Regulator;	This audit has addressed all relevant mining title covering the Austar Coal Mine as listed in the Resources Regulator correspondence ( <b>Appendix B</b> ). The mining leases addressed are listed in <b>Table 10</b> .
Undertake an assessment of compliance against the conditions of title related to environmental management;	The assessment of compliance is included in <b>Appendix C</b> with a summary of findings included in <b>Section 7</b> .
Verify that there is a current Mining Operations Plan (MOP) in place and it has been approved by the Regulator – review compliance against any conditions of approval of the MOP;	Austar currently operations under an approved MOP which was approved on 21 August 2019 and covers the period 21 August 2019 to 1 May 2026.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.

Resources Regulator Comment	Audit Response
<p>Undertake a critical review of the MOP, including an assessment of its compatibility with the description of operations contained in the planning approval. In particular:</p> <ul style="list-style-type: none"> <li>Review the rehabilitation strategy as outlined in the MOP to determine if it is consistent with the Project Approval in terms of progressive rehabilitation schedule; and proposed final land use(s);</li> <li>Review the rehabilitation objectives and completion criteria as outlined in the MOP to determine if they have been developed in accordance with the proposed final land use(s) as outlined in the Project Approval;</li> </ul>	<p>The MOP has been prepared in accordance with the ESG3 MOP Guidelines. Activities detailed in the MOP are in accordance with the project approvals with relevant regulatory requirements listed in Table 4-1.</p> <p>Final land uses are in accordance with the rehabilitation objectives listed in the project approvals.</p>
<p>Review the development and implementation of any rehabilitation monitoring programs to assess performance against the nominated objectives and completion criteria – verified by reviewing monitoring reports and rehabilitation inspection records;</p>	<p>The Annual Reviews summarise the rehabilitation monitoring results. Results are compared against the completion criteria and recommendations provided to progress towards the completion criteria.</p>
<p>Determine if a rehabilitation care and maintenance program has been developed and implemented based on the outcomes of monitoring program – verified by reviewing Annual Rehabilitation Programs or similar documentation;</p>	<p>The Annual Reviews provide a summary of the results of the previous year’s rehabilitation monitoring and includes proposed actions to address any recommendations arising from the monitoring reports. Rehabilitation maintenance activities undertaken in the reporting period are also detailed in the Annual Reviews.</p>
<p>Confirm that mining operations are being conducted in accordance with the approved MOP (production, mining sequence etc.), including within the designated MOP approval boundary – to be verified by site plans and site inspection;</p>	<p>Based on the site inspection and documentation viewed during the audit, operations have been undertaken in accordance with the MOP during the audit period.</p>
<p>Confirm that rehabilitation progress is consistent with the approved MOP as verified by site plans and a site inspection. This should include an evaluation against rehabilitation targets and whether the final landform is being developed in accordance with conceptual final landform in the Project Approval; and</p>	<p>Rehabilitation progression is reported in the Annual Reviews including reporting against the MOP rehabilitation completion criteria, TARP and disturbance areas.</p>
<p>Based on a visual inspection, determine if there are any rehabilitation areas that appear to have failed or that have incurred an issue that may result in a delay in achieving the successful rehabilitation outcomes.</p>	<p>Based on the site inspection recent rehabilitation at the Aberdare Reject Emplacement Area (REA) and the West Pit has been very successful and ground cover has been successfully established. Photographs of the rehabilitation are provided in</p>
<p>In addition to the above, the audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice.</p>	<p><b>Appendix D.</b></p>

## 2 Audit Methodology

### 2.1 Audit Scope Development

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

### 2.2 Audit Methodology

The methodology for the Independent Environmental Audit consisted of the following key steps:

- Audit opening meeting on 21 October 2020;
- Reviewing key documents provided by Austar prior to the audit;
- Consultation with relevant government agencies as per the audit requirements prior to the site component;
- Site component of the audit from 21 to 23 October 2020 – including inspections and interviews with key Austar personnel;
- Review of additional relevant documentation obtained while on site during the inspection or provided by Austar after the site inspection;
- Provision of draft audit tables for review;
- Audit close out meeting and discussion of findings and recommendations on 26 November 2020; and
- Draft audit report to be provided to summarise the findings of the sheet.

The audit team assessed the approvals and documentation outlined in **Section 5**.

### 2.3 Site Interviews and Inspections

#### 2.3.1 Opening and Site Meetings

An opening meeting was undertaken at the commencement of the site component of the audit. The opening meeting provided the opportunity to outline the audit process, review the schedule and introduce key personnel responsible for environmental management at the site. A further meeting was held at the end of the site visit to discuss initial observations, additional information requests and remaining audit requirements. The attendees of each meeting are listed in **Table 5**.

A meeting was also held on Day 2 of the audit to discuss specifics of surface water management at the site. This meeting was also attended by SLR's surface water specialist Paul Delany.

**Table 5 Site Meeting Attendees**

Personnel	Role	Comment
Cary McCormack	Environment and Community Superintendent	Present at both meetings
Julie McNaughton	Environment Coordinator	Present at both meetings
William Farnworth	Mining Engineering Manager	Present at both meetings
Barry Forth	CHPP Manager	Present at both meetings and site inspection (part)

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Personnel	Role	Comment
Matt Wright	Statutory Surveyor	Present at both meetings
Nathan Archer	Lead Environmental Auditor	Present at both meetings
Renaë Gifford	Assistant Environmental Auditor	Present at both meetings

### 2.3.2 Site Inspection and Interviews

Site inspections were undertaken between 21 and 23 October 2020 including inspections and interviews with key Austar personnel. Site inspections were undertaken Nathan Archer (Lead Auditor) and Renaë Gifford (Assistant Auditor). Paul Delany (surface water specialist) attended the site inspection on the second day of the audit (22 October 2020).

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

The site inspections included inspections of the following areas:

- Austar Dam;
- Austar CHPP;
- West Pit Rehabilitation Area;
- North west Tailings Dam (decommissioned);
- Clean Water Drain Orange Staining Containment area;
- Aberdare Reject Emplacement Area;
- Kitchener SIS;
- Austar Pit Top;
- No. 2 Shaft;
- Kalingo Dam; and
- 3/4 Shaft area.

### 2.3.3 Document Review

Information was provided by Austar prior to the audit, during the audit and following the audit. SLR also sourced a large amount of information from the Austar website.

Photographs taken during the site inspections are included in **Appendix D**. A large amount of evidence was viewed and collected as part of the audit, including monitoring records, reports and correspondence. While this key evidence has been referenced in **Section 3**, it has not been attached to this audit report.



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### 2.3.4 Close Out Meeting

Following completion of the draft audit tables, a close out meeting was held on 26 November 2020 to discuss the compliance assessment, findings and recommendations with key site personnel. **Table 6** lists the close out meeting attendees.

**Table 6 Close Out Meeting Attendees**

Personnel	Role
Cary McCormack	Environment and Community Superintendent
Julie McNaughton	Environment Coordinator
Nathan Archer	Lead Environmental Auditor
Renae Gifford	Assistant Environmental Auditor

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### 3 Documents Reviewed and Referenced

Some of the key documentation reviewed as part of the audit includes:

- Stage 3 Development Consent (08\_0111);
- Bellbird South Development Consent (DA 29/95);
- Environment Protection Licence (EPL 416);
- Environmental Assessment (EA) Modification 5 (MOD 5) Consolidated Statement of Commitments;
- All relevant mining leases listed in **Section 4.7**;
- Water Access Licences (WALs);
- Approved Environmental Management Plans, including:
  - Environmental Management Strategy – June 2018;
  - Ecological Monitoring Program Stage 2 Longwall mining – May 2011;
  - Consolidated Environmental Monitoring Program – June 2018;
  - Site Water Management Plan – July 2018;
  - Noise and Vibration Management Plan – June 2018;
  - Air Quality and Greenhouse Gas Management Plan – June 2018;
  - Landscape Management Plan – January 2015;
  - Aboriginal Cultural Heritage Management Plan – June 2018;
  - Pollution Incident Response Management Plan – June 2020; and
  - Historic Heritage Management Plan – January 2014.
- Pollution Incident Response Management Plan (PIRMP);
- Mining Operations Plan – 2016 – 2024 (dated August 2016);
- Annual Returns – across the audit period;
- Annual Reviews across the audit period;
- Community Consultative Committee Meeting Minutes – across the audit period;
- Key consultation with government – including consultation and approval letters;
- Complaints Register;
- Pollution Reduction Program; and
- Environmental monitoring reports and data – air, noise, water.

## 4 Assessment of Compliance

In accordance with the *Independent Audit Guidelines* (DPIE, 2015), the terms used in the audit to describe the level of compliance of the site with the relevant approval documentation are outlined in **Table 7** and **Table 8**.

**Table 7 Compliance Assessment Criteria**

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

**Table 8 Risk Levels for Non Compliance**

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

## 5 Approvals and Documentation Assessed

### 5.1 Previous Audit Recommendations

The previous Independent Environmental Audit for Austar was led by SLR during November 2017. The final audit report was issued to Austar on 27 February 2018. The Independent Environmental Audit identified that the site had good level of compliance with Development Consent DA29/95, Project Approval 08\_0111, EPL 416, and mining lease conditions.

The 2017 to 2018 Annual Review summarised the audit findings and provided a response on how these had been addressed. In total there were 25 recommendations made of which eight were reported as ongoing. The 2018 to 2019 and 2019 to 2020 Annual Reviews reported that two recommendations remained ongoing relating the REA capping trials and the progress assessments for the demolition of existing structures.

### 5.2 Stage 3 Project Approval

The Project Approval for the Stage 3 Project (PA 08\_0111) was assessed as part of the audit. PA 08\_0111 has been modified on three occasions, with the last being outside the audit period in December 2013. There was no mining in the Stage 3 project approval area in the audit period.

Key conditions assessed have been separated into the following aspects:

- Construction;
- Noise;
- Air Quality and Greenhouse Gas;
- Meteorological;
- Surface and Ground Water;
- Heritage;
- Transport;
- Visual;
- Waste;
- Notification of Landowners;
- Independent Review;
- Land Acquisition;
- Environmental Management;
- Incident Reporting;
- Independent Environmental Audit; and
- Access to Information.

### 5.3 Bellbird South Development Consent

Development Consent DA 29/95 was assessed as part of the audit. DA29/95 has been modified on seven occasions, with the last being in August 2017. Mining was undertaken within the Bellbird South area in the audit period.

Key conditions assessed have been separated into the following aspects:

- General conditions;
- Acquisition;
- Subsidence;
- Offset area management;
- Water;
- Noise and vibration;
- Air quality;
- Meteorological monitoring;
- Reject emplacement;
- Flora and fauna;
- Heritage;
- Traffic and transport;
- Rehabilitation objectives;
- Environmental management strategy;
- Incident reporting;
- Annual reporting;
- Auditing;
- Management plans;
- Community consultative committee; and
- Website.

### 5.4 Environmental Assessment – Statement of Commitments

The Statement of Commitments is attached to the Stage 3 Project (PA08\_0111) and includes commitments relating to:

- Life of mine plan;
- Subsidence;
- Ecology;
- Heritage;

- Surface water and drainage;
- Groundwater;
- Noise and blasting;
- Air quality;
- Energy and greenhouse gas;
- Visual;
- Transport;
- Community; and
- Decommissioning and rehabilitation.

## 5.5 Management Plans and Programs

The management plans and programs required by PA 08\_0111 and DA 29/95 as listed in **Table 9** were assessed as part of this audit. Assessment of the management plans has considered both the preparation of the documents in accordance with requirements and the effective implementation of the documented management and mitigation strategies. The compliance assessment is presented in the audit tables in **Appendix C**. Identified non-compliances and recommendations are listed in **Section 7**.

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

It is noted that Austar transitioned to care and maintenance in March 2020. It is recommended that all management plans be reviewed following this audit (or as agreed with DPIE) to be updated to reflect this transition and any appropriate changes to environmental management measures.

**Table 9 Assessment of Management Plans**

Management Plan	Development Approval/Development Consent	Comment
Environmental Management Strategy	PA 08_0111 Schedule 7 Condition 1 DA 29/95 Schedule 5 Condition 1	The most recent version of the <i>Environmental Management Strategy</i> (EMS) is dated 22 June 2018 and was approved by the DPIE on 1 August 2018.  The EMS meets the requirements of the relevant conditions and effective implementation of the complaints and incidents response procedures has been evidenced.



Management Plan	Development Approval/Development Consent	Comment
Noise and Vibration Management Plan	PA 08_0111 Schedule 4 Condition 3 DA 29/95 Schedule 3 Condition 15	<p>The most recent <i>Noise Management Plan</i> (NMP) is dated 25 June 2018 and was approved by DPIE on 1 August 2018.</p> <p>The preparation of the NMP meets the requirements of the relevant conditions and it is noted that noise management has generally been effectively managed at site. Noise exceedances were reported during the audit period relating to the CHPP. These have been assessed for compliance under the relevant criteria in the EPL noise PRP.</p> <p>The site is currently under care and maintenance and therefore minimal noise generating activities were observed during the site inspection.</p> <p>The Noise PRP has been ongoing during the audit period in consultation with the EPA. Recommendations have been made with regard to the ongoing implementation of the PRP and the setting of noise goals for the site. The recommendations are summarised in <b>Section 7</b>.</p>
Air Quality and Greenhouse Gas Management Plan	PA 08_0111 Schedule 4 Condition 6 DA 29/95 Schedule 3 Condition 19	<p>The most recent <i>Air Quality and Greenhouse Gas Management Plan</i> (AQGHGMP) is dated 25 June 2018 and was approved by the DPIE on 1 August 2018.</p> <p>The preparation of the AQGHGMP meets the requirements of the relevant conditions. In general, the air quality management of the site was noted to be effective with minimal dust issues observed.</p> <p>An administrative non-compliance was identified regarding a failure of continuous monitoring equipment. Recommendations have been made in this regard. The recommendations are summarised in <b>Section 7</b>.</p>
Site Water Management Plan	PA 08_0111 Schedule 4 Condition 9 DA 29/95 Schedule 3 Condition 6	<p>The most recent <i>Site Water Management Plan</i> (SWMP) is dated 6 July 2018 and was approved by the DPIE on 1 August 2018.</p> <p>The preparation of the SWMP meets the requirements of the relevant conditions including the preparation of the required:</p> <ul style="list-style-type: none"> <li>- Site Water Balance;</li> <li>- Erosion and Sediment Control Plan;</li> <li>- Surface Water Monitoring Program; and</li> <li>- Groundwater Monitoring Program.</li> </ul> <p>There was evidence of monitoring and mitigation measures from a review of Annual Reviews and the field inspection.</p> <p>Site interviews and inspections evidenced that since the transition to care and maintenance significant work had been undertaken to replace and repair sediment fences at the site.</p> <p>Non-compliances and incidents regarding water management were identified against the EPL due to discharges from the site.</p> <p>SLR has made several recommendations relating to water management, with these outlined in <b>Section 7</b>.</p>
Aboriginal Cultural Heritage Management Plan	PA 08_0111 Schedule 4 Condition 10 DA 29/95 Schedule 3 Condition 24a	<p>The most recent version of the <i>Aboriginal Cultural Heritage Management Plan</i> (ACHMP) is dated 20 June 2018 and was approved by the DPIE on 1 August 2018.</p> <p>The preparation of the ACHMP meets the requirements of the relevant conditions.</p> <p>Heritage management works are detailed in the Annual Reviews for the audit period. Due diligence assessments were undertaken during the audit period with regard to artefacts within planned hazard reduction burn areas.</p>

Management Plan	Development Approval/Development Consent	Comment
Historic Heritage Management Plan	PA 08_0111 Schedule 4 Condition 11 DA 29/95 Schedule 3 Condition 25	<p>The latest version of the Historic Heritage Management Plan is dated January 2014. The historic heritage management plan was not updated during the audit period and it is recommended to be updated to align with latest modifications and site status.</p> <p>Historical heritage management undertaken is outlined in the Annual Review. Consideration of historic heritage item being the Maitland Railway System was included in planning for hazard reduction burns in 2019-2020 Annual Review.</p> <p>Heritage assessments of the existing structures and foundations at the Bellbird, Pelton and Cessnock No. 1 shafts are required as part of closure planning works.</p>
Landscape Management Plan	PA 08_0111 Schedule 6 Condition 4	<p>The latest version of the Landscape Management Plan for Kitchener SIS is dated 15 January 2015.</p> <p>It is noted that the requirements of the Landscape Management Plan are also covered by the MOP.</p> <p>The landscape management plan has generally been implemented at the Kitchener SIS with disturbance areas stabilised and temporarily with ground cover seed. The site inspection identified that the temporary rehabilitation at the Kitchener SIS is well established and provides good ground cover.</p> <p>Rehabilitation and land management reported in the Annual Reviews.</p>

## 5.6 Environment Protection Licence

Austar operates under the Environment Protection Licence (EPL 416). The EPL contains conditions relating to:

- Administrative Conditions;
- Discharges to Air and Water and Applications to Land;
- Limit Conditions;
- Operating Conditions;
- Monitoring and recording conditions;
- Reporting conditions;
- General conditions; and
- Pollution studies and reduction programs.

## 5.7 Mining Leases

The mining leases held by Austar which were assessed as part of the audit are listed in **Table 10**.

**Appendix C** lists the conditions imposed by the mining leases and indicates the compliance status of each condition, along with recommended actions in response to non-compliances.

**Table 10 Mining Leases**

Austar Mining Leases		
CCL728	ML1666	MPL204
CCL752	ML1345	ML1677
CML2	ML1661	MPL217
DSL89	ML1388	MPL233
ML1157	ML1550	MPL269
ML1283	MPL23	MPL1364

## 5.8 Water Licences

The Austar Annual Reviews outline the performance of the site relating to water licence entitlements.

Water access licences WAL19181/ WAL41504 have a combined extraction limit of 770ML in any 12-month period, commencing 1 July. The amount of groundwater intercepted as calculated from monthly flow rates and volumes for the audit period as presented in the Annual Reviews is summarised in **Table 11**.

**Table 11 Water Take during the Audit Period**

Water Licence #	Water sharing plan, source and management zone (as applicable)	Entitlement	Total Water Take (ML)		
			2017-2018	2018-2019	2019-2020
WAL19181	Hunter Unregulated and Alluvial Water Sources - Upper Wollombi Water Source - Congewai Creek Management Zone.	10 shares	0	0	0
WAL41504	Sydney Basin – North Coast Groundwater Source. North Coast Fractured and Porous Rock Groundwater Sources 2016.	Extraction limit of 770ML in any 12-month period commencing 1 July	457	582	658.5

\* this WAL is not utilised at present by Austar

## 5.9 Complaints

Complaints are summarised in the Annual Reviews and the complaint log. During the audit period there were six complaints received. These were mainly associated with noise, dust and odour emissions. Follow up actions are detailed in the complaints log.

### 5.10 Incident / Non - Compliance Management

Environmental incidents during the audit period are outlined within the Annual Reviews. Incidents that were recorded during the audit period included:

- 2020 (July to end of audit period):

- Kitchener SIS sediment basins discharging due to greater than design rainfall;
- Discharge water at point 6 exceeded EPL pH limits – 6.22 versus limit pH of 6.5;
- 2019-2020
  - Kitchener SIS sediment basins discharging due to greater than design rainfall;
  - HVA51 not operational for 4 monitoring events due to power outage by landowner;
  - TEOM not operational for 5 days due to equipment failure;
- 2018-2019
  - Discharge water at point exceeded EPL limits - EC 667  $\mu\text{s} / \text{cm}$  versus limit 600  $\mu\text{s} / \text{cm}$
  - Noise exceedance at CHPP;
  - Dust exceedances (determined not to be Austar generated).
- 2017-2018
  - No incidents relevant to this audit period.

Incident investigations and reporting were completed with evidence provided to the audit team.

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## 6 Environmental Performance - Specialist Assessments

As required by Schedule 5 Condition 5 of DA 29/95 and as directed by the DPIE, the audit team include experts in the fields of subsidence, surface water, groundwater, noise and air quality.

The specialists listed in **Table 1** were endorsed by the DPIE to assist with the Independent Environmental Audit on 14 September 2020. The specialists provided inputs to the relevant aspects of the compliance tables in **Appendix C** with recommendations being made as required. A summary of the key findings of specialist assessments is provided as follows.

### 6.1 Air Quality

Air quality at Austar is managed in accordance with the Air Quality and Greenhouse Gas Management Plan (AQGHGMP) dated 25 June 2018 and approved by DPIE on 1 August 2018. The audit reviewed the AQGHGMP along with the Annual Reviews and relevant air quality monitoring data. The adequacy of the AQGHGMP has been assessed in **Table 9**.

The air quality assessment found that the site is generally compliant with all air quality related conditions with the exception of an identified administrative non-compliance in relation to the real time air quality monitoring systems not being continuously operational as specified in the AQGHGMP. It is acknowledged that 100% continuous data capture cannot always be achieved due to equipment faults. The *National Environment Protection (Ambient Air Quality) Measure (NEPM)* guidelines state that:

*Data availability must exceed 75% and it is recommended that higher data recovery be achieved during seasons with expected elevated particle loadings.*

Recommendations have been made to update the AQGHGMP to reflect achievable data capture sufficient to provide valid averages and as close as possible to 100%.

The Annual Reviews present air quality monitoring results undertaken in accordance with the approved AQGHGMP and compare the results of the monitoring against the relevant air quality criteria. During the audit period no exceedances of the criteria were identified which were attributable to Austar operations.

In accordance with the AQGHGMP, when an exceedance of the relevant air quality criteria is recorded, an investigation is undertaken. Example incident reports for identified dust exceedances during the audit period were provided. The Annual Reviews summarise the findings of these investigations.

Generally, the site inspection noted no significant dust issues from the site. With the transition to care and maintenance activities, active dust sources at the site have been reduced.

### 6.2 Noise

Noise emissions from Austar are managed in accordance with the Noise Management Plan (NMP) dated 25 June 2018 and approved by DPIE on 1 August 2018. The audit reviewed the NMP along with the Annual Reviews, quarterly noise monitoring reports, Noise Pollution Reduction Program Reviews and relevant noise monitoring data. The adequacy of the NMP has been assessed in **Table 9**.

In general, noise at the site has been managed in accordance with the NMP with exceedances of criteria reported in the Annual Reviews. During the audit period, activities from Austar complied with relevant noise limits with the exception of one exceedance (at two locations) in Q2 2019. Since March 2020, the site has been under care and maintenance and therefore minimal noise generating activities were observed during the site inspection.

Austar has been undertaking a voluntary Pollution Reduction Program (PRP) in consultation with the EPA since 23 May 2008. The *Noise Pollution Reduction Program Review 2020* prepared by Global Acoustics was reviewed which documents the investigations undertaken between 2016 and 2020 to progress towards determining Premises Noise Limits in accordance with EPL416 Condition U2 Premises Noise Limits. As presented in **Section 1.8**, consultation with the EPA for this audit indicated that the EPA wish to determine and set noise limits for the site to be included in a future EPL variation.

As per Section 6.1 of the 2017 Noise Policy for Industry (NPfI) "*The project noise trigger levels should not be applied as mandatory noise limits. The project noise trigger level is the level used to assess noise impact and drive the process of assessing all feasible and reasonable control measures*".

It would be considered that an appropriate action would be to apply "noise goals" to the site rather than compliance limits and report on progressive noise reductions towards those noise goals on an annual basis. Noise goals should be based on the noise levels achievable by the site with the implementation of reasonable and feasible noise mitigation measures.

It is also noted that the site is currently in care and maintenance and therefore noise emissions are currently significantly reduced. Given that Austar is currently in care and maintenance status, it is recommended that it would be appropriate to postpone any further evaluation of noise control until such time as further significant noise generating operations are proposed.

## 6.3 Surface Water

Management of surface water is an important activity for Austar, encompassing erosion and sediment controls, water treatment, containment and pumping of water across site requiring ongoing management to mitigate environmental risk.

Surface water specialist review for the 2020 IEA has included a site inspection, along with review of the following documents:

- Consolidated Environmental Monitoring Program, June 2018;
- Site Water Management Plan, July 2018;
- EPL 416;
- Austar Coal Mine Annual Review July 2017 – June 2018;
- Austar Coal Mine Annual Review July 2018 – June 2019;
- Austar Coal Mine Annual Review July 2019 – June 2020;

SLR concludes that the surface water system and associated environmental monitoring is very well managed. SLR has not identified any unintended impacts or major non-conformances.



There were two minor low risk incidents involving discharges of Kitchener SIS sediment basins during rainfall which exceeded the rainfall design criteria in February and July 2020. Austar reported these events to relevant authorities including the EPA in accordance with PIRMP, no further action was taken by the EPA.

There were also two exceedances of the EPL water quality criteria for pH and EC during the audit period. Incident reports submitted to the EPA have been sighted which concluded that there was unlikely to have been any material harm caused by the incidents as the monitored levels were within background creek water quality levels. No further action was taken by the EPA.

Orange staining/residue has been previously identified within the Austar CHPP Clean Water drain has been subject to various investigations and a pollution reduction programs in consultation with the EPA. Orange discolouration of the CHPP Clean Water Drain is being managed in conformity with requirements of an EPA PRP.

A number of recommendations were made to improve reporting and the identification of impacts in the future. Recommendations are listed in **Section 7**.

## 6.4 Groundwater

As part of this audit, SLR have reviewed the following documents:

- Consolidated Environmental Monitoring Program, June 2018;
- Site Water Management Plan, July 2018;
- Austar Coal Mine Annual Review July 2017 – June 2018;
- Austar Coal Mine Annual Review July 2018 – June 2019;
- Austar Coal Mine Annual Review July 2019 – June 2020;
- Groundwater Review and Assessment Report, February 2019; and
- Letter titled “*Re: Austar Coal Mine - Review of 2019 Groundwater Monitoring Results*”.

SLR concludes that Austar was compliant with groundwater related conditions. SLR have reviewed Austar’s Site Water Management Plan, all relevant groundwater monitoring documents and the Annual Reviews and have not identified any unintended impacts or non-conformances. Austar have monitoring programs in place to identify an impact to regional and local aquifers, nearby landholders and any Groundwater Dependant Ecosystems. These programs contain measures to respond to events where water level and quality may have been impacts and report their investigation.

A number of recommendations were made to improve reporting and the identification of impacts in the future. Recommendations are listed in **Section 7**.

## 6.5 Subsidence

Subsidence inputs to the audit were provided by Steve Ditton from DGS. During the audit period, underground mining was undertaken in the DA 29/95 mining area. All mining activities were undertaken in accordance with the approved Extraction Plan for LWB4-B7. The original Extraction Plan for B4-B7 approved was by DPIE on 20 September 2017 acknowledging that it had been prepared to the satisfaction of Resources Regulator.

No mining was undertaken in the Stage 3 mining area during the audit period.

During the audit period, Austar requested approval to shorten the lengths of longwall panels B4, B5, B6 and B7. The Extraction Plan was modified for the shortening of LW B4 and approved by DPIE on 12 February 2019. Additionally, the shortening of LWs B5-B7 was approved on 7 August 2019. This did not require an amendment to the Extraction Plan due to impacts similar or less than the existing Extraction Plan.

No non-compliances were identified with regard to subsidence management.

## 7 Audit Findings

### 7.1 Summary of Assessment of Compliance

**Appendix C** presents the detailed Assessment of Compliance against the conditions of the key approvals and licences applicable to the Austar Mine.

**Table 12** presents a summary of the findings of this audit.

**Table 12 Summary Table of Compliance**

Compliance Status	Number of conditions	Percentage of total conditions	Percentage of assessed conditions
Compliant	343	48%	95%
Not verified	0	0%	0%
Non-Compliant (Low Risk)	6	1%	2%
Non-Compliant (Medium Risk)	0	0%	0%
Non-Compliant (High Risk)	0	0%	0%
Administrative Non-Compliance	11	2%	3%
Not Triggered	312	44%	-
Note	37	5%	-
Total conditions	709	-	-
Total assessed conditions (excluding not triggered and notes)	360	-	-

Overall, 709 conditions were identified, 312 (44%) were not triggered during the audit period, and 37 (5%) were a note for information. Of the 360 remaining audited conditions 343 (95%) were compliant, six (6) (2%) were non-complaint (low risk) and 11 (3%) were administrative non-compliances. No high or medium risk non-compliances were identified. The non-compliances are listed in **Section 7.2**.

## 7.2 Summary of Non-Compliances

**Table 13** summarised the non-compliances identified against the conditions of DA 29/95 and PA 08\_0111 along with relevant comments and recommendations.

**Table 13 Summary of Non-Compliance**

NC #	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
<b>Application No 08_0111</b>					
NC1	6	<p>The Proponent shall prepare and implement an Air Quality and Greenhouse Gas Management Plan for the mine complex, to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with EPA, and be submitted to the Director-General for approval prior to the commencement of construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 above); and</p> <p>(b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7):</p> <ul style="list-style-type: none"> <li>· an air quality monitoring program providing for a combination of continuous monitors, high volume samplers and dust deposition gauges;</li> <li>· an energy savings action plan, including a feasibility study into the capture and beneficial utilisation of methane gas emissions from the project; and</li> <li>· a detailed continual improvement program for investigating, implementing and reporting on all reasonable and feasible measures to reduce dust generated by the mine complex.</li> </ul>	Administrative Non-compliant	<p><b>Admin Non-Compliance</b> As reported in the 2019-2020 Annual Review:</p> <p>The TEOM and HVAS1 both had periods of time where they were not operational. The Air Quality and Greenhouse Gas Management Plan (AQGHGMP) states operation will be continuous.</p>	<p><b>NC REC 1:</b> Update AQGHGMP to reflect the NEPM guidelines to reflect compliance requirements of minimum 75% data capture.</p>

NC #	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
NC2	8	The Proponent shall not discharge any water from the site except as may be expressly provided by an EPL, or in accordance with section 120 of the Protection of the Environment Operations Act 1997	Non-compliant (Low Risk)	<p><b>Non-Compliance</b> As reported in the 2019-2020 Annual Review.</p> <p>The Kitchener SIS Sediment Dam discharged between 6 and 9th February 2020 during heavy rainfall. The Sediment Dams are designed to contain runoff from a 5 day 90th percentile rainfall event (in accordance with the 'Blue Book'), which is 42.8mm depth of rainfall. The rainfall recorded during the three days from 6th to 9th February was 113.8mm rainfall depth, well in excess of the required design standard. Austar reported the event to relevant authorities in accordance with PIRMP, on the basis that there may have been potential for pollution of waters through sediment discharge. This site was inspected by SLR during the audit, and several mitigating circumstances were noted: the catchment is largely revegetated; discharge water would first pass through the sediment dams enabling some settling of coarser sediments; large volume of water diluting the sediment and, the discharge would have passed through a sediment fence along the downslope boundary. Accordingly, the potential for sediment export is considered to be very limited.</p> <p>Overflows were reported to the EPA but no further action was taken by the EPA.</p> <p><b>Observation</b></p> <p>During the audit it was noted that there are a number of overland mine water pipes, which have potential to leak water to the environment if there was a pipe failure. It is understood that Austar manage this risk through, a) weekly inspections of pipeline routes for evidence of leakages, and b) pressure sensors on the pipelines which provide alert to any rapid changes of pressure and shut-down of the pipeline pumps.</p>	<p><b>NC REC 2:</b> Consider the status of rehabilitated areas within the Kitchener SIS area. If rehabilitation can be signed off as complete clean water runoff from the rehabilitated areas above the sediment dams may be diverted and the catchment reporting to the dams reduced. This may reduce overtopping during rainfall events.</p> <p><b>Improvement REC 1:</b> With regard to potential leakage from pipelines it is recommended that Austar carry out a risk assessment considering potential failure modes, and the adequacy of current arrangements.</p>

NC #	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
NC3	3	<p>Each year, the Proponent shall review the environmental performance of the mine complex to the satisfaction of the Director-General. This review must:</p> <p>(a) describe the works that were carried out in the past year, and the works that are proposed to be carried out over the next year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the mine complex over the past year, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> <li>· the relevant statutory requirements, limits or performance measures/criteria;</li> <li>· the monitoring results of previous years; and</li> <li>· the relevant predictions in the EA and Extraction Plan;</li> </ul> <p>c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the mine complex;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the mine complex, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the mine complex.</p>	Administrative Non-compliant	(d) <b>Admin NC</b> - With the exception of air quality results, the Annual Reviews do not report or present long term trends in monitoring data over the life of the mine. Brief discussion of trends is included in Table 6-1 of the Annual Review however, this does not consider long term, life of mine trends.	<b>NC REC 3:</b> Future Annual Reviews should present an assessment of long term trends in data to assess the impacts over the life of the mine (eg. over a five year period).

NC #	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
NC4	4	<p>Within 3 months of:</p> <p>(a) the submission of an annual review under Condition 3 above;</p> <p>(b) the submission of an incident report under Condition 6 below;</p> <p>(c) the submission of an audit report under Condition 7 below; or</p> <p>(d) any modification to the conditions of this approval, (unless the conditions require otherwise), the Proponent shall review the strategies, plans, and programs required under this approval, to the satisfaction of the Director-General. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the Director- General.</p> <p><i>Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the project.</i></p>	Administrative Non-compliant	<p><b>Admin NC</b></p> <p>Management plans were revised and notification provided within the three month timeframe, however, updated reports were not submitted for approval within the timeframes specified in the consents (6 weeks for DA 29/95 and 4 weeks for PA08_0111)</p> <p>The Historic Heritage Management Plan and Landscape Management Plans were not updated during the Audit period, however, based on site correspondence they were reviewed and no updates were necessary.</p> <p>It is noted that Plans will be reviewed following Annual Review and IEA including consideration of switch to care and maintenance. Site are consulting with department regarding approval to only review once following the completion of the IEA.</p>	<p><b>NC REC 4:</b> Review and update all Management Plans following the IEA (or as agreed with DPIE) to reflect the transition to Care and Maintenance and any appropriate changes to environmental management measures.</p> <p>Consider including document control to state when MPs are reviewed and what triggered the review.</p>
<b>Development Application 29/95</b>					
NC5	12a	<p>By the end of February 2018, the Applicant must review the groundwater impacts of the development. This review must:</p> <p>(a) validate the impact predictions in EA (MOD 6) and EA (MOD 7) against measured groundwater impacts, including a comparison of:</p> <ul style="list-style-type: none"> <li>* groundwater levels and quality in both alluvial and non-alluvial aquifers; and</li> <li>* mine water inflow sources and volumes; and</li> </ul>	Administrative Non-compliant	<p>As reported in the 2017-2018 Annual Review</p> <p>The groundwater review was completed during the reporting period and consultation with DoL-Water was undertaken.</p> <p>The Groundwater Review was submitted in June 2018, so missed the timeframe given in the consent.</p>	No further recommendation.

NC #	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
		<p>(b) evaluate the effectiveness of the existing groundwater model for use in current and future mining operations; and</p> <p>(c) evaluate the continued effectiveness of any approved Extraction Plan or Water Management Plan for the development and provide recommendations for any appropriate amendments to these plans.</p> <p>The review must be undertaken in consultation with DPI-Water and reported and implemented to the satisfaction of the Secretary. If the review identifies a material departure from the predictions in EA (MOD 6) and EA (MOD 7), the Applicant must prepare a revised groundwater assessment for the development, in consultation with DPIWater, to the satisfaction of the Secretary. The assessment must include updated predictions of potential groundwater impacts from the development, based on quantitative surface and groundwater modelling, incorporating all available groundwater data.</p>		<p>SLR has reviewed the AGE 2018 report and Dundon Consulting Pty Ltd 2018 follow up report. SLR agree with the findings relating to EC, beneficial use and that the need for numerical modelling has not yet been triggered.</p>	
NC6	19	<p>The Applicant must prepare an Air Quality Monitoring Program for the development to the satisfaction of the Secretary. This program must include an air quality monitoring protocol for evaluating compliance with the air quality impact assessment criteria in this consent.</p> <p>The Applicant must implement the approved program as approved from time to time by the Secretary.</p>	Administrative Non-compliant	<p><b>Admin NC</b> As reported in the 2019-2020 Annual Review: The TEOM and HVAS1 both had periods of time where they were not operational. The Air Quality and Green house Gas Management Plan (AQGHGMP) states operation will be continuous.</p>	<b>NC REC 1:</b>
NC7	5	<p>By the end of September each year, unless the Secretary agrees otherwise, the Applicant must submit a review to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review must:</p>	Administrative Non-compliant	<p>(d) <b>Admin NC</b> - With the exception of air quality results, the Annual Reviews do not report or present long term trends in monitoring data over the life of the mine. Brief discussion of trends is included in Table 6-1 of the Annual Review however, this does not consider long term, life of mine trends.</p>	<b>NC REC 3:</b>

NC #	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
		<p>(a) describe the development (including any rehabilitation) that was carried out in the previous year to 30 June, and the development that is proposed to be carried out over the current year to 30 June;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous year to 30 June, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> <li>* relevant statutory requirements, limits or performance measures/criteria;</li> <li>* requirements of any plan or program required under this consent;</li> <li>* monitoring results of previous years; and</li> <li>* relevant predictions in the documents listed in condition 2 of Schedule 2;</li> </ul> <p>(c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the development;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the development.</p>			
NC8	8	<p>Within 3 months of:</p> <p>(a) the submission of an incident report under condition 4 above;</p> <p>(b) the submission of an Annual Review under condition 5</p>	Administrative Non-compliant	Management plans were revised and notification provided within the three months timeframe, however, updated reports were not submitted for approval within the timeframe specified in the consents (6 weeks for DA 29/95 and 4 weeks for PA08_0111).	NC REC 4:



NC #	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
		<p>above;  (c) the submission of an audit report under condition 6 above; and  (d) the approval of a modification to the conditions of this consent, the Applicant must review the strategies, plans and programs required under this consent, to the satisfaction of the Secretary. The applicant must notify the Department in writing of any such review being undertaken. Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted for the approval of the Secretary.</p> <p><i>Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the development.</i></p>			
<b>EPL 416</b>					
<b>NC9</b>	L1.1	<p>Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.</p>	<p><b>Non-compliant (Low Risk)</b></p>	<p>During the audit period there have been four reportable incidents that may have caused pollution to waterways.</p> <p>Kitchener SIS sediment basin discharges 9/2/2020 and 27/7/2020</p> <p>EC limit exceeded at SW6 11/1/2019</p> <p>pH limit not within criteria 9 July 2020.</p> <p>Incident reports submitted to the EPA have been sighted which concluded that there was unlikely to have been any material harm caused by the incidents. No further action has been taken by the EPA.</p> <p>Overflows were reported to the EPA but no further action was taken by the EPA.</p> <p><u>Observation</u></p>	<p><b>NC REC 2:</b> Consider the status of rehabilitated areas within the Kitchener SIS area. If rehabilitation can be signed off as complete clean water runoff from the rehabilitated areas above the sediment dams may be diverted and the catchment reporting to the dams reduced. This may reduce overtopping during rainfall events.</p> <p><b>Improvement REC 1:</b></p>

NC #	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
				It was observed that a key site risk regarding water management is related to surface/underground pipelines carrying mine water through non-mine land. The risk relates to the possibility of undetected leakages resulting in offsite discharge of mine water.	
NC10	L2.1	For each monitoring/discharge point or utilisation area specified in the table below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	Non-compliant (Low Risk)	<p>Two water quality incidents during the audit period where water quality exceeded the limits for SW6:</p> <p>As reported in the 2018-2019 Annual Review:  Laboratory results for monitoring point Licence discharge point 6 (SW6) result was 667 µs/cm against a limit of 600 µs/cm on one occasion. All other analytes (pH, TSS and Iron) were within limits. Also pH exceedance on 9 July 2020.  Incident reports submitted to the EPA have been sighted which concluded that there was unlikely to have been any material harm caused by the incidents. No further action has been taken by the EPA.</p>	No further recommendations.
NC11	L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Non-compliant (Low Risk)	<p>Two water quality incidents during the audit period where water quality exceeded the limits for SW6:</p> <p>As reported in the 2018-2019 Annual Review:  Laboratory results for monitoring point Licenced discharge point 6 (SW6) result was 667 µs/cm against a limit of 600 µs/cm on one occasion. All other analytes (pH, TSS and Iron) were within limits. Also pH exceedance on 9 July 2020.  Incident reports submitted to the EPA have been sighted which concluded that there was unlikely to have been any material harm caused by the incidents. No further action has been taken by the EPA.</p>	No further recommendations.

NC #	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation																														
NC12	L2.4	<p>POINT 6</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>50 percentile concentration limit</th> <th>90 percentile concentration limit</th> <th>SDGM concentration limit</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>Conductivity</td> <td>microsiemens per centimetre</td> <td></td> <td></td> <td></td> <td>600</td> </tr> <tr> <td>Iron</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>1</td> </tr> <tr> <td>pH</td> <td>pH</td> <td></td> <td></td> <td></td> <td>8.5 - 8.5</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>50</td> </tr> </tbody> </table>	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	SDGM concentration limit	100 percentile concentration limit	Conductivity	microsiemens per centimetre				600	Iron	milligrams per litre				1	pH	pH				8.5 - 8.5	Total suspended solids	milligrams per litre				50	Non-compliant (Low Risk)	<p>Two water quality incidents during the audit period where water quality exceeded the limits for SW6:</p> <p>As reported in the 2018-2019 Annual Review:  Laboratory results for monitoring point Licenced discharge point 6 (SW6) result was 667 µs/cm against a limit of 600 µs/cm on one occasion. All other analytes (pH, TSS and Iron) were within limits. Also pH exceedance on 9 July 2020.</p> <p>All other parameters within limits.  Incident reports submitted to the EPA have been sighted which concluded that there was unlikely to have been any material harm caused by the incidents. No further action has been taken by the EPA.</p>	No further recommendations.
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	SDGM concentration limit	100 percentile concentration limit																														
Conductivity	microsiemens per centimetre				600																														
Iron	milligrams per litre				1																														
pH	pH				8.5 - 8.5																														
Total suspended solids	milligrams per litre				50																														
NC13	R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Administrative Non-compliance	<p>Evidence of submissions sighted.</p> <p>2017 Annual Return submitted on 27/2/2018  2018 Annual Return submitted on 26/2/2019.  2019 Annual Return submitted on 20/2/2020. Notice received stating that it had not been certified correctly. Austar recertified then resubmitted on 30/3/2020</p>	No further recommendations																														
NC14	R1.7	<p>Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:</p> <p>a) the licence holder; or  b) by a person approved in writing by the EPA to sign on behalf of the licence holder.</p>	Administrative Non-compliance	<p>Evidence of submissions sighted.</p> <p>2017 Annual Return submitted on 27/2/2018  2018 Annual Return submitted on 26/2/2019.  2019 Annual Return submitted on 20/2/2020. Notice received stating that it had not been certified correctly. Austar recertified then resubmitted on 30/3/2020.</p>	No further recommendations																														
NC15	U2.1	Noise generated at the premises must not exceed the noise limits below:	Non-compliant (Low Risk)	<p>Noise compliance is reported within the Annual Reviews.  SLR also reviewed noise monitoring reports from the audit period. Noise monitoring is completed on a quarterly basis.</p>	<b>Improvement REC 2:</b> Continue to negotiate with the EPA with regard to																														

NC #	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation								
		<table border="1"> <thead> <tr> <th>Receiver</th> <th>Noise Limit dB(A)L90</th> </tr> </thead> <tbody> <tr> <td>Petton Village</td> <td>43</td> </tr> <tr> <td>Pyne Residence</td> <td>40</td> </tr> <tr> <td>O'hearn Residence</td> <td>37</td> </tr> </tbody> </table> <p><i>Note: These noise limits apply until new noise limits, determined through the "Premises Noise Assessment" pollution reduction program, condition U1 of this licence, are applied to the licence.</i></p>	Receiver	Noise Limit dB(A)L90	Petton Village	43	Pyne Residence	40	O'hearn Residence	37		No exceedances of this criteria were recorded during the audit period with the exception of the following as reported in the 2018-2019 Annual review: Activities from Austar complied with relevant noise limits on most occasions at the majority of monitoring locations during the 2018-19 reporting period, with the exception of one night (at two locations) in Q2 2019.	<p>appropriate noise limits or goals for the site. It is recommended that consideration be given to setting noise goals for the site based on the noise levels achievable by the site with the implementation of reasonable and feasible noise mitigation measures.</p> <p><b>Improvement REC 3:</b>  Negotiate with EPA regarding suspension of PRP during Care and Maintenance phase.</p>
Receiver	Noise Limit dB(A)L90												
Petton Village	43												
Pyne Residence	40												
O'hearn Residence	37												
<b>Statement of Commitments – Stage 3</b>													
<b>NC16</b>	1.7.2	The results of groundwater monitoring and a comparison of measured and predicted impacts will be reported annually in the Annual Environmental Management Report.	Administrative Non-compliance	<p>Groundwater monitoring results reported in the Annual Review.</p> <p>Historical groundwater review was undertaken by AGE in 2018. The review compared the observed groundwater conditions with the predicted potential impacts. The report concluded that the observed groundwater trends were generally in agreement with predictions.</p>	<b>NC REC 5:</b> In the Annual Reviews - comments regarding trends are generally limited to the 12 month reporting period only. Suggest longer term discussion is included								

NC #	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
				In 2017 - 2018 Annual Review a commitment was made to compare measured results to predicted results in the subsequent Annual Reviews. This was completed but not incorporated into the 2018-2019 or 2019-2020 Annual Reviews.	future reviews. Include discussions around predictions as practicable or include note in the Annual Reviews as to why this is not actioned.
<b>Mineral Lease No 1157 (Act 1906)</b>					
<b>NC17</b>	7	<p><b>REPORTS</b></p> <p>The lease holder must provide an exploration report, within a period of twenty eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <p>(a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period;</p> <p>(b) Details of expenditure incurred in conducting that exploration;</p> <p>(c) A summary of all geological findings acquired through mining or development evaluation activities;</p> <p>(d) Particulars of exploration proposed to be conducted in the next twelve months period;</p> <p>(e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.</p>	Administrative Non-compliance	<p>One exploration report submitted for all mining leases.</p> <p>Evidence of 'Indexing Title DSL89 Group Report's. Anniversary period is April 4 to April 3. Reports covering:</p> <ul style="list-style-type: none"> <li>- April 4th, 2017 - April 3th 2018 (submitted May 4th 2018).</li> <li>- April 4th, 2018- April 3th 2019 (submitted 2 May 2019).</li> <li>- April 4th, 2019- April 3th 2020 (submitted May 4th 2020).</li> </ul> <p>Reports cover these requirements. There is a minor non-compliance as the reports are dated 30 days after the anniversary date, not 28 days.</p>	<p><b>NC REC 6:</b> Update document management system of personnel accountable for the preparation of the reports so that reminders reflect the reporting requirement of 28 days rather than 30 days.</p>

## 8 Recommendations and Opportunities for Improvement

**Table 14** consolidates all the recommended actions of this audit as listed in **Table 13** and **Appendix C**. Where required, audit recommendations have been included to address identified non-compliances. In addition, some recommendations have been included as potential areas for systems and compliance improvement. Recommendations specifically to address non-compliances are identified as *NC RECs* while opportunities for improvement are identified as *Improvement RECs*.

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

**Table 14 Audit Recommendations**

Rec #.	Aspect	Recommendation
<b>Non-compliance recommendations</b>		
NC REC 1	Air quality monitoring	Update AQGHGMP to reflect the NEPM guidelines to reflect compliance requirements of minimum 75% data capture.
NC REC 2	Rehabilitation and surface water management	Consider the status of rehabilitated areas within the Kitchener SIS area. If rehabilitation can be signed off as complete clean water runoff from the rehabilitated areas above the sediment dams may be diverted and the catchment reporting to the dams reduced. This may reduce overtopping during rainfall events.
NC REC 3	Annual Review	Future Annual Reviews should present an assessment of long-term trends in data to assess the impacts over the life of the mine (eg. over a five-year period).
NC REC 4	Management Plans	Review and update all Management Plans following the IEA (or as agreed with DPIE) to reflect the transition to Care and Maintenance and any appropriate changes to environmental management measures. Consider including document control to state when MPs are reviewed and what triggered the review.
NC REC 5	Groundwater reporting	In the Annual Reviews - comments regarding trends are generally limited to the 12-month reporting period only. Suggest longer term discussion is included future reviews. Include discussions around predictions as practicable, or include note in the Annual Reviews as to why this is not actioned.
NC REC 6	Exploration report submission	Update document management system of personnel accountable for the preparation of the reports so that reminders reflect the reporting requirement of 28 days rather than 30 days.
<b>Improvement Recommendations</b>		
Improvement REC 1	Surface water management	With regard to potential leakage from pipelines it is recommended that Austar carry out a risk assessment considering potential failure modes, and the adequacy of current arrangements.
Improvement REC 2	Noise	Continue to negotiate with the EPA with regard to appropriate noise limits or goals for the site. It is recommended that consideration be given to setting noise goals for the site based on the noise levels achievable by the site with the implementation of reasonable and feasible noise mitigation measures.
Improvement REC 3	Noise	Negotiate with EPA regarding suspension of PRP during Care and Maintenance phase.
Improvement REC 4	Groundwater reporting	Remove data from when a logger was pulled out, which is evident on the graphs with large 'reverse or downward' spikes from the lines.
Improvement REC 5	Groundwater reporting	Add trigger criteria to groundwater graphs for easy identification of variance from background levels similar to that of the surface water hydrographs
Improvement REC 6	Surface water management	With concurrence of EPA develop suitable TARPS for management of staining under the Water Management Plan.
Improvement REC 7	Surface water management	Ensure remote pumps and equipment have appropriate spill management in place to prevent hydrocarbon spills to water ways. ie pump at orange stain clean water drain containment area.
Improvement REC 8	Hydrocarbon management	Ensure empty drums at the CHPP laydown area are stored in the bunded empty drum area

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## 9 Conclusion

This Independent Environmental Audit has been prepared for the Austar Coal Mine to meet the requirements of relevant conditions of the Stage 3 Development Consent (PA 08\_0111) and the Bellbird South Development Consent (DA 29/95).

The audit has been completed in accordance with the *Independent Audit Guideline* (DPIE, 2015) and has assessed compliance with:

- Stage 3 Development Consent (08\_0111);
- Bellbird South Development Consent (DA 29/95);
- Environment Protection Licence 416;
- Environmental Assessment (EA) Modification 5 (MOD 5) Consolidated Statement of Commitments;
- Mining Leases (18 leases assessed); and
- Water Access Licences.

The site component of the audit was undertaken between 21 and 23 October 2020, with SLR being supplied additional documentation and information as requested following the site inspection. An audit close out meeting was held on the 26 November to discuss findings and recommendations and provide final required documentation requests.

Overall, 709 conditions were identified, 312 (44%) were not triggered during the audit period, and 37 (5%) were a note for information. Of the 360 remaining audited conditions 341 (95%) were compliant, seven (7) (2%) were non-complaint (low risk) and 12 (3%) were administrative non-compliances. No high or medium risk non-compliances were identified.

SLR has provided recommendations to address identified non-compliances and to improve environmental performance.

During the site inspection it was evident that the site was generally being managed with a commitment to minimise the impact on the environment and surrounding residents. Since the site has transitioned to care and maintenance on 30 March 2020, extensive works were noted to have been undertaken around the site to improve housekeeping.

The following areas of good performance were noted during the audit:

- Austar staff were very well prepared for the audit and were readily available to assist prior to, during and post audit;
- Austar had excellent record keeping during the audit period;
- No excessive dust or noise emissions were noted during the site inspection;
- Generally good housekeeping and hydrocarbon management with hydrocarbons stored in appropriately bunded areas;
- Appropriate waste management, with bins labelled and waste appropriately segregated;
- Minimal evidence of erosion or sedimentation around the site;

- Good weed and bushfire management;
- Recent rehabilitation at the Aberdare REA and West Pit is well established with good ground cover;
- Works undertaken to repair and replace erosion and sediment controls regularly;
- Incident investigation and reporting has been completed with reporting outlined within the Annual Reviews and evidence of incident investigations provided;
- The site has had minimal subsidence impacts, with the site generally in compliance with Extraction Plan requirements; and
- Based on information provided the site has a good relationship with the community. Evidence through community notifications, complaints management and the Community Consultative Committee.

The following general areas of improvement were noted during the audit:

- There are some areas where empty drums are stored in laydown areas and not in the bunded empty drum storage area;
- Spill prevention and spill kits should be located at the pump in the orange staining clean water drain;
- Continued liaison with the EPA with regard to noise management and the implementation (or suspension) of the PRP;
- Minor administrative updates are required to management plans including review and update to reflect the transition to Care and Maintenance and any appropriate changes to environmental management measures and including document control to state when they are reviewed and what triggered the review; and
- Recommendations relating to improving reporting within the Annual Review including inclusion of long-term trend data.

Recommended actions for improvements have been included in **Table 14**.



# APPENDIX A

## Auditor Endorsement Letters



Carly McCormack  
Environment and Community Manager  
Austar Coal Mine  
Locked Bag 806,  
CESSNOCK NSW 2325

Via Email ONLY: [Carly.McCormack@yancoal.com.au](mailto:Carly.McCormack@yancoal.com.au)

16/06/2020

Dear Ms McCormack

**AUSTAR COAL MINE (DA 29/95 AND MP 08\_0111)  
INDEPENDENT ENVIRONMENTAL AUDIT 2020**

Reference is made to correspondence from Yancoal Austar Coal Mine (Austar) submitted to the Department of Planning, Industry and Environment (the Department) on 12 June 2020 seeking input for additional experts required for the upcoming Independent Environmental Audit (IEA) required by Schedule 7, Condition 7 of project approval MP 08\_0111 and Schedule 5, Condition 6 of development consent DA 29/95 (the approvals) for the Austar Coal Mine (the site).

The Secretary has considered Austar's request and does not require any further experts in addition to those required by the approvals. The Department requests that the proposed audit team be submitted for endorsement by the Secretary, at least one month prior to the audit start date.

Please note, the IEA is to be conducted in accordance with the conditions of the consents, and the Department's *Independent Audit Guideline* (October 2015). Further, the Secretary requests that in undertaking the IEA, the Auditor:

- Only use the compliance status descriptors "compliant", "non-compliant" or "not triggered". The terms "partial compliance", "partial non-compliance", "not verified" or other similar terms are not to be used.

The IEA period shall be from 24 November 2017 to the IEA audit inspection date, which shall coincide with the end of the audit period, and be completed on or around 24 November 2020 and no later than 31 December 2020, unless otherwise agreed by the Secretary.

The IEA report, together with responses to any recommendations (RAR) contained in the IEA report, should be submitted to the NSW Government's Major Project Website (<https://www.planningportal.nsw.gov.au/major-projects>) within six weeks of completing the audit.

Should you need to discuss the matter, please contact Ann Hagerthy, Senior Compliance Officer, as per the details provided above.

Yours sincerely

Heidi Watters  
Team Leader Northern  
Compliance

*As nominee of the Planning Secretary*



Carly McCormack  
Environment and Community Manager  
Austar Coal Mine  
Locked Bag 806,  
CESSNOCK NSW 2325

By Email ONLY: [Carly.McCormack@yancoal.com.au](mailto:Carly.McCormack@yancoal.com.au)

14/09/2020

Dear Ms McCormack

**AUSTAR COAL MINE (DA 29/95 AND MP 08\_0111)  
INDEPENDENT ENVIRONMENTAL AUDIT 2020**

Reference is made to correspondence from Yancoal Austar Coal Mine (Austar) submitted to the Department of Planning, Industry and Environment (the Department) on 11 September 2020 seeking endorsement for a proposed audit team for the upcoming Independent Environmental Audit (IEA) required by Schedule 7, Condition 7 of project approval MP 08\_0111 and Schedule 5, Condition 6 of development consent DA 29/95 (the approvals) for the Austar Coal Mine (the site).

The Secretary has considered Austar's request and endorses the following audit team from SLR for the 2020 IEA:

- Mr Nathan Archer – Lead auditor and noise specialist;
- Ms Renae Gifford – Assistant auditor;
- Mr Paul Delaney – Surface water specialist;
- Mr Steve Ditton – Subsidence specialist;
- Mr Ali Naghizadeh – Air quality specialist; and
- Ms Claire Stephenson – Groundwater specialist.

Please note, the IEA is to be conducted in accordance with the conditions of the consents, and the Department's *Independent Audit Guideline* (October 2015).

The IEA period shall be from 24 November 2017 to the IEA audit inspection date, which shall coincide with the end of the audit period, and be completed on or around 24 November 2020 and no later than 31 December 2020, unless otherwise agreed by the Secretary.

The IEA report, together with responses to any recommendations (RAR) contained in the IEA report, and proposed completion dates (DD/MM/YYYY) for actions to be implemented, should be submitted to the NSW Government's Major Project Website (<https://www.planningportal.nsw.gov.au/major-projects>) within six weeks of completing the audit.

Should you need to discuss the matter, please contact Ann Hagerthy, Senior Compliance Officer, on (02) 6575 3407 or [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely

Heidi Watters  
Team Leader Northern  
Compliance

As nominee of the Planning Secretary



Carly McCormack  
Environment and Community Manager  
Austar Coal Mine  
Locked Bag 806,  
CESSNOCK NSW 2325

By Email ONLY: [Carly.McCormack@yancoal.com.au](mailto:Carly.McCormack@yancoal.com.au)

15/12/2020

Dear Ms McCormack

**AUSTAR COAL MINE (DA 29/95 AND MP 08\_0111)  
SUBSTITUTION OF AUDIT TEAM MEMBER - IEA 2020**

Reference is made to previous correspondence from the Department of Planning, Industry and Environment (the Department) to Yancoal Austar Coal Mine (Austar) dated 14 September 2020, endorsing the SLR team for the upcoming Independent Environmental Audit (IEA) required by Schedule 7, Condition 7 of project approval MP 08\_0111 and Schedule 5, Condition 6 of development consent DA 29/95 (the approvals) for the Austar Coal Mine (the site).

Reference is also made to email correspondence from Austar on 23 November 2020 (MP08\_0111-PA-22), requesting the Secretary endorse an alternative groundwater specialist, as a result of Ms Claire Stephenson no longer being available.

The Secretary has considered Austar's request and endorses the following alternative team member from SLR for the 2020 IEA:

- Mr Angus McFarlane - groundwater specialist.

If you wish to discuss the matter further, please contact Ann Hagerthy on (02) 6575 3407.

Yours sincerely

A handwritten signature in black ink that reads 'H Watters'.

Heidi Watters  
Team Leader Northern  
Compliance

As nominee of the Planning Secretary

# APPENDIX B

## Resources Regulator Consultation Response

AREQ0012997

Mr Nathan Archer  
SLR Consulting Australia Pty Ltd  
10 Kings Road  
New Lambton NSW 2305  
By email: narcher@slrconsulting.com

Dear Mr Archer

**Subject: Austar Coal Mine**

Thank you for your email and letter dated 6 October 2020 requesting consultation on the independent audit to be undertaken of the Austar Coal Mine.

The Austar Coal Mine is covered by the mining titles listed below.

- CCL728 (1973)
- CCL752 (1973)
- CML2 (1992)
- DSL89 (1901)
- ML1157 (1906)
- ML1283 (1906)
- ML1345 (1992)
- ML1388 (1992)
- ML1550 (1992)
- ML1661 (1992)
- ML1666 (1992)
- ML1677 (1992)
- MPL1364 (1906)
- MPL204 (1906)
- MPL217 (1906)
- MPL23 (1906)
- MPL233 (1906)
- MPL269 (1906)

The Resources Regulator requires that the following issues be addressed in independent environmental audits undertaken in accordance with a planning consent condition.

- Review relevant mining leases and exploration licences as agreed with Resources Regulator;
- Undertake an assessment of compliance against the conditions of title related to environmental management;
- Verify that there is a current Mining Operations Plan (MOP) in place and it has been approved by the Regulator – review compliance against any conditions of approval of the MOP;

- Undertake a critical review of the MOP, including an assessment of its compatibility with the description of operations contained in the planning approval. In particular:
  - Review the rehabilitation strategy as outlined in the MOP to determine if it is consistent with the Project Approval in terms of progressive rehabilitation schedule; and proposed final land use(s);
  - Review the rehabilitation objectives and completion criteria as outlined in the MOP to determine if they have been developed in accordance with the proposed final land use(s) as outlined in the Project Approval;
- Review the development and implementation of any rehabilitation monitoring programs to assess performance against the nominated objectives and completion criteria – verified by reviewing monitoring reports and rehabilitation inspection records;
- Determine if a rehabilitation care and maintenance program has been developed and implemented based on the outcomes of monitoring program – verified by reviewing Annual Rehabilitation Programs or similar documentation;
- Confirm that mining operations are being conducted in accordance with the approved MOP (production, mining sequence etc.), including within the designated MOP approval boundary – to be verified by site plans and site inspection;
- Confirm that rehabilitation progress is consistent with the approved MOP as verified by site plans and a site inspection. This should include an evaluation against rehabilitation targets and whether the final landform is being developed in accordance with conceptual final landform in the Project Approval; and
- Based on a visual inspection, determine if there are any rehabilitation areas that appear to have failed or that have incurred an issue that may result in a delay in achieving the successful rehabilitation outcomes.

In addition to the above, the audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice.

Yours sincerely

**Jenny Ehmsen**  
Principal Compliance Auditor

12 October 2020

# APPENDIX C

## Compliance Spreadsheets



# AUSTAR COAL MINE PTY LTD-Kitchener

Application No.: 08\_0111

Proponent: Austar Coal Mine Pty Ltd  
 Approval Authority: Minister for Planning  
 Land: See Appendix 1  
 Project: Austar Coal Mine Project - Stage 3

On 30 March 2020 Austar suspended production and transitioned to a care and maintenance phase.

No mining has been undertaken in Stage 3 in the audit period.

Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action
<b>SCHEDULE 2 ADMINISTRATIVE CONDITIONS</b>				
<b>OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT</b>				
1	The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the project.	Compliant	Based on the findings of this audit and the site inspection, the proponent has implemented measures and are minimising harm to the environment.	
<b>TERMS OF APPROVAL</b>				
2	The Proponent shall carry out the project generally in accordance with the: (a) EA; (b) EA (MOD 1); (c) EA (MOD 2); (d) EA (MOD 3); (e) statement of commitments; and (f) conditions of this approval.  <i>Notes:</i> · The general layout of the project is shown in Appendix 2; · The statement of commitments is reproduced in Appendix 3.	Compliant	Environmental Assessments (EA) provided on the Austar website. Most recent EA applicable to stage 3 operations is MOD 3 dated October 2013. Works completed at Austar have generally been in accordance with the EA, Statement of Commitments and Conditions of Approval.	
3	If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.	Note		
4	The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of: (a) any strategies, plans, programs, reviews, audits, or correspondence that are submitted in accordance with this approval; and (b) the implementation of any actions or measures contained in these documents.	Compliant	According to site correspondence there have been no specific requirements from the department during the audit period.	
<b>LIMITS ON APPROVAL</b>				
5	Mining operations in Stage 3 may take place until 31 December 2030.  <i>Note: Under this approval, the Proponent is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Director-General and the Executive Director, Mineral Resources. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been properly rehabilitated.</i>	Compliant	Within this period.	
6	The Proponent shall not extract more than 3.6 million tonnes of ROM coal a year from the Austar Mine Complex.	Compliant	As reported in Annual Reviews ROM coal for audit period is within the specified limits: 2017-2018 - 1,413,065t 2018-2019 - 705,352t 2019-2020 - 1,034,297t	
7	The Proponent may transport a maximum of 60,000 tonnes of coal (including coal reject) per calendar year from the mine complex by road. All other coal shall be transported from the site by rail.	Compliant	As reported in the Annual Reviews no coal was transported by road during the reporting period	
<b>STRUCTURAL ADEQUACY</b>				

Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action								
8	The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structure, are constructed in accordance with:  (a) the relevant requirements of the BCA; and (b) any additional requirements of the MSB in areas where subsidence effects are likely to occur.  <b>Notes:</b>  · Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works; · Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.	Not triggered	Based on site communications and annual reviews there has been no construction during the audit period.									
<b>DEMOLITION</b>												
9	The Proponent shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	Not triggered	Based on site communications and the annual reviews there has been no demolition undertaken during the audit period.									
<b>PROTECTION OF PUBLIC INFRASTRUCTURE</b>												
10	Unless a claim under the Mine Subsidence Compensation Act 1961 can be made, or where the Proponent and the applicable authority agree otherwise, the Proponent shall:  (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; or (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.	Not triggered	Based on site communications there has been no damage to public infrastructure during the audit period which has required repair or relocation.									
<b>OPERATION OF PLANT AND EQUIPMENT</b>												
11	The Proponent shall ensure that all plant and equipment used at the site is:  (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Compliant	Evidence of repair and maintenance schedule from site's SAP system were provided.  Calibration certificates for dust and noise Realtime monitors viewed on sentinex portal. Calibration undertaken by Novecom as required.									
<b>STRATEGIES, PLANS AND PROGRAMS</b>												
12	With the approval of the Director-General, the Proponent may submit any strategies, plans or programs required by this approval on a progressive basis.	Compliant	Management plans for the site were updated during the audit period to reflect the requirements of Modifications 6&7 to DA 29/95. The management plans were approved by DPIE on 1 August 2018.									
13	With the approval of the Director-General, the Proponent may integrate any strategies, plans, programs, reviews, audits or committees required by this approval with any similar requirement under another development consent or approval relating to the Austar Mine Complex.	Compliant	Austar management plans have been approved to cover the entire complex and not just the consent area. The management plans were approved by DPIE on 1 August 2018 and cover the requirements of both PA 08_0111 and DA 29/95									
<b>SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS - MINING</b>												
<b>KEY PERFORMANCE MEASURES</b>												
1	<p><i>Table 1: Subsidence Impact Performance Measures</i></p> <table border="1"> <thead> <tr> <th colspan="2"><b>Water Resources and Flooding</b></th> </tr> </thead> <tbody> <tr> <td>Flooding</td> <td>No significant increased risk on built features, unless the landowner agrees otherwise in writing.</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="2"><b>Built Features</b></th> </tr> </thead> <tbody> <tr> <td>Built features</td> <td>Safe, serviceable and repairable, unless the owner agrees otherwise in writing.</td> </tr> </tbody> </table> <p><i>Note: The Proponent will be required to define more detailed performance indicators for these performance measures in the various management plans that are required under this approval (see condition 4 below).</i></p>	<b>Water Resources and Flooding</b>		Flooding	No significant increased risk on built features, unless the landowner agrees otherwise in writing.	<b>Built Features</b>		Built features	Safe, serviceable and repairable, unless the owner agrees otherwise in writing.	Not triggered	<p>a) Subsidence Predictions for A7 to A10 in Appendix J of the Austar LW A7-A10 Extraction Plan (dated 19/12/13) b) End of Panel Report for LW A8 dated 29/9/15 that was submitted to DRG (Department of Resources and Geosciences). Built features remained serviceable.</p> <p>There are no creeks in the current Extraction Plan area.</p> <p>Built features all have BFMPs under the Extraction Plan. None have been triggered during the audit period.</p> <p>There has been no mining in the stage 3 area during the audit period</p>	
<b>Water Resources and Flooding</b>												
Flooding	No significant increased risk on built features, unless the landowner agrees otherwise in writing.											
<b>Built Features</b>												
Built features	Safe, serviceable and repairable, unless the owner agrees otherwise in writing.											
<b>ACQUISITION OF AFFECTED RESIDENCES</b>												

Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action
2	<p>If the subsidence generated by the project results in damage to any residence on privately-owned land that in the opinion of the MSB exceeds its safe, serviceable and repairable criteria, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 5 to 7 of schedule 5.</p> <p>However, the Proponent does not have to act on any such request if:</p> <p>(a) the Proponent has a current, written negotiated agreement with the landowner in regard to the management of subsidence-related impacts beyond safe, serviceable and repairable criteria, and a copy of this agreement has been forwarded to the Department by the Proponent; or</p> <p>(b) the landowner has agreed to the MSB purchasing the land or otherwise compensating the impacts under the Mine Subsidence Compensation Act 1961.</p> <p>If the landowner has not made a written request for acquisition within 12 months of the date of being notified of the criteria exceedance and his/her acquisition rights by the Proponent, then the Proponent's obligations to acquire the land shall cease, unless the Director-General determines</p>	Not triggered	No written requests have been received during the audit period	
<b>FIRST WORKINGS</b>				
3	The Proponent shall not carry out first workings in the mining area that are not consistent with the approved mine plan without the written approval of the Director-General.	Not triggered	No first workings have been undertaken in Stage 3 during the audit period.	
<b>SECOND WORKINGS</b>				
<b>Extraction Plan</b>				
4	<p>The Proponent shall prepare and implement an Extraction Plan for all second workings in the mining area to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared by a team of suitably qualified and experienced experts whose appointment has been endorsed by the Director-General, and be approved by the Director-General prior to the commencement of any second workings covered by the Extraction Plan;</p> <p>(b) include a detailed plan for the second workings, which has been prepared to the satisfaction of DRE, and provides for adaptive management;</p> <p>(c) include detailed plans of any associated surface construction works;</p> <p>(d) include the following to the satisfaction of DRE:</p> <ul style="list-style-type: none"> <li>· a coal resource recovery plan that demonstrates effective recovery of the available resource;</li> <li>· revised predictions of the subsidence effects and subsidence impacts of the extraction plan, incorporating any relevant information that has been obtained since this approval; and</li> <li>· a Subsidence Monitoring Program to: <ul style="list-style-type: none"> <li>o validate the subsidence predictions; and</li> <li>o analyse the relationship between the subsidence effects and subsidence impacts of the Extraction Plan and any ensuing environmental consequences;</li> </ul> </li> </ul> <p>(e) include a:</p> <ul style="list-style-type: none"> <li>· Watercourse Management Plan, which has been prepared in consultation with OEH and NOW, to manage the environmental consequences of second workings on watercourses (including flooding and ponding) and alluvial aquifers;</li> <li>· Biodiversity Management Plan, which has been prepared in consultation with OEH, to manage the potential environmental consequences of second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species;</li> <li>· Land Management Plan, to manage the potential environmental consequences of second workings on steep slopes and land in general;</li> <li>· Heritage Management Plan, which has been prepared in consultation with OEH and the relevant Aboriginal groups, to manage the potential environmental consequences of second workings on heritage sites or values;</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>· In accordance with condition 12 of schedule 2, the preparation and implementation of Extraction Plans for second workings may be staged, with each plan covering a defined area of second workings. In addition, these plans are only required to contain management plans that are relevant to the specific second workings that are being carried out.</li> <li>· The Watercourse Management Plan must be integrated with all relevant aspects of the Site Water Management Plan required under condition 8 of schedule 4.</li> </ul>	Compliant	<p><u>Preparation</u></p> <p>There is an approved extraction plan for stage 3. Monitoring is still undertaken in accordance with the Stage 3 EP. A7-A10 Extraction Plan</p> <ul style="list-style-type: none"> <li>* Modified Project Approval (Mod 3 PA No. 08_0111) for Stage 3 Longwalls A7 to A10 (dated 17/12/13)</li> <li>* Modified Subsidence Management Plan / Extraction Plan Approval for Stage 3 Longwalls A7 to A10 (DPE, dated 06/01/14 and DRG, dated 19/02/14)</li> <li>* LWA7 to LWA10 Extraction Plan dated 6/1/2014 includes revised layout.</li> </ul> <p>a) Specialist consultants listed in A7-A10 EP Report and endorsed by DPE.  b) and c) Detailed plans included in Extraction Plan. See Graphical Plans.  d) Subsidence Monitoring program prepared and approved by DRG.  e) Individual Management Plans prepared and approved by DRG. Cover requirements.  f) Built Features Management Plan prepared and approved. Consultation noted in the plan.</p> <p><u>Implementation</u></p> <p>Mining in stage 3 ceased in June 2015. There has been no mining in the stage 3 area during the Audit period.</p>	
		Note		

Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action
5	In addition to the standard requirements for management plans (see condition 2 of schedule 7), the Proponent shall ensure that the management plans required under condition 4(e) above include:  (a) a program to collect sufficient baseline data for future Extraction Plans; (b) a revised assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this approval; (c) a detailed description of the measures that would be implemented to remediate predicted impacts; and (d) a contingency plan that expressly provides for adaptive management.	Compliant	<u>Approvals/Extraction Plan:</u> a) Modified Project Approval (Mod 3 PA No. 08_0111) for Stage 3 Longwalls A7 to A10 (dated 17/12/13). b) Modified Subsidence Management Plan / Extraction Plan Approval for Stage 3 Longwalls A7 to A10 (DPE, dated 06/01/14 and DRG, dated 19/02/14). * LWA7 to LWA10 Extraction Plan dated 6/1/2014 includes revised layout. c) Austar LW A7-A10 Extraction Plan (dated 19/12/13). d) TARPs and individual sub-plans assess adaptive management potential for improving plan performance issues.  There have been no further modifications or mining in the stage 3 area during the audit period.	
<b>Payment of Reasonable Costs</b>				
6	The Proponent shall pay all reasonable costs incurred by the Department to engage independent experts to review the adequacy of any aspect of the Extraction Plan.	Not triggered	a) Austar LW A7-A10 Extraction Plan (dated 19/12/13).  b) Modified Subsidence Management Plan / Extraction Plan Approval for Stage 3 Longwalls A7 to A10 (DPE, dated 06/01/14 and DRG, dated 19/02/14). No peer review of EP by third party consultants considered necessary by any NSW Government departments.	
<b>SCHEDULE 4 SPECIFIC ENVIRONMENTAL CONDITIONS - GENERAL</b>				
<b>CONSTRUCTION</b>				
<b>Surface Infrastructure Site - Shaft Construction Management</b>				
1	The Proponent shall prepare and implement a Shaft Construction Management Plan for the Surface Infrastructure Site, to the satisfaction of the Director-General. This plan must:  (a) be submitted to the Director-General for approval prior to commencement of shaft construction activities on the Surface Infrastructure Site; and (b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7), a description of the measures/procedures to be implemented for:  · minimising and managing the disturbance area; · protecting vegetation and soil outside the disturbance area; · controlling erosion and sedimentation, and managing water use; · undertaking pre-clearance surveys and managing impacts on fauna; · managing any Aboriginal objects or skeletal remains discovered during the project; · traffic management; and · noise, vibration and dust management.  <b>Note:</b> Shaft construction activities are limited to the construction of the access road to the shafts, erection of security fencing, vegetation clearing (approximately 1.8 hectares), construction of the shafts and minor ancillary works.	Compliant	* Shaft construction management plan was submitted 5/6/2012 (outside the audit period). Letter approving shaft construction plan dated 15/6/2012. Original shaft Environmental Management Plan was approved 13/11/2009. The management plans was prepared in accordance with the requirements a) and b) of this condition. Copy of approved Shaft EMP sighted.  <u>Implementation:</u>  There has been no construction at the Kitchener SIS during the audit period. The site was inspected during the audit with the area being tidy and some disturbance areas rehabilitated.  There were 2 discharges during the audit period from the Kitchener SIS Sediment Dam. These occurred when the area was operational, with rainfall above design requirements.	
<b>NOISE</b>				
<b>Noise Impact Assessment Criteria</b>				

Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action						
2	<p>The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in:</p> <p>(a) Table 2, for noise generated by the Surface Infrastructure Site; and  (b) any relevant EPL, for noise generated by all other components of the project.</p> <p><i>Table 2: Noise impact assessment criteria – Surface Infrastructure Site, dBA</i></p> <table border="1" data-bbox="430 451 1187 556"> <thead> <tr> <th data-bbox="430 472 667 514">Day/Evening/Night <small>L<sub>Aeq</sub> 15 minute</small></th> <th data-bbox="667 472 890 514">Night <small>L<sub>A</sub> (1 minute)</small></th> <th data-bbox="890 472 1187 514">Land</th> </tr> </thead> <tbody> <tr> <td data-bbox="430 514 667 556">35</td> <td data-bbox="667 514 890 556">45</td> <td data-bbox="890 514 1187 556">All privately owned land</td> </tr> </tbody> </table> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>· The location of the Surface Infrastructure Site is shown in the figures in Appendix 2.</li> <li>· Noise generated by the project is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy.</li> <li>· The noise limits in Table 2 do not apply if the Proponent has an agreement with the relevant owner/s of these residences/land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</li> <li>· The noise limits in Table 2 do not apply to construction of the Surface Infrastructure Site. Noise generated during construction activities is to comply with the</li> </ul>	Day/Evening/Night <small>L<sub>Aeq</sub> 15 minute</small>	Night <small>L<sub>A</sub> (1 minute)</small>	Land	35	45	All privately owned land	Compliant	<p>This condition only refers to noise criteria associated with the Kitchener Surface Infrastructure Site (SIS).</p> <p>Noise compliance is reported within the Annual Reviews.</p> <p>SLR also reviewed noise monitoring reports from the audit period. Noise monitoring is completed on a quarterly basis during the night time period.</p> <p>No exceedances of the Kitchener SIS criteria were recorded during the audit period.</p>	
Day/Evening/Night <small>L<sub>Aeq</sub> 15 minute</small>	Night <small>L<sub>A</sub> (1 minute)</small>	Land								
35	45	All privately owned land								
<b>Noise and Vibration Management</b>										
3	<p>The Proponent shall prepare and implement a Noise Management Plan for the mine complex, to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with EPA, and be submitted to the Director-General for approval prior to the commencement of construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 above);</p> <p>(b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7):</p> <ul style="list-style-type: none"> <li>· a noise monitoring program providing for a combination of continuous and supplementary attended monitoring measures;</li> <li>· a vibration monitoring program that is capable of recording ground vibrations on the surface emanating from underground mining activities; and</li> <li>· a detailed continual improvement program for investigating, implementing and reporting on all reasonable and feasible measures to reduce noise levels and vibration impacts generated by the mine complex.</li> </ul>	Compliant	<p><u>Preparation:</u>  The most recent version of the Noise and Vibration Management Plan is dated 25 June 2018 and was approved by DPE on 1/8/2018. Approval letter sighted.</p> <p>(a) Evidence of consultation with the EPA included as Appendix B of the NVMP. Construction of the Kitchener SIS commenced in 2009 outside of the audit period.</p> <p>b) Section 5.1 and 5.2 of the NVMP present the program for attended and continuous monitoring respectively. Section 5.3 of the NVMP presents the vibration monitoring program. Section 6 of the NVMP presents the Continuous improvement program.</p> <p><u>Implementation:</u>  The site is currently under care and maintenance and therefore minimal noise generating activities were observed during the site inspection.</p> <p>Noise exceedances were reported during the audit period relating to the CHPP. These have been assessed for compliance under the relevant criteria in the EPL.</p> <p>The Noise PRP has been ongoing during the audit period in consultation with the EPA.</p>							
<b>AIR QUALITY AND GREENHOUSE GAS Impact Assessment Criteria</b>										

Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action																							
4	<p>The Proponent shall ensure that the dust emissions generated by the project do not cause additional exceedances of the air quality impact assessment criteria in:</p> <p>(a) Tables 3, 4 and 5 for dust generated by the Surface Infrastructure Site; and            (b) any relevant EPL, for dust generated by all other components of the project, at any residence on privately-owned land, or on more than 25 percent of any privately-owned land.</p> <p><i>Table 3: Long term impact assessment criteria for particulate matter – Surface Infrastructure Site</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>90 µg/m<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>Annual</td> <td>30 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 4: Short term impact assessment criterion for particulate matter – Surface Infrastructure Site</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>24 hour</td> <td>50 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 5: Long term impact assessment criteria for deposited dust – Surface Infrastructure Site</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>Deposited dust</td> <td>Annual</td> <td>2 g/m<sup>2</sup>/month</td> <td>4 g/m<sup>2</sup>/month</td> </tr> </tbody> </table>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month	Compliant	<p>The Annual Reviews present air quality monitoring results undertaken in accordance with the approved air quality management plan and compare the results of the monitoring against the relevant air quality criteria.</p> <p>In accordance with the Air Quality and Greenhouse Gas Management Plan, when an exceedance of the relevant air quality criteria is recorded, an investigation is undertaken. The annual reviews summarise the findings of the investigations.</p> <p>Based on the Annual Reviews there were no exceedances from the Infrastructure upgrade area attributable to Austar operations during the audit period.</p>	
Pollutant	Averaging period	Criterion																									
Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>																									
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Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level																								
Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month																								
	<p><i>Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 2003, AS 3580.10.1- 2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.</i></p>	Compliant	<p>AQMP states that:  <i>Monitoring of dust deposition gauges is undertaken in accordance with OEHS 'Approved methods for the sampling and analysis of air pollutants in NSW' (EPA, 2006). Deposited dust is assessed as insoluble solids as defined by AS/NZS 3580.10.1:2003 Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method.</i></p>																								
<b>Operating Conditions</b>																											
5	<p>The Proponent shall:</p> <p>(a) ensure that any visible air pollution generated by the project is assessed regularly and measures are taken to minimise air quality impacts on privately-owned land; and            (b) implement all reasonable and feasible measures to minimise the off-site odour and fume emissions generated by the mine complex's ventilation system or any spontaneous combustion on the site, to the satisfaction of the Director-General.</p>	Compliant	<p>Site inspection confirmed there was no visible air pollution generated by the project.</p> <p>While site was operational there were daily inspections and water trucks were available as required.</p> <p>Daily reports for dust from TEOM, TEOM will also alarm if it goes over trigger.</p> <p>One dust complaint was received on 22 February 2020, investigations determined due to regional dust events and bushfires.</p> <p>One odour complaint received on 25 September 2020. Investigated following complaint and was determined that not a responsibility of site and was due to bitumen.</p> <p>Complaint follow up actions as detailed in complaint register stated: <i>Complaint was while site was in C&amp;M with no stockpiles on site. Inspections of the CHPP and surrounding areas were undertaken at different times of the day for five days, with no odours or spontaneous combustion identified. A freshly laid bitumen drain close to the complainant's house was identified as a potential cause of the odour</i></p>																								
<b>Air quality and Greenhouse Gas Management</b>																											



Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action
6	<p>The Proponent shall prepare and implement an Air Quality and Greenhouse Gas Management Plan for the mine complex, to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with EPA, and be submitted to the Director-General for approval prior to the commencement of construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 above); and</p> <p>(b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7):</p> <ul style="list-style-type: none"> <li>· an air quality monitoring program providing for a combination of continuous monitors, high volume samplers and dust deposition gauges;</li> <li>· an energy savings action plan, including a feasibility study into the capture and beneficial utilisation of methane gas emissions from the project; and</li> <li>· a detailed continual improvement program for investigating, implementing and reporting on all reasonable and feasible measures to reduce dust generated by the mine complex.</li> </ul>	Administrative non-compliance	<p><u>Preparation</u> The most recent version of the Air Quality and Greenhouse Gas Management Plan (AQGHGMP) is dated 25 June 2018 and was approved by the DPIE on 1/8/2018. Approval letter sighted..</p> <p>(a) The AQGHGMP includes evidence of submission and consultation with the EPA including response received in April 2017.</p> <p>b) The AQ monitoring program is outlined in Section 2.3 of the AQGHGMP and includes PM10 HVAS, DDGs and continuous (TEOM) monitors. The Energy Savings Action Plan is outlined in Section 3.3 of the AQGHGMP. With regard to the feasibility study, Section 3.3.2.2. states that: "Common fugitive methane emission management controls such as flaring, methane capture and energy production have been considered for the Austar Mining Complex, however internal evaluation has deemed the technologies are technically unfeasible due to the low methane concentration generated from the coal seam. " Continuous Improvement with regard to reducing dust generated by the project is outlined in Section 2.4.3 of the AQGHGMP.</p> <p><u>Implementation</u> The Annual Reviews present air quality monitoring results undertaken in accordance with the approved air quality management plan and compare the results of the monitoring against the relevant air quality criteria.</p> <p>In accordance with the Air Quality and Greenhouse Gas Management Plan, when an exceedance of the relevant air quality criteria is recorded, an investigation is undertaken. The annual reviews summarise the findings of the investigations.</p> <p>Generally the site inspection noted no significant dust issues from the site. During care and maintenance dust impacts will be reduced.</p> <p>Based on the Annual Reviews there were no exceedances from the Infrastructure upgrade area attributable to Austar operations during the audit period.</p> <p><b>Admin Non-Compliance</b> As reported in the 2019-2020 Annual Review:</p>	<p><b>Improvement REC:</b> Update AQGHGMP to reflect the NEPM guidelines to reflect compliance requirements of minimum 75% data capture.</p>
<b>METEOROLOGICAL</b>				
7	<p>The Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the project in accordance with the requirements in Approved Methods for Sampling of Air Pollutants in New South Wales and to the satisfaction of the Director-General.</p>	Compliant	<p>As stated in Section 2.3.4 of the AQGHGMP:</p> <p><i>"Austar utilises a continuous weather recording station located at the CHPP site to record meteorological data ..... The weather station is maintained and operated in accordance with OEH's 'Approved methods for the sampling and analysis of air pollutants in NSW' (EPA, 2006) and AS 3580.14:2011 Methods for sampling and analysis of ambient air - Meteorological monitoring for ambient air quality monitoring applications."</i></p> <p>Meteorological data is reported in Section 6.2 of the Annual Reviews</p>	
<b>SURFACE AND GROUND WATER</b>				
<b>Discharge Limits</b>				
8	<p>The Proponent shall not discharge any water from the site except as may be expressly provided by an EPL, or in accordance with section 120 of the Protection of the Environment Operations Act 1997.</p>	Non-compliant (Low Risk)	<p><b>Non-Compliance</b> As reported in the 2019-2020 Annual Review</p> <p>The Kitchener SIS Sediment Dam discharged between 6 and 9th February 2020 during heavy rainfall. The Sediment Dams are designed to contain runoff from a 5 day 90th percentile rainfall event (in accordance with the 'Blue Book'), which is 42.8mm depth of rainfall. The rainfall recorded during the three days from 6th to 9th February was 113.8mm rainfall depth, well in excess of the required design standard. Austar reported the event to relevant authorities in accordance with PIRMP, on the basis that there may have been potential for pollution of waters through sediment discharge. This site was inspected by SLR during the audit, and several mitigating circumstances were noted: the catchment is largely revegetated; discharge water would first pass through the sediment dams enabling some settling of coarser sediments; and, the discharge would have passed through a sediment fence along the downslope boundary. Accordingly, the potential for sediment export is considered to be very limited.</p> <p>Overflows were reported to the EPA but no further action was taken by the EPA.</p> <p><b>Observation</b> During the audit it was noted that there are a number of overland mine water pipes, which have potential to leak water to the environment if there was a pipe failure. It is understood that Austar manage this risk through, a) weekly inspections of pipeline routes for evidence of leakages, and b) pressure sensors on the pipelines which provide alert to any rapid changes of pressure and shut-down of the pipeline pumps.</p>	<p><b>Improvement REC:</b> Consider the status of rehabilitated areas within the Kitchener SIS area. If rehabilitation can be signed off as complete clean water runoff from the rehabilitated areas above the sediment dams may be diverted and the catchment reporting to the dams reduced. This may reduce overtopping during rainfall events.</p> <p><b>Improvement REC:</b> With regard to potential leakage from pipelines SLR recommend that Austar carry out a risk assessment considering potential failure modes, and the adequacy of current arrangements.</p>
<b>Site Water Management Plan</b>				

Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action
	<p>The Proponent shall prepare and implement a Site Water Management Plan for the mine complex to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with EPA, NOW and DRE, and be submitted to the Director-General for approval prior to the commencement of second workings in Stage 3 and construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 above); and</p>	Compliant	<p>The most recent version of the Site Water Management Plan (SWMP) is dated 6 July 2018 and was approved by the DPIE on 1/8/2018. Approval letter sighted.</p> <p>(a) Consultation is detailed in Section 3.4 of the SWMP. Construction of the Kitchener SIS commenced in 2009 outside of the audit period.</p>	
	<p>(b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7):</p> <p>(i) a Site Water Balance, which details:</p> <ul style="list-style-type: none"> <li>· sources and security of water supply;</li> <li>· water use and management on site;</li> <li>· any off-site water transfers or discharges; and</li> <li>· measures to minimise water use by the project;</li> </ul>	Compliant	<p>(b) (i) Section 5 of the SWMP details the site water balance. The site water balance includes:</p> <ul style="list-style-type: none"> <li>- Inflow sources and storages</li> <li>- water use and management</li> <li>- discharges in accordance with EPL 416</li> <li>- water management initiatives to maximise the reuse of treated mine water and reduce the reliance on reticulated water.</li> </ul>	
9	<p>(ii) an Erosion and Sediment Control Plan;</p>	Compliant	<p><u>Preparation</u> Section 6 of the SWMP details the Erosion and Sediment Control Plan for the site. The Erosion and Sediment Control Plan includes:</p> <p>(b) Section 6.2 identifies activities that could cause soil erosion and generate sediment. (c) Section 6.2 details the specific erosion and sediment control measures at each of the key areas of the site. (d) Section 5 describes the location, function and capacity of key erosion and sediment control structures. (e) Section 6.3 describes the measures to be implemented to maintain erosion and sediment control structures</p> <p><u>Implementation</u> Minimal evidence of erosion and sedimentation was observed around the site during the site inspections. Erosion and sediment control structures and water storages observed to be in good condition. Site interviews determined that due to care and maintenance significant work had been undertaken to replace sediment fences at the site over last 12 month.</p> <p>As reported in the 2019-2020 Annual Review the sediment dams at Kitchener Surface Infrastructure Site overtopped during a greater than design rainfall event in February and July 2020. These were reported to the EPA but no further action was taken by the EPA.</p> <p>The sediment basins were sized based on Blue Book Requirements and overtopped during greater than design rainfall events, therefore implemented as required.</p>	<p><b>Improvement REC:</b> Consider the status of rehabilitated areas within the Kitchener SIS area. If rehabilitation can be signed off as complete clean water runoff from the rehabilitated areas above the sediment dams may be diverted and the catchment reporting to the dams reduced. This may reduce overtopping during rainfall events.</p>
9	<p>(iii) a Surface Water Monitoring Program, including programs to monitor:</p> <ul style="list-style-type: none"> <li>· surface water flows and quality, stream health and channel stability in Black Creek, Cony Creek, Sandy Creek and Quorrobolong Creek; and</li> <li>· impacts on water users and water levels in farm dams;</li> </ul>	Compliant	<p><u>Preparation</u> Section 7 of the SWMP details the Surface Water Monitoring Program for the site. The Surface Water Monitoring Program includes the following aspects:</p> <ul style="list-style-type: none"> <li>* Surface water flows and quality, stream health and channel stability in Black Creek, Cony Creek, and Quorrobolong Creek (Section 7.2.1-7.2.3).</li> <li>* Impacts on water users and water levels in farm dams (Section 7.2.5).</li> </ul> <p>The SWMP states that the first stage EP for Stage 3 does not extend to Sandy Creek - also it is noted that there was no mining in the stage 3 area during the audit period.</p> <p><u>Implementation:</u> * Water monitoring results are reported in the Annual Reviews.</p>	



Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action
	<p>(iv) a Ground Water Monitoring Program, including programs to monitor:</p> <ul style="list-style-type: none"> <li>· groundwater volumes and quality seeping into the underground mine workings;</li> <li>· impacts on regional aquifers;</li> <li>· impacts on the groundwater supply of potentially affected landowners;</li> <li>· impacts on the alluvial aquifers in Black Creek, Cony Creek, Sandy Creek and Quorrobolong Creek; and</li> <li>· impacts on groundwater dependent ecosystems and riparian vegetation (including the River-flat Eucalypt Forest EEC); and</li> </ul>	Compliant	<p><u>Preparation:</u> The GWMP meets all requirements. Section 8 of the SWMP (Groundwater Monitoring Program) outlines the program to collect and record data to observe:</p> <ul style="list-style-type: none"> <li>-Groundwater volume and quality from the mine workings</li> <li>-Impacts and to the porous and alluvial aquifers</li> <li>-Impacts to the River-flat Eucalypts Forest</li> </ul> <p>Section 8.4 outlines the database management and storage of records</p> <p><u>Implementation:</u> SLR's groundwater specialist has reviewed the Ground Water Monitoring program, monitoring reports and the AEMR. We have provided some additional recommendations.</p> <p>It was previously recommended to remove data from when a logger was pulled out, which is evident on the graphs with large 'reverse or downward' spikes from the lines. This appears again in 2019 - 2020</p>	<p><b>Improvement REC:</b> In the Annual Reviews - comments regarding trends are generally limited to the 12 month reporting period only. Suggest longer term discussion is included future reviews.</p> <p><b>Improvement REC:</b> In 2017 - 2018 Annual - a commitment was made to compare measured results to predicted results in the subsequent AEMR, this was completed but not incorporated into the 2018-2019 AEMR</p> <p><b>Improvement REC:</b> remove data from when a logger was pulled out, which is evident on the graphs with large 'reverse or downward' spikes from the lines.</p> <p><b>Improvement REC:</b> add trigger criteria to groundwater graphs for easy identification of exceedances similar to that of the surface water hydrographs</p>
	<p>(v) a Surface and Ground Water Response Plan, which describes the measures and/or procedures that would be implemented to:</p> <ul style="list-style-type: none"> <li>· respond to any exceedances of the relevant performance measures/criteria;</li> <li>· compensate landowners of privately-owned land whose water supply is adversely affected by the project; and</li> <li>· mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.</li> </ul> <p><b>Note:</b> The Department acknowledges that certain monitoring requirements under this plan may be subject to the granting of access on privately-owned land.</p>	Compliant	<p><u>Preparation:</u> * The Surface Water Groundwater Response Plan outlines the requirements of this condition in Section 9 of the Water Management Plan. * Note that pipelines were included but not management of risk if faults occurred.</p> <p><u>Implementation:</u> Evidence of incident reporting, notification and management.</p>	<p><b>Improvement REC:</b> With regard to potential leakage from pipelines SLR recommend that Austar carry out a risk assessment considering potential failure modes, and the adequacy of current arrangements.</p>

**HERITAGE**

**Aboriginal Cultural Heritage**

10	<p>The Proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Director-General. The plan must:</p> <p>(a) be prepared by a suitably qualified archaeologist in consultation with OEH and the relevant Aboriginal groups, and be submitted to the Director-General for approval prior to the commencement of second workings in Stage 3 and construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 above); and</p> <p>(b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7), a program/procedures for:</p> <ul style="list-style-type: none"> <li>· salvage and management of Aboriginal sites within the Surface Infrastructure Site disturbance area;</li> <li>· monitoring and management of Aboriginal sites within the mining area;</li> <li>· managing the discovery of any new Aboriginal objects or skeletal remains discovered during the project;</li> <li>· undertaking additional archaeological surveys on any areas subject to extensive remediation activities;</li> <li>· undertaking additional archaeological surveys to the satisfaction of the Director-General, prior to commencing activities in undisturbed reject emplacement areas (as shown on the figure in Appendix 4); and</li> </ul>	Compliant	<p><u>Preparation:</u> The most recent version of the Aboriginal Cultural Heritage Management Plan (ACHMP) is dated 20 June 2018 and was approved by the DPIE on 1/8/2018, prepared by Umwelt qualified archaeologists. Approval letter sighted.</p> <p>(a) Section 3 and Appendix 1 of the ACHMP outlines consultation undertaken b) Key aspects of this sub-condition are outlined within Section 5 of the ACHMP.</p> <p><u>Implementation:</u> Heritage management works are detailed in the Annual Reviews for the audit period. Due diligence assessments were undertaken during the audit period with regard to artefacts within planned hazard reduction burn areas.</p>	
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**Historic Heritage**

11	<p>The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the Director-General. The plan must:</p> <p>(a) be prepared by a suitably qualified heritage consultant in consultation with Council and the Heritage Branch, and be submitted to the Director-General for approval prior to the commencement of second workings in Stage 3 and construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 above); and</p> <p>(b) include, in addition to the standard requirements for management plans (see condition 2 of schedule 7), a program/procedures for:</p> <ul style="list-style-type: none"> <li>· monitoring and management of identified heritage sites within the mining area and other disturbance areas;</li> <li>· undertaking a Heritage Impact Assessment to the satisfaction of the Director-General, prior to re-commencing any mining activities at the Cessnock No.1 Colliery surface facilities at Kalingo;</li> <li>· obtaining relevant approvals under the Heritage Act 1977 for any works proposed to be undertaken on or under Lot 1 DP 87087 and Part Lot 1 DP 69968 County of Northumberland, Parish of Heddon; and</li> <li>· managing the discovery of any new heritage items during the project.</li> </ul>	Compliant	<p><u>Preparation:</u> a) The latest Historic Heritage Management Plan is dated January 2014. Section 1.4 outlines some document history. The Historic Heritage Management Plan was first approved by the Director General of the DPE on 19 April 2013, and the current update was approved by DPE on 19 February 2014. Section 4.1 outlines consultation as part of the Plan. Plan approved before commenced operation in Stage 3 in 14 June 2013. b) Key aspects are outlined in Section 4, including monitoring and approvals.</p> <p><u>Implementation:</u> * Historical heritage outlined in the Annual Review. Consideration of historic heritage item being the Maitland Railway System was included in planning for hazard reduction burns in 2019-2020 Annual Review.</p> <p><u>Observation:</u> The historic heritage management plan has not been updated during the audit period.</p>	<p><b>Improvement REC:</b> Complete updates to the Historic Heritage Management Plan to align with latest modifications and site status.</p>
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**TRANSPORT  
Road Upgrades**

Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action
12	<p>The Proponent shall undertake the following road upgrade works generally in accordance with the recommendations in the EA, and to the satisfaction of Council and/or the RMS:</p> <p>(a) provide crossings over Wollombi Road and Middle Road, prior to the commencement of any reject emplacement south of those roads other than to the Aberdare emplacement areas;</p> <p>(b) construct the Surface Infrastructure Site access intersection on Quorrobolong Road (including lighting and signage) and upgrade the Wollombi Road / West Avenue intersection to provide a designated right turn into West Avenue, prior to the commencement of construction of buildings on the Surface Infrastructure Site;</p> <p>(c) upgrade the road level crossing at Vincent Street, Kitchener, as recommended in Austar Coal Mine Pty Limited Report on Four Rail Level Crossings in Cessnock LGA Stage 5 Road Safety Audit (GHD March 2007), prior to the commencement of construction of the Surface Infrastructure Site; and</p> <p>(d) use its best endeavours to upgrade the following road level crossings, as recommended in Austar Coal Mine Pty Limited Report on Four Rail Level Crossings in Cessnock LGA Stage 5 Road Safety Audit (GHD March 2007), in consultation with South Maitland Railway, prior to the commencement of construction of buildings on</p> <ul style="list-style-type: none"> <li>- the Surface Infrastructure Site:</li> <li>- Cessnock Road, Kearsley;</li> <li>- Neath Road, Neath; and</li> <li>- Mitchell Avenue, Weston.</li> </ul>	Compliant	<p>No changes have occurred regarding this condition in the audit period and no additional construction works have been undertaken. Findings as per previous audit</p> <p>a) Not triggered.</p> <p>b) Not triggered as have not commenced construction of the pit top buildings.</p> <p>c) Vincent street works have been completed. Compliant</p> <p>d) i) Kitchener level crossing was upgraded by federal government. Evidence provided in the form of a media release dated 2009 stating that flashing lights and bells were installed.</p> <p>ii) Works completed in April 2014.</p> <p>iii) Mitchell Avenue works haven't been undertaken. Roads Board got a safety report prepared in 2013. The report states that a safety review would be undertaken. The Safety Review was completed in April 2014. The Safety Review recommends that the upgrade is not required.</p>	
<b>Road Maintenance Contributions</b>				
13	<p>From the end of 2009, the Proponent shall make an appropriate annual contribution to Council for the maintenance of local roads that are used as haulage routes by the project. If there is any dispute over the amount of the contribution, the matter shall be referred to the Director-General for resolution.</p>	Compliant	<p>Letter 22 October 2019 - Austar Coal Road Maintenance Contributions 2013 to 2018 details all contributions for 2013 to 2018 period. Contributions were paid following Austar request for invoice to settle. Invoice sighted.</p> <p>No payments required for 2019/2020 as no mining in stage 3 area.</p>	
<b>VISUAL</b>				
14	<p>The Proponent shall:</p> <p>(a) take all reasonable and feasible measures to mitigate visual and off-site lighting impacts of the project; and</p> <p>(b) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting, to the satisfaction of the Director-General.</p>	Compliant	<p>There have been no lighting complaints. There has been no change to infrastructure during the audit period.</p> <p>No testing or lighting audit but no issues have arisen. Reduced night time lighting due to C&amp;M</p>	
<b>WASTE</b>				
<b>Waste Minimisation</b>				
15	<p>The Proponent shall:</p> <p>(a) minimise the waste (including coal reject) generated by the project;</p> <p>(b) ensure that the waste generated by the project is appropriately stored, handled and disposed of; and</p> <p>(c) report on waste management and minimisation in the Annual Review, to the satisfaction of the Director-General.</p>	Compliant	<p>Waste volumes are reported in the Annual Reviews.</p> <p>Waste management is outlined within the MOP and Annual Review.</p> <p>a) Section 2.3.7 of the MOP outlines reprocessing of coal reject to minimise reject waste</p> <p>b) During the site inspection it was noted that waste management was being undertaken at site. Sorting of waste from the underground occurs at the pit top.</p> <p>c) A detailed breakdown on waste management is outlined in the Annual Reviews including discussion and comparison to previous periods in response to previous audit recommendation.</p>	
<b>Reject Emplacement</b>				

Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action
16	<p>If reject emplacement outside the existing operational West Open Cut, East Open Cut and Aberdare emplacement areas is proposed, the Proponent shall:</p> <p>(a) at least 12 months before reject emplacement into existing operational emplacement areas is complete, after consultation with the Executive Director, Mineral Resources and to the satisfaction of the Director-General:</p> <ul style="list-style-type: none"> <li>· justify the need for the use of additional emplacement area/s;</li> <li>· provide reports on geotechnical investigations and engineering specifications for the proposed emplacement area/s; and</li> <li>· investigate and report on the possibility of disposal of all reject into a single additional emplacement area; and</li> </ul> <p>(b) emplace coal reject in the additional emplacement area/s subject to such conditions as the Director-General may impose.</p> <p><i>Note: The existing operations/reject emplacement areas are shown on the Auster mine complex.</i></p>	Not triggered	No emplacement has been undertaken or is currently required outside of the existing areas.	
<b>SCHEDULE 5 ADDITIONAL PROCEDURES</b>				
<b>NOTIFICATION OF LANDOWNERS</b>				
1	If the results of the monitoring required in schedule 4 identify that impacts generated by the project are greater than the relevant impact assessment criteria, except where a negotiated agreement has been entered into in relation to that impact, then the Proponent shall, within 2 weeks of obtaining the monitoring results, notify the Director-General, the affected landowners and tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the criteria in schedule 4.	Not triggered	No exceedances therefore no notification required - refer to Annual Reviews	
2	If the results of monitoring required in schedule 4 identify that impacts generated by the project are greater than the relevant air quality impact assessment criteria in schedule 4, then the Proponent shall send the relevant landowners and tenants (including tenants of mine owned properties) a copy of the NSW Health fact sheet entitled "Mine Dust and You" (and associated updates) in conjunction with the notification required in condition 1.	Not triggered	No exceedances therefore no notification required - refer to Annual Reviews	
<b>INDEPENDENT REVIEW</b>				
3	<p>If a landowner of privately-owned land considers the project to be exceeding the impact assessment criteria in schedule 4, then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land.</p> <p>If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 2 months of the Director-General's decision:</p> <p>(a) consult with the landowner to determine his/her concerns;</p> <p>(b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to:</p> <ul style="list-style-type: none"> <li>· determine whether the project is complying with the relevant impact assessment criteria in schedule 4; and</li> <li>· identify the source(s) and scale of any impact on the land, and the project's contribution to this</li> </ul>	Not triggered	No requests have been received.	
4	<p>If the independent review determines that the project is complying with the relevant impact assessment criteria in schedule 4, then the Proponent may discontinue the independent review with the approval of the Director-General.</p> <p>If the independent review determines that the project is not complying with the relevant impact assessment criteria in schedule 4, then the Proponent shall:</p> <p>(a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria, and conduct further monitoring to determine whether these measures ensure compliance; or</p> <p>(b) secure a written agreement with the landowner to allow exceedances of the relevant impact assessment criteria, to the satisfaction of the Director-General.</p> <p>If the further monitoring referred to under paragraph (a) above determines that the project is</p>	Not triggered	No requests have been received.	
<b>LAND ACQUISITION</b>				

Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action
5	<p>Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:</p> <p>(a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the project the subject of the project application, having regard to the:</p> <ul style="list-style-type: none"> <li>· existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and</li> <li>· presence of improvements on the property 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;</li> </ul> <p>(b) the reasonable costs associated with:</p> <ul style="list-style-type: none"> <li>- relocating within the Cessnock local government area, or to any other local government area determined by the Director-General;</li> <li>· obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and</li> </ul> <p>(c) reasonable compensation for any disturbance caused by the land acquisition process.</p> <p>However, if following this period, the Proponent and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Director-General for resolution.</p> <p>Upon receiving such a request, the Director-General shall request the President of the NSW Division of the Australian Property Institute (the API) to appoint a qualified independent valuer to:</p> <p>(a) consider submissions from both parties;</p> <p>(b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;</p>	Not triggered	No requests have been received.	
	<p>However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Director-General for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Director-General shall determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above and the independent valuer's report. Within 14 days of this determination, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the Director-General's determination.</p>	Not triggered	No requests have been received.	
6	The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 5 above.	Not triggered	No requests have been received.	
7	If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall also pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.	Not triggered	No requests have been received.	
<b>SCHEDULE 6 REHABILITATION AND OFFSETS</b>				
<b>REHABILITATION AND BIODIVERSITY OFFSETS</b>				
Rehabilitation Objectives				

Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action												
1	<p>The Proponent shall achieve the rehabilitation objectives in Table 6 to the satisfaction of the Executive Director, Mineral Resources.</p> <p><i>Table 6: Rehabilitation Objectives</i></p> <table border="1"> <thead> <tr> <th>Domain</th> <th>Rehabilitation objective</th> </tr> </thead> <tbody> <tr> <td>Surface Infrastructure Site</td> <td>Revegetate the cleared portion of the site with a structured native vegetation community similar to that existing pre-mining, or other landuse approved by the Director-General</td> </tr> <tr> <td>Biodiversity offset area</td> <td>Additional objectives/criteria to be set through condition 4 below Implement the offset strategy described in the EA and shown conceptually in Appendix 5</td> </tr> <tr> <td>Land affected by the project (including watercourses and steep slopes)</td> <td>Additional objectives/criteria to be set through condition 4 below Rehabilitate landform, landuse and ecosystem function to that existing pre-mining and consistent with the surrounding landform Reduce safety hazards to no more than those existing pre-mining Minimise erosion risk</td> </tr> <tr> <td>Built features</td> <td>Repair/restore/replace to pre-mining condition or better, unless a claim under the <i>Mine Subsidence Compensation Act 1961</i> is made for the repairs, restoration or replacement</td> </tr> <tr> <td>Community</td> <td>Minimise the adverse socio-economic effects associated with mine closure</td> </tr> </tbody> </table>	Domain	Rehabilitation objective	Surface Infrastructure Site	Revegetate the cleared portion of the site with a structured native vegetation community similar to that existing pre-mining, or other landuse approved by the Director-General	Biodiversity offset area	Additional objectives/criteria to be set through condition 4 below Implement the offset strategy described in the EA and shown conceptually in Appendix 5	Land affected by the project (including watercourses and steep slopes)	Additional objectives/criteria to be set through condition 4 below Rehabilitate landform, landuse and ecosystem function to that existing pre-mining and consistent with the surrounding landform Reduce safety hazards to no more than those existing pre-mining Minimise erosion risk	Built features	Repair/restore/replace to pre-mining condition or better, unless a claim under the <i>Mine Subsidence Compensation Act 1961</i> is made for the repairs, restoration or replacement	Community	Minimise the adverse socio-economic effects associated with mine closure	Compliant	<p>This condition relates only to the Kitchener SIS, the areas impacted by underground mining, and the Biodiversity Offset Area.</p> <p>The SIS has been stabilised with ground cover seed and will be fully rehabilitated at closure. Site inspection identified that the temporary rehabilitation at the Kitchener SIS is well established and provides good ground cover.</p> <p>Biodiversity offset area has been handed over to NPWS. Since this has happened there are no further offset obligations.</p> <p>Restoration and repair of built features is detailed in the Built Features Management Plans as part of the Extraction Plan. There has been no mining within the stage 3 area during the audit period therefore these have not been triggered.</p> <p>Community not triggered.</p>	
Domain	Rehabilitation objective															
Surface Infrastructure Site	Revegetate the cleared portion of the site with a structured native vegetation community similar to that existing pre-mining, or other landuse approved by the Director-General															
Biodiversity offset area	Additional objectives/criteria to be set through condition 4 below Implement the offset strategy described in the EA and shown conceptually in Appendix 5															
Land affected by the project (including watercourses and steep slopes)	Additional objectives/criteria to be set through condition 4 below Rehabilitate landform, landuse and ecosystem function to that existing pre-mining and consistent with the surrounding landform Reduce safety hazards to no more than those existing pre-mining Minimise erosion risk															
Built features	Repair/restore/replace to pre-mining condition or better, unless a claim under the <i>Mine Subsidence Compensation Act 1961</i> is made for the repairs, restoration or replacement															
Community	Minimise the adverse socio-economic effects associated with mine closure															
<b>Progressive Rehabilitation</b>																
2	To the extent that mining operations permit, the Proponent shall carry out rehabilitation progressively, that is, as soon as reasonably practicable following the disturbance.	Compliant	The SIS has been stabilised with ground cover seed and will be fully rehabilitated at closure. Site inspection identified that the temporary rehabilitation at the Kitchener SIS is well established.													
<b>Long Term Security of Offset Area</b>																
3	<p>Within 2 years of the date of this approval, the Proponent shall make suitable arrangements to provide appropriate long term conservation security for the offset area to the satisfaction of the Director-General.</p> <p>Note: The offset area is described in the EA and shown conceptually in Appendix 5.</p>	Compliant	<p>Assessed and closed in previous audit</p> <p>The date of approval for PA 08_0111 was 6 September 2009, therefore two years from the date of approval is 6 September 2011.</p> <p>* NSW Government Gazette No. 24 that is a Notice of Reservation of a State Conservation Area, which refers to Lot 3 DP755225 as part of the Werakata State Conservation Area.</p> <p>* No monitoring of offsets at site as it's been transferred to a national park.</p>													
<b>Landscape Management Plan</b>																

Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action
4	<p>The Proponent shall prepare and implement a Landscape Management Plan for the project to the satisfaction of the Director-General and the Executive Director, Mineral Resources. This plan must:</p> <p>(a) be prepared in consultation with the relevant stakeholders by suitably qualified expert/s whose appointment/s have been endorsed by the Director-General, and be submitted to the Director-General for approval prior to the commencement of second workings in Stage 3 and construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 of schedule 4);</p> <p>(b) in addition to the standard requirements for management plans (see condition 2 of schedule 7), include:</p> <p>(i) the rehabilitation objectives for the site and offset area;</p> <p>(ii) a description of the short, medium, and long term measures that would be implemented to:</p> <ul style="list-style-type: none"> <li>· rehabilitate the site;</li> <li>· implement the offset strategy; and</li> <li>· manage the remnant vegetation and habitat on the site and in the offset area;</li> </ul> <p>(iii) performance and completion criteria for the rehabilitation of the site and implementation of the offset strategy;</p> <p>(iv) a detailed description of the measures would be implemented over the next 3 years, including the procedures to be implemented for:</p> <ul style="list-style-type: none"> <li>· minimising and rehabilitating disturbed areas;</li> <li>· implementing the offset strategy;</li> <li>· protecting vegetation and soil outside the disturbance areas;</li> <li>· undertaking pre-clearance surveys;</li> <li>· managing impacts on fauna;</li> <li>· landscaping the site to minimise visual impacts;</li> <li>· conserving and reusing topsoil;</li> <li>· collecting and propagating seed for rehabilitation works;</li> <li>· salvaging and reusing material from the site for habitat enhancement;</li> <li>· controlling weeds and feral pests;</li> <li>· controlling access; and</li> <li>· bushfire management.</li> </ul>	Compliant	<p><u>Preparation:</u></p> <p>a) The latest version of the Landscape Management Plan for Kitchener SIS is on the website and dated 15 January 2015.</p> <p>b) i) Section 2 and 5 outlines rehabilitation objectives.  ii) Section 5 provides short, medium and long-term measures.  iii) Section 5 outlines criteria.  iv) Section 5 and the Appendices (including Appendix C) provides a detailed description of the measures that would be implemented.</p> <p>It is noted that the requirements of the Landscape Management Plan are also covered by the MOP.</p> <p><u>Implementation:</u></p> <p>Disturbance areas at the Kitchener SIS have been stabilised with ground cover seed and will be fully rehabilitated at closure.</p> <p>Site inspection identified that the temporary rehabilitation at the Kitchener SIS is well established and provides good ground cover.</p> <p>Biodiversity offset area has been handed over to NPWS. Since this has happened there are no further offset obligations.</p> <p>Rehabilitation and land management reported in the Annual Reviews. The stabilisation of the Kitchener SIS was reported in the 2017-2018 Annual Review.</p>	
<b>SCHEDULE 7 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b>				
<b>ENVIRONMENTAL MANAGEMENT</b>				
<b>Environmental Management Strategy</b>				
1	<p>The Proponent shall prepare and implement an Environmental Management Strategy for the Astar Mine Complex, to the satisfaction of the Director-General. The strategy must:</p> <p>(a) be submitted to the Director-General for approval prior to the commencement of second workings in Stage 3 and construction of the Surface Infrastructure Site (other than shaft construction referred to in condition 1 of schedule 4);</p> <p>(b) provide the strategic framework for environmental management of the mine complex;</p> <p>(c) identify the statutory approvals that apply to the mine complex;</p> <p>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the mine complex;</p> <p>(e) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> <li>· keep the local community and relevant agencies informed about the operation and environmental performance of the mine complex;</li> <li>· receive, handle, respond to, and record complaints;</li> <li>· resolve any disputes that may arise during the course of the project;</li> <li>· respond to any non-compliance; and</li> <li>· respond to emergencies;</li> </ul> <p>(f) include:</p> <ul style="list-style-type: none"> <li>· copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and</li> <li>· a clear plan depicting all the monitoring to be carried out in relation to the mine complex.</li> </ul>	Compliant	<p><u>Preparation:</u></p> <p>The most recent version of the Environmental Management Strategy (EMS) is dated 22 June 2018 and was approved by the DPIE on 1/8/2018. Approval letter sighted..</p> <p>(a) Original EMS submitted outside of the audit period.  (b) The strategic framework for environmental management of the mine complex is detailed in section 3.  (c) Statutory approvals are covered in Section 6 and Appendix B and C of the Strategy.  (d) The role, responsibility, authority and accountability of all key personnel is covered in Section 7.  (e) The procedures are included in Section 10 to Section 12.  (f) Copies of the required strategies are referred to as appendices, but are not included in the document. Notwithstanding this all appropriate strategies are available on the website and appropriately referenced. The most recent version of the Environmental Monitoring Program (EMP) is dated 25 June 2018 and was approved by the DPIE on 1/8/2018. Approval letter sighted..</p> <p><u>Implementation:</u></p> <p>Evidence of recording of complaints and incidents in the Annual Reviews.  Incident reporting as per the PIRMP.</p>	
<b>Management Plan Requirements</b>				



Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action
2	<p>The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) detailed baseline data;  (b) a description of:</p> <ul style="list-style-type: none"> <li>· the relevant statutory requirements (including any relevant approval, licence or lease conditions);</li> <li>· any relevant limits or performance measures/criteria;</li> <li>· the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;</li> </ul> <p>(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(d) a program to monitor and report on the:</p> <ul style="list-style-type: none"> <li>· impacts and environmental performance of the project;</li> <li>· effectiveness of any management measures (see (c) above);</li> </ul> <p>(e) a contingency plan to manage any unpredicted impacts and their consequences;</p> <p>(f) a program to investigate and implement ways to continually improve the environmental performance of the project over time;</p> <p>(g) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> <li>· incidents;</li> <li>· complaints;</li> <li>· non-compliances with statutory requirements; and</li> <li>· exceedances of the impact assessment criteria and/or performance criteria; and</li> </ul>	Compliant	<p>Site Environmental Management Plans reviewed and assessed in the Schedule 3 conditions above. include:</p> <p>The Management Plans contain sufficient information to meet this condition, including details on contingency measures.</p> <p>All management plans required by this approval have been approved by the DPIE.</p>	
<b>Annual Review</b>				
3	<p>Each year, the Proponent shall review the environmental performance of the mine complex to the satisfaction of the Director-General. This review must:</p> <p>(a) describe the works that were carried out in the past year, and the works that are proposed to be carried out over the next year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the mine complex over the past year, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> <li>· the relevant statutory requirements, limits or performance measures/criteria;</li> <li>· the monitoring results of previous years; and</li> <li>· the relevant predictions in the EA and Extraction Plan;</li> </ul> <p>c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the mine complex;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the mine complex, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the mine complex.</p>	Administrative non-compliance	<p>Annual reviews are prepared for the site for the period 1 July to 30 June.</p> <p>All Annual Reviews for audit period are signed and dated prior to end of September. Also sighted submission confirmation of submission from DPIE for each year.</p> <p>2019 to 2020 Annual Review submitted 30 September 2020  2018 to 2019 Annual Review submitted 27 September 2019  2017 to 2018 Annual Review submitted 28 September 2018</p> <p>(a) Section 4 of the Annual Reviews outline the activities undertaken during the reporting period and section 12 details the proposed activities for the next year.</p> <p>(b) the Annual Reviews present a detailed review of monitoring results for the complex against the relevant consent conditions and EPL for the reporting year. A summary of this is presented in table 6-1 of the Annual Reviews.</p> <p>(c) Non-compliances are identified in Section 1 of the Annual Reviews and further details including follow up actions are detailed in Section 11.</p> <p>(d) <b>Admin NC</b> - With the exception of air quality results, the Annual Reviews do not report or present long term trends in monitoring data over the life of the mine. Brief discussion of trends is included in Table 6-1 of the Annual Review however, this does not consider long term, life of mine trends.</p> <p>e) Comparison to predicted impacts/criteria are identified in Section 6 along with investigation of impacts</p> <p>f) Proposed improvements are outlined where relevant in the Annual Reviews including in Table 6-1.</p>	<p><b>Non Compliance REC:</b> Future Annual Reviews should present an assessment of long term trends in data to assess the impacts over the life of the mine (eg. over a five year period).</p>
<b>Revision of Strategies, Plans and Programs</b>				

Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action
4	<p>Within 3 months of:</p> <p>(a) the submission of an annual review under Condition 3 above;  (b) the submission of an incident report under Condition 6 below;  (c) the submission of an audit report under Condition 7 below; or  (d) any modification to the conditions of this approval, (unless the conditions require otherwise), the Proponent shall review the strategies, plans, and programs required under this approval, to the satisfaction of the Director-General. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the Director- General.</p> <p><b>Note:</b> The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the project.</p>	Administrative non-compliance	<p><b>Admin NC</b> Management plans were revised and notification provided within the three month timeframe, however updated reports were not submitted for approval within the timeframes specified in the consents (6 weeks for DA 29/95 and 4 weeks for PA08_0111).</p> <p>The Historic Heritage Management Plan and Landscape Management Plans were not updated during the Audit period, however, based on site correspondence they were reviewed and no updates were necessary.</p> <p>It is noted that Plans will be reviewed following Annual Review and IEA including consideration of transition to care and maintenance. Site are consulting with department regarding approval to only review once following the completion of the IEA.</p>	<p><b>Improvement REC:</b> Review and update all Management Plans following the IEA (or as agreed with DPIE) to reflect the transition to Care and Maintenance and any appropriate changes to environmental management measures.</p> <p>Consider including document control to state when MPs are reviewed and what triggered the review.</p>
<b>Community Consultative Committee</b>				
5	<p>The Proponent shall maintain a Community Consultative Committee (CCC) for the mine complex to the satisfaction of the Director-General. This CCC must be operated in general accordance with the Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version).</p> <p><b>Note:</b> The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval. In accordance with the Guideline, the Committee should comprise an independent chair and appropriate representation from the Proponent, affected councils, recognised environmental groups and the general community.</p>	Compliant	<p>CCC information, including minutes, personnel and contact details available on the Austar website. Includes reference to the DPIE guidelines  <a href="http://www.austarcoalmine.com.au/page/community/community-consultative-committee/">http://www.austarcoalmine.com.au/page/community/community-consultative-committee/</a></p>	
<b>Incident Reporting</b>				
6	<p>The Proponent shall notify the Director-General and any other relevant agencies of any incident associated with the mine complex as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.</p>	Compliant	<p>A summary of incidents and non-compliances is outlined in Section 11 of the Annual Reviews and EPL Annual Returns.</p> <p>2 Kitchener SIS overflows are the only 2 incidents associated with the stage 3 consent.</p> <p>Evidence was provided for the incident report notification and reporting for the Kitchener SIS dam overtopping events in accordance with this requirement..</p>	
<b>Independent Environmental Audit</b>				
7	<p>By end of December 2011, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the mine complex. This audit must:</p> <p>(a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;  (b) include consultation with the relevant agencies;  (c) assess the environmental performance of the mine complex and assess whether it is complying with the requirements in relevant project approvals and development consents and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);  (d) review the adequacy of strategies, plans or programs required under these approvals; and  (e) recommend appropriate measures or actions to improve the environmental performance of the mine complex, and/or any assessment, plan or program required under these approvals.</p> <p><b>Note:</b> This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.</p>	Compliant	<p>The 2008, 2011, 2014 and 2017 Independent Audits are provided on the website.</p> <p>(a) the previous (2017) Audit was completed by SLR as endorsed by the DPIE.  (b) Section 1.5 of the 2017 Audit outlines consultation undertaken.  (c) The 2017 IEA assessed compliance with the relevant consents and EPL .  (d) The adequacy of key programs from the consents was assessed as part of the audit.  (e) Appropriate mitigation measures and recommendations were provided.</p> <p>This 2020 Audit has been prepared to address this condition.</p>	
8	<p>Within 6 weeks of the completing of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.</p>	Compliant	<p>The 2017 IEA report was completed on 27 February 2018 and Letters of submission of audit for 2017 sighted dated 13 March 2018.</p>	
<b>Access to Information</b>				



Condition Number	Condition	Compliance Status	Evidence Collected	Recommended Action
9	<p>From the end of 2009, the Proponent shall make the following information publicly available on its website:</p> <p>(a) a copy of all current statutory approvals for the mine complex;  (b) a copy of the current environmental management strategy and associated plans and programs;  (c) a summary of the monitoring results of the mine complex, which have been reported in accordance with the various plans and programs approved under the conditions of this approval;  (d) a complaints register, which is to be updated on a monthly basis;  (e) a copy of the minutes of CCC meetings;  (f) a copy of any Annual Reviews (over the last 5 years);  (g) a copy of any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit; and  (h) any other matter required by the Director-General.</p>	Compliant	<p>The website contains:</p> <p>(a) Copies of all current statutory approvals for the mine complex.  (b) Copies of the current environmental management strategy and associated plans and programs.  (c) A summary of the monitoring results of the mine complex, which have been reported in accordance with the various plans and programs approved under the conditions of this approval.  (d) A complaints register, which is to be updated on a monthly basis.  (e) Copies of the minutes of CCC meetings.  (f) Copies of Annual Reviews (over the last 5 years).  (g) Copies of Independent Environmental Audits, and the Proponent's response to the recommendations in any audit.  (h) Not applicable.</p>	

Application No.: **DA 29/95**

Proponent: Newcastle Wallsend Coal Company Pty Limited ("The Applicant")

Approval Authority: The Minister for Urban Affairs and Planning ("The Minister")

Bellbird South Area

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
<b>SCHEDULE 2 ADMINISTRATIVE CONDITIONS</b>				
<b>Obligation to Minimise Harm to the Environment</b>				
1	In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.	Compliant	Based on the findings of this audit and the site inspection, the proponent has implemented measures and are minimising harm to the environment.	
<b>Terms of Consent</b>				
2	The Applicant must carry out the development generally in accordance with the:  (a) DA 29/95 and accompanying Environmental Impact Statement prepared by HLA Envirosciences Pty Limited, dated August 1995 (August 1995 EIS); (b) modification application MOD-49-4-2006 and accompanying Statement of Environmental Effects, titled Astar Coal Mine Section 96 Modification, prepared by Environmental Resources Management Australia Pty Ltd (ERM) and dated April 2006 (April 2006 SEE), and information from ERM clarifying the modification application MOD-49-4-2006, dated 13 July 2006; (c) modification application DA29/95 – Mod 2 and accompanying Statement of Environmental Effects, titled Astar Coal Mine Statement of Environmental Effects Section 96 Modification Stage 2 Longwall Panels A3-A5, prepared by Astar Coal Mine and dated September 2007 (September 2007 SEE); (d) modification application DA 29/95 – MOD 3 and the accompanying Statement of Environmental Effects prepared by Astar Coal Mine Pty Ltd and dated April 2009; (e) modification application DA 29/95 – MOD 4 and the accompanying Environmental Assessment prepared by Umwelt (Australia) Pty Ltd and dated July 2010; (f) modification application DA 29/95 – MOD 5 and EA (MOD 5); (g) EA (MOD 6); and (h) EA (MOD 7).  <i>Note: The underground mining layout for the development is shown in Figure 1 of Appendix 2, which depicts the active mining areas and the completed mining areas.</i>	Compliant	Environmental Assessments (EA) provided on the Astar website. Most recent EA relevant to DA29/95 is MOD 7 dated May 2017. Works completed at Astar have generally been in accordance with the EA, Statement of Commitments and Conditions of Approval.	
2a	The Applicant must carry out the development in accordance with the conditions of this consent.  <i>Note: With the approval of the Secretary, longwall panels may be shortened or narrowed, providing that the proposed variations do not result in increased subsidence impacts or environmental consequences.</i>	Compliant	Based on the findings of this audit and the site inspection, the proponent has generally undertaken the development in accordance with the conditions of this consent.	
3	The Applicant must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:  (a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this consent; (b) any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with this consent; and (c) the implementation of any actions or measures contained in these documents.	Compliant	Based on site correspondence there have been no directions from the Secretary during the reporting period.	
<b>Operation of Plant and Equipment</b>				
4	The Applicant must ensure that all plant and equipment used at the site is:  (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Compliant	All maintenance is on scheduled work orders through sites SAP system. Evidence of repair and maintenance schedule from site's SAP system were provided.  Calibration certificates for dust and noise Realtime monitors viewed on sentinex portal. Calibration undertaken by Novecom as required.  No incidents relating to improper use during the audit period	
<b>Limits on Approval</b>				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action		
5	<p>This consent lapses on 14 February 2022.</p> <p><b>Note:</b> This condition does not affect the operation of section 95 of the EP&amp;A Act. Under this consent, the Applicant is required to rehabilitate the site and carry out additional requirements. 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 those requirements and undertakings have been carried out to the required standard.</p>	Compliant	<p>Consent has not lapsed.</p> <p>Note consent will lapse during next audit period. MOD Planned to be submitted in 2021 for extension of completion date to cover active areas and rehab areas.</p>			
6	Deleted	Note				
7	Deleted	Note				
<b>Protection of Public Infrastructure</b>						
8	<p>Unless the Applicant and the applicable authority agree otherwise the Applicant must:</p> <p>(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.</p> <p><b>Note:</b> This condition does not apply to any damage to public infrastructure subject to compensation payable under the Mine Subsidence Compensation Act 1961.</p>	Compliant	<p>According to site communications there have been no impacts to public infrastructure during the audit period.</p> <p>EP has built features management plan which notes that Austar will offer post mining inspection once mining complete.</p> <p>Monitoring lines go down Sandy Creek Road, minor subsidence observed (~750mm) but no repairs required to public infrastructure.</p>			
<b>Compliance</b>						
9	The Applicant must ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.	Compliant	<p>Yancoal inductions process sighted. Inductions include:</p> <ul style="list-style-type: none"> <li>- environmental requirements.</li> <li>- PIRMP</li> <li>- Risk</li> </ul> <p>Module 1 of the induction covers the legislation including this consent Module 7 of the Underground Operations induction process covers Environmental issues.</p>			
<b>SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS</b>						
<b>ACQUISITIONS UPON REQUEST</b>						
1	<p>Upon receiving a written request for acquisition from the landowner of land listed in Table 1, the Applicant must acquire the land in accordance with the procedures in conditions 3 to 5 of Schedule 4:</p> <table border="1" data-bbox="341 1249 1133 1323"> <tr> <td>Property A03a - Duff</td> <td>Property A04a – Bukanmain Pty Limited</td> </tr> </table> <p>However, the Applicant is not required to acquire the land listed in Table 1 if:</p> <p>(a) the Applicant has a current written negotiated agreement with the landowner in regard to the management of subsidence-related impacts, and a copy of this agreement has been forwarded to the Department by the Applicant; or (b) the landowner has agreed to the SA NSW purchasing the land under the Mine Subsidence Compensation Act 1961; or (c) a request for acquisition has not been made following completion of mining in longwalls A3 to A5, and the SA NSW determines that the residence/s on the land listed in Table 1 remains safe, serviceable and repairable.</p> <p><b>Notes:</b> * To avoid any uncertainty in regard to condition 1(c), the Applicant is required to act on any request for acquisition by a landowner listed in Table 1 unless the residence/s on the land has been declared to be safe, serviceable and repairable by the SA NSW after mining has been completed in longwalls A3 to A5. * For more information on the references to land used in this condition see Figure 9 of Appendix C to the September 2007 SEE prepared for longwalls A3 to A5.</p>	Property A03a - Duff	Property A04a – Bukanmain Pty Limited	Not triggered	<p>Not triggered during the audit period</p> <p>Based on site communication these properties were acquired prior to the audit period (likely before 2013).</p> <p>Based on site communications no further properties have requested acquisition.</p>	
Property A03a - Duff	Property A04a – Bukanmain Pty Limited					
<b>SUBSIDENCE</b>						
<b>Subsidence Impact Assessment Criteria</b>						

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
2	<p>If the subsidence generated by the development results in damage to any residence on privately-owned land (excluding the land listed in Table 1) that in the opinion of the SA NSW exceeds safe, serviceable and repairable criteria, the Applicant must, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 3 to 5 of Schedule 4.</p> <p>However, the Applicant does not have to act on any such request if:</p> <p>(a) the Applicant has a current written negotiated agreement with the landowner in regard to the management of subsidence-related impacts, and a copy of this agreement has been forwarded to the Department by the Applicant; or  (b) the landowner has agreed to the SA NSW purchasing the land under the Mine Subsidence Compensation Act 1961.</p>	Not triggered	As above, based on site communications there has been no damage during the audit period that has resulted in the requirement o purchase any residences.	
<b>Subsidence Management Plan</b>				
3	<p>The Applicant must revise the approved Subsidence Management Plan for the Stage 2 mining area to include longwall A5a, to the satisfaction of DRG. The revised plan must:</p> <p>(a) include a mine plan for the relevant area;  (b) integrate ongoing management of previously mined areas;  (c) include management, monitoring and contingency plans for all man-made and natural features which may experience subsidence effects, subsidence impacts or environmental consequences, including:</p> <ul style="list-style-type: none"> <li>* built structures;</li> <li>* farm dams;</li> <li>* watercourses;</li> <li>* groundwater;</li> <li>* terrestrial flora and fauna and ecology (including any threatened species and their habitats); and</li> <li>* Aboriginal cultural heritage;</li> </ul> <p>(d) be approved by the Director-General of DRG prior to the commencement of extraction of longwall A5a; and  (e) be implemented, following approval, to the satisfaction of the Executive Director, Mineral Resources.</p>	Not triggered	<p>Complete - closed out in previous audit period.</p> <p>A4 and A5 SMP approval was received from the DRG on 24 December 2009. In December 2010 approval was granted for extraction of additional longwall panel A5a in the Stage 2 area, and a modification to lengthen panel A5a was granted on 27 April 2012. The SMP approval for the Stage 2 LWA5a extension was granted on 7 May 2012 by the DRG.</p> <p>Monitoring was completed over these longwalls during the audit period.</p> <p>* Subsidence Monitoring Program for A5a approved 27/4/11 in Stage 2 (outside of audit period).  * End of Panel Report submitted 18/06/13.</p>	
<b>Extraction Plan</b>				
3a	<p>The Applicant must prepare an Extraction Plan for all second workings in the active mining areas to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared by a team of suitably qualified and experienced experts whose appointment has been endorsed by the Secretary, and be approved by the Secretary prior to the commencement of any second workings covered by the Extraction Plan;  (b) include a detailed plan for the second workings, which has been prepared to the satisfaction of DRG, and provides for adaptive management;  (c) include detailed plans of any associated surface construction works;</p> <p>(d) include the following to the satisfaction of DRG:  * a coal resource recovery plan that demonstrates effective recovery of the available resource;  * predictions of the subsidence effects and subsidence impacts of the proposed second workings, incorporating any relevant information that has been obtained since preparation of EA (MOD 6); and  * a Subsidence Monitoring Program to:  o monitor subsidence effects and subsidence impacts on land;  o validate the subsidence predictions; and  o analyse the relationship between the subsidence effects and subsidence impacts of the proposed second workings and any ensuing environmental consequences.</p> <p>(e) include a:  * Water Management Plan, which has been prepared in consultation with OEH and DPI-Water, to monitor and manage the environmental consequences of second workings on water resources (including drainage, flooding, ponding and alluvial aquifers);  * Biodiversity Management Plan, which has been prepared in consultation with OEH, to monitor and manage the potential environmental consequences of second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species and endangered ecological communities;  * Land Management Plan, to monitor and manage the potential environmental consequences of second workings on steep slopes and land in general;  * Built Features Management Plan, which has been prepared in consultation with the owner of the relevant feature, to monitor and manage the potential environmental consequences of second workings, including flooding related impacts, on any built features or access to any built features;</p>	Compliant	<p>Extraction plan available on website</p> <p>Extraction Plan for LWB4-B7 is the relevant EP for the audit period. The original Extraction plan for B4-B7 approved by DPE on 20 September 2017 acknowledging that it had been prepared to the satisfaction of DRG.</p> <p>EP was modified for the shortening of LW B4. Revised EP approved by DPIE on 12 Feb 2019. Approval letter sighted.  Shortening of B5-B7 approved on 7 August 2019. Did not require an amendment to the EP due to impacts similar or less than the existing EP. Approval letter sighted.</p>	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
	<p>(f) include a Public Safety Management Plan, which has been prepared in consultation with DRG, to ensure public safety in the mining area; and</p> <p>(g) the above plans must include a:</p> <ul style="list-style-type: none"> <li>* detailed description of baseline data;</li> <li>* impact assessment criteria, including trigger levels for investigating any potentially adverse impacts;</li> <li>* program to undertake monitoring prior to, during and after undermining;</li> <li>* program to validate predicted levels of impacts;</li> <li>* detailed description of remediation and rehabilitation measures to be implemented, should adverse impacts occur; and</li> <li>* contingency plan to manage any unpredicted adverse impacts and their environmental consequences and to provide for adaptive management.</li> </ul> <p>The Applicant must implement the approved plan as approved from time to time by the Secretary.</p> <p><i>Note: The Water Management Plan must be integrated with all relevant aspects of the Site Water Management Plan required under condition 6 of Schedule 3.</i></p>	Compliant	<p>The Public Safety Management Plan for LW B4 to B7 was prepared and approved as part of the original EP on 20 September 2017 and satisfies the requirements of this condition. The Plan has been subsequently updated to address changes associated with MOD7 approval and LW B4 shortening.</p> <p><u>Implementation</u> The implementation of the extraction plan is reported against in the annual reviews.</p>	
<b>Payment of Reasonable Costs</b>				
3b	The Applicant must pay all reasonable costs incurred by the Department to engage independent experts to review the adequacy of any aspect of the Extraction Plan.	Not triggered	Not Triggered within Audit Period. No experts requested by DPIE.	
<b>First Workings</b>				
3c	<p>Subject to condition 3A above, the Applicant may carry out first workings within the underground mining area, other than in accordance with an approved Extraction Plan, provided that DRG is satisfied that the first working are designed to remain stable and non-subsiding in the long-term, except insofar as they may be impacted by approved second workings.</p> <p><i>Note: The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible resulting direct subsidence impacts.</i></p>	Compliant	<p>First workings approval letter for B4 received 17 October 2016. B5 received approval from DRG on 19 May 2017.</p> <p>During the audit period mining has been secondary extraction in accordance with the B4 to B7 EP.</p>	
<b>Provision of Biodiversity Offsets</b>				
3d	<p>If subsidence impacts associated with the active mining areas cause significant adverse impacts to threatened species, populations, habitats and/or endangered ecological communities and the Secretary determines that:</p> <p>(a) it is not reasonable or feasible to remediate the impact or environmental consequences; or</p> <p>(b) remediation measures implemented by the Applicant have failed to satisfactorily remediate the impact or environmental consequence, then the Applicant must provide a suitable offset to compensate for the impact or environmental consequence, to the satisfaction of the Secretary.</p> <p><i>Note: An offset required under this condition must be proportionate with the significance of the impact or environmental consequence.</i></p>	Not triggered	<p>Bellbird south ecological monitoring undertaken by Umwelt in autumn and spring.</p> <p>Ecological briefing note issued after Autumn monitoring and report after spring,. No impacts during longwall mining. Evidence of reporting for 2019 provided.</p>	
<b>Public Safety Management Plans</b>				
4	<p>The Applicant must:</p> <p>(a) before carrying out any underground mining that will potentially lead to subsidence within the Werakata State Conservation Area, the Applicant must prepare (and following approval implement) a Public Safety Management Plan for the Werakata State Conservation Area;</p> <p>(b) before carrying out any underground mining that will potentially lead to subsidence at Nash Lane, the Applicant must prepare (and following approval implement) a Public Safety Management Plan for Nash Lane; and</p> <p>(c) before carrying out any underground mining that will potentially lead to subsidence impacts to Sandy Creek Road, the Applicant must prepare, in consultation with Council, (and following approval implement) a Public Safety Management Plan for Sandy Creek Road, to the satisfaction of the DRG.</p>	Compliant	<p>a) b) There has been no mining under Werakata or Nash Lane areas for the audit period.</p> <p>c) Public safety management plan included in the extraction plan which includes measures for Sandy Creek Road. Latest version of the Public Safety Management Plan approved as part of the LW B4 to B7 EP dated January 2019.</p> <p>Consultation with council evidence of email to council on 8/9/2017 regarding public safety management plan for Sandy Creek Road.</p>	
<b>WATER QUALITY</b>				
<b>Discharge Limits</b>				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
5	Except as may be expressly provided by a EPA Environment Protection Licence, or in accordance with section 120 of the Protection of the Environment Operations Act 1997, the Applicant must not discharge any water from the site.	Compliant	There have been no overflows or incidents with regard to this approval. Refer to PA08_0111 and EPL for non-compliance's of this condition with regard to overflows from Kitchener SIS sediment dams.	
<b>Water Supply</b>				
5a	The Applicant must ensure that it has sufficient water supply for the development, and if necessary, adjust the scale of the development to match its available water supply.  <i>Note: Under the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development. If monitoring indicates that existing licence entitlements are likely to be exceeded, the Applicant must adjust the scale of the development to match its existing entitlements until additional licences are procured.</i>	Compliant	Water take and use is shown in Annual Reviews.  RO plant produces process water, also use Hunter Water as required.  Site water balance included in the Site Water Management Plan (refer page 75 of Site Water Plan).  Groundwater licence in place allows for 770 ML per year. Reported in Annual Review against limit	
<b>Site Water Management Plan</b>				
6	Prior to mining commencing in panel A3, or other date agreed by the Secretary, the Applicant must revise its Site Water Management Plan for the mine, in consultation with the DPI-Water and the EPA, and to the satisfaction of the Secretary. This plan must be implemented to the satisfaction of the Secretary, and must include:  (a) a Site Water Balance; (b) an Erosion and Sediment Control Plan; (c) a Surface Water Monitoring Program; (d) a Ground Water Monitoring Program; and (e) a Surface and Ground Water Response Plan.	Compliant	The most recent version of the Site Water Management Plan (SWMP) is dated 6 July 2018 and was approved by the DPIE on 1/8/2018. Approval letter sighted.  (a) Section 5 (b) Section 6 (c) Section 7 (d) Section 8 (e) Section 9	
<b>Site Water Balance</b>				
7	The Site Water Balance must:  (a) include details of: * sources of water and water licences; * water use on site; * water management on site; * off-site water transfers or discharges; * reporting procedures; and  (b) describe measures to minimise water use by the development.	Compliant	Section 5 of the SWMP details the site water balance. The site water balance includes: - Inflow sources and storages - water use and management - discharges in accordance with EPL 416 - water management initiatives to maximise the reuse of treated mine water and reduce the reliance on reticulated water.	
<b>Erosion and Sediment Control</b>				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
8	<p>The Erosion and Sediment Control Plan must:</p> <p>(a) be consistent with the requirements of Landcom's Managing Urban Stormwater: Soils and Construction manual;            (b) identify activities that could cause soil erosion and generate sediment;            (c) describe measures to minimise soil erosion and the potential for transport of sediment downstream;            (d) describe the location, function and capacity of erosion and sediment control structures; and            (e) describe what measures would be implemented to maintain the structures over time.</p>	Compliant	<p><u>Preparation</u>            Section 6 of the SWMP details the Erosion and Sediment Control Plan for the site. The Erosion and Sediment Control Plan includes:            (b) Section 6.2 identifies activities that could cause soil erosion and generate sediment.            (c) Section 6.2 details the specific erosion and sediment control measures at each of the key areas of the site.            (d) Section 5 describes the location, function and capacity of key erosion and sediment control structures.            (e) Section 6.3 describes the measures to be implemented to maintain erosion and sediment control structures</p> <p><u>Implementation</u>            Minimal evidence of erosion and sedimentation was observed around the site during the site inspections. Erosion and sediment control structures and water storages observed to be in good condition. Site interviews determined that due to care and maintenance significant work had been undertaken to replace sediment fences at the site over last 12 month.</p> <p>Previous audit recommendations regarding water management at the laydown area 1 at the pit</p>	
<b>Surface Water Monitoring</b>				
9	<p>The Surface Water Monitoring Program must include:</p> <p>(a) surface water assessment criteria;            (b) a program to monitor surface water flows and quality (particularly in Black, Cony and Quorrobolong Creeks) and stream health;            (c) a program to monitor water levels in farm dams within the subsidence zone and impacts on other water users;            (d) a program to monitor channel stability in Quorrobolong and Cony Creeks;            (e) reporting procedures; and            (f) a protocol for the investigation, notification and mitigation of identified exceedances of the surface water criteria that are related to the development (particularly in respect of acid mine drainage and acid leachate).</p>	Compliant	<p><u>Preparation</u>            Section 7 of the SWMP details the Surface Water Monitoring Program for the site. The Surface Water Monitoring Program includes the following aspects:            * Surface water flows and quality, stream health and channel stability in Black Creek, Cony Creek, and Quorrobolong Creek (Section 7.2.1-7.2.3).            * Impacts on water users and water levels in farm dams (Section 7.2.5).            The SWMP states that the first stage EP for State 3 does not extend to Sandy Creek - also it is noted that there was no mining in the stage 3 area during the audit period.</p> <p><u>Implementation:</u>            * Water monitoring results are reported in the Annual Reviews.</p>	
<b>Groundwater Monitoring</b>				
10	<p>The Groundwater Monitoring Program must include:</p> <p>(a) ground water impact assessment criteria;            (b) a program to monitor the volume and quality of ground water seeping into the underground mine workings;            (b1) a program to monitor impacts to groundwater dependent ecosystems and riparian vegetation;            (c) a program to monitor ground water levels and quality; and            (d) a protocol for the investigation, notification and mitigation of identified exceedances of the ground water impact assessment criteria.</p>	Compliant	<p><u>Preparation:</u>            (a) Section 7.1 provides water impact assessment criteria.            (b) Section 8.2.1, 8.2.2 &amp; 8.2.3 provides a program to monitor the volume and quality of ground water seeping into the underground mine workings.            (b1) Section 8.2.4 &amp; 8.2.6 covers a program to monitor impacts to groundwater dependent ecosystems, riparian vegetation and local aquifers.            (c) Section 8.6 provides a program to monitor ground water levels and quality.            (d) A protocol for the investigation, notification and mitigation of identified exceedances of the ground water impact assessment criteria is provided in section 9 (Surface and groundwater response plan) and Section 10 (Contingency plan).</p> <p><u>Implementation:</u>            SLR's groundwater specialist has reviewed the Ground Water Monitoring program, monitoring reports and the Annual Reviews and provided recommended improvements with regard to reporting of data as per the recommended actions.            It was previously recommended to remove data from when a logger was pulled out, which is evident on the graphs with large 'reverse or downward' spikes from the lines. This appears again in 2019 - 2020</p>	<p><b>Non-compliance REC:</b> In the Annual Reviews - comments regarding trends are generally limited to the 12 month reporting period only. Suggest longer term discussion is included future reviews. Include discussions around predictions as practicable, or include note in the Annual Reviews as to why this is not actioned.</p> <p><b>Improvement REC:</b> remove data from when a logger was pulled out, which is evident on the graphs with large 'reverse or downward' spikes from the lines.</p> <p><b>Improvement REC:</b> add trigger criteria to groundwater graphs for easy identification of exceedances similar to that of the surface water hydrographs</p>
<b>Surface and Ground Water Response Plan</b>				
11	<p>The Surface and Ground Water Response Plan must include:</p> <p>(a) the procedures that would be followed in the event of any exceedance of the surface or groundwater impact assessment criteria, or other identified impact on surface or groundwater;            (b) measures to mitigate, remediate and/or compensate any identified impacts (including measures to mitigate and/or compensate potentially affected land owners for any loss of surface water flows in local creeks or farm dams); and            (c) disposal/neutralisation contingencies in the event that acid leachate problems emerge after the mine closes.</p>	Compliant	<p><u>Preparation:</u>            (a) Section 9.1 provides the procedures that would be followed in the event of any exceedance of the surface or groundwater impact assessment criteria, or other identified impact on surface or groundwater.            (b) Table 9.1 &amp; Sections 9.2 &amp; 9.3 provides measures to mitigate, remediate and/or compensate any identified impacts (including measures to mitigate and/or compensate potentially affected landowners for any loss of surface water flows in local creeks or farm dams).            (c) Section 9.4 states the rehabilitation objectives after the mine closes.</p> <p><u>Implementation:</u>            Evidence of incident reporting, notification and management.            * Note that pipelines were included but not management of risk if faults occurred.</p>	<p><b>Improvement REC:</b> With regard to potential leakage from pipelines SLR recommend that Austar carry out a risk assessment considering potential failure modes, and the adequacy of current arrangements.</p>
<b>Groundwater Study</b>				



Condition Number	Condition	Compliance Status	Evidence	Recommended Action
12	The Applicant must, in the event it selects the Cessnock No. 1 Shaft at Kalingo as the ventilation shaft site for the mine, submit a report to the Secretary and the DRG which includes a groundwater study and mine water disposal plan prepared in accordance with the requirements of the DRG and EPA.	Not triggered	According to site communications, Cessnock no 1 shaft has not been used as a vent shaft.  This is now unlikely to happen.	
12a	By the end of February 2018, the Applicant must review the groundwater impacts of the development. This review must:  (a) validate the impact predictions in EA (MOD 6) and EA (MOD 7) against measured groundwater impacts, including a comparison of: * groundwater levels and quality in both alluvial and non-alluvial aquifers; and * mine water inflow sources and volumes; and (b) evaluate the effectiveness of the existing groundwater model for use in current and future mining operations; and (c) evaluate the continued effectiveness of any approved Extraction Plan or Water Management Plan for the development and provide recommendations for any appropriate amendments to these plans.  The review must be undertaken in consultation with DPI-Water and reported and implemented to the satisfaction of the Secretary. If the review identifies a material departure from the predictions in EA (MOD 6) and EA (MOD 7), the Applicant must prepare a revised groundwater assessment for the development, in consultation with DPIWater, to the satisfaction of the Secretary. The assessment must include updated predictions of potential groundwater impacts from the development, based on quantitative surface and groundwater modelling, incorporating all available groundwater data.	Administrative non-compliance	As reported in the 2017-2018 Annual Review The groundwater review was completed during the reporting period and consultation with DoI-Water was undertaken.  The Groundwater Review was submitted in June 2018, so missed the timeframe given in the consent.  SLR has reviewed the AGE 2018 report and Dundon Consulting Pty Ltd 2018 follow up report. SLR agree with the findings relating to EC, beneficial use and that the need for numerical modelling has not yet been triggered.	

**NOISE AND VIBRATION**  
**Impact Assessment Criteria**

13	<p>The Applicant must ensure that the noise generated by the Infrastructure Upgrade Area identified in Figure 1.3 of the April 2006 SEE does not exceed the noise impact assessment criteria in Table 2.</p> <p><i>Table 2: Noise impact assessment criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th>Day/Evening/Night L<sub>Aeq</sub>(15 minute)</th> <th>Land</th> </tr> </thead> <tbody> <tr> <td>35</td> <td>All privately owned land</td> </tr> </tbody> </table>	Day/Evening/Night L <sub>Aeq</sub> (15 minute)	Land	35	All privately owned land	Compliant	<p>Noise compliance is reported within the Annual Reviews.</p> <p>SLR also reviewed noise monitoring reports from the audit period. Noise monitoring is completed on a quarterly basis.</p> <p>No exceedances of this criteria were recorded during the audit period. All noise exceedances during the audit period are related to the CHPP which is covered under the EPL.</p> <p>3 noise complaints were received during the audit period regarding noise from the shaft facility and Kalingo dam area. As reported in the complaints register, appropriate actions were undertaken to rectify the issues.</p>	
Day/Evening/Night L <sub>Aeq</sub> (15 minute)	Land							
35	All privately owned land							
	<p><b>Notes:</b></p> <p>a) 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 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the L<sub>Aeq</sub>(15 minute) noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the development is impractical, the Department and the EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy must also be applied to the measured noise levels where applicable.</p> <p>b) The noise emission limits identified in the above table apply under meteorological conditions of: * wind speeds of up to 3 m/s at 10 metres above ground level; or * temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.</p> <p>However, if the Applicant has a written negotiated noise agreement with any landowner of the land listed in Table 2, and a copy of this agreement has been forwarded to the Department and the EPA, then the Applicant may exceed the noise limits in Table 2 in accordance with the negotiated noise agreement</p>	Compliant	<p>The noise monitoring methodology specified in the Noise Management Plan and detailed in the quarterly noise monitoring reports is generally in accordance with these requirements and is appropriate for the determination of noise emissions from the mine.</p>					

**Continuous Improvement**



Condition Number	Condition	Compliance Status	Evidence	Recommended Action
14	<p>The Applicant must:</p> <p>(a) implement all reasonable and feasible noise mitigation measures;</p> <p>(b) investigate ways to reduce the noise generated by the development; and</p> <p>(c) report on these investigations and the implementation and effectiveness of these measures in the Annual Review (see condition 5 of Schedule 5), to the satisfaction of the Secretary.</p>	Compliant	<p>Section 6 of the NMP details the Voluntary Noise Pollution Reduction program implemented by Astar at the CHPP. This is being undertaken in consultation with the EPA.</p> <p>(a) Noise controls have included:</p> <ul style="list-style-type: none"> <li>- Upgrades to cladding at the CHPP</li> <li>- construction of noise bund</li> </ul> <p>(b) the Noise PRP Review 2020 (31 August 2020) reports on the status is noise investigations to reduce noise from the development;</p> <p>(c) Noise performance and the status of the PRP is reported in the Annual Review.</p> <p>It is noted that the site is currently in care and maintenance and therefore there are minimal operating noise sources at the site.</p>	
<b>Noise Monitoring</b>				
15	<p>The Applicant must prepare a Noise Monitoring Program for the development to the satisfaction of the Secretary. This program must include quarterly attended noise monitoring and a noise monitoring protocol for evaluating compliance with the noise impact assessment criteria in this consent.</p> <p>The Applicant must implement the approved program as approved from time to time by the Secretary.</p>	Compliant	<p>Preparation:</p> <p>The most recent version of the Noise and Vibration Management Plan is dated June 2018 and was approved by DPE on 1/8/2018. Approval letter sighted.</p> <p>Section 5.1 and 5.2 of the NVMP present the program for attended and continuous monitoring respectively.</p> <p>Implementation:</p> <p>Noise monitoring reports viewed evidencing implementation of the program. Noise monitoring results are summarised in the Annual Reviews.</p>	
<b>Vibration Monitoring</b>				
16	<p>The Applicant must prepare a Vibration Monitoring Program for the development to the satisfaction of the Secretary. This program must be capable of recording ground vibrations on the surface emanating from underground mining activities.</p> <p>The Applicant must implement the approved program as approved from time to time by the Secretary.</p>	Compliant	<p>Preparation:</p> <p>The most recent version of the Noise and Vibration Management Plan is dated June 2018 and was approved by DPE on 1/8/2018. Approval letter sighted.</p> <p>Section 5.3 of the NVMP presents the vibration monitoring program.</p> <p>Vibration monitoring is continuous and provides and SMS alert to relevant site personnel if trigger levels are exceeded. During mining this results in investigation. Vibration events are reported in annual reviews.</p>	
<b>AIR QUALITY Impact Assessment Criteria</b>				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action																							
17	<p>The Applicant must ensure that the dust emissions generated by the Infrastructure Upgrade Area identified in Figure 1.3 of the April 2006 SEE do not cause additional exceedances of the air quality impact assessment criteria listed in Tables 3, 4 and 5 at any residence on, or on more than 25 percent of, any privately-owned land.</p> <p><i>Table 3: Long term impact assessment criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>90 µg/m<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>Annual</td> <td>30 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 4: Short term impact assessment criterion for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>24 hour</td> <td>50 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 5: Long term impact assessment criteria for deposited dust</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>Deposited dust</td> <td>Annual</td> <td>2 g/m<sup>2</sup>/month</td> <td>4 g/m<sup>2</sup>/month</td> </tr> </tbody> </table>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month	Compliant	<p>The Annual Reviews present air quality monitoring results undertaken in accordance with the approved air quality management plan and compare the results of the monitoring against the relevant air quality criteria.</p> <p>In accordance with the Air Quality and Greenhouse Gas Management Plan, when an exceedance of the relevant air quality criteria is recorded, an investigation is undertaken. The annual reviews summarise the findings of the investigations.</p> <p>Based on the Annual Reviews there were no exceedances from the Infrastructure upgrade area attributable to Austar operations during the audit period.</p>	
Pollutant	Averaging period	Criterion																									
Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>																									
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Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month																								
	<p><b>Note:</b></p> <p>Deposited dust is assessed as insoluble solids as defined by Standards Australia, 2003, AS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.</p>	Note																									
<b>Operating Conditions</b>																											
18	<p>The Applicant must:</p> <p>(a) ensure any visible air pollution generated by the development is assessed regularly, and measures taken to minimise air quality impacts on privately-owned land; and</p> <p>(b) implement all reasonable measures to minimise the off-site odour, greenhouse gas and fume emissions generated by the mine's ventilation system or any spontaneous combustion at the development, to the satisfaction of the Secretary.</p>	Compliant	<p>Site inspection confirmed there was no visible air pollution generated by the project.</p> <p>While site was operational there were daily inspections and water trucks were available as required.</p> <p>Daily reports for dust from TEOM, TEOM will also alarm if it goes over trigger.</p> <p>One dust complaint was received on 22 February 2020, investigations determined due to regional dust events and bushfires.</p> <p>One odour complaint received on 25 September 2020. Investigated following complaint and was determined that not a responsibility of site and was due to bitumen.</p>																								
<b>Monitoring</b>																											

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
19	<p>The Applicant must prepare an Air Quality Monitoring Program for the development to the satisfaction of the Secretary. This program must include an air quality monitoring protocol for evaluating compliance with the air quality impact assessment criteria in this consent.</p> <p>The Applicant must implement the approved program as approved from time to time by the Secretary.</p>	Administrative non-compliance	<p><b>Preparation</b> The most recent version of the Air Quality and Greenhouse Gas Management Plan (AQGHGMP) is dated June 2018 and was approved by the DPIE on 1/8/2018.</p> <p>The AQ monitoring program is outlined in Section 2.3 of the AQGHGMP and includes PM10 HVAS, DDGs and continuous (TEOM) monitors.</p> <p><b>Implementation</b> The Annual Reviews present air quality monitoring results undertaken in accordance with the approved air quality management plan and compare the results of the monitoring against the relevant air quality criteria.</p> <p>In accordance with the Air Quality and Greenhouse Gas Management Plan, when an exceedance of the relevant air quality criteria is recorded, an investigation is undertaken. The annual reviews summarise the findings of the investigations.</p> <p>Generally the site inspection noted no significant dust issues from the site. During care and maintenance dust impacts will be reduced.</p> <p>Based on the Annual Reviews there were no exceedances from the Infrastructure upgrade area attributable to Austar operations during the audit period.</p> <p><b>Admin Non-Compliance</b> As reported in the 2019-2020 Annual Review: The TEOM and HVAS1 both had periods of time where they were not operational. The Air Quality and Green house Gas Management Plan (AQGHGMP) states operation will be continuous.</p>	<b>Improvement REC:</b> Update AQGHGMP to reflect the NEPM guidelines to reflect compliance requirements of 95% operations.
<b>METEOROLGICAL MONITORING</b>				
20	The Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the development in accordance with the requirements in Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales and to the satisfaction of the Secretary.	Compliant	<p>As stated in Section 2.3.4 of the AQGHGMP:</p> <p><i>"Austar utilises a continuous weather recording station located at the CHPP site to record meteorological data ..... The weather station is maintained and operated in accordance with OEH's 'Approved methods for the sampling and analysis of air pollutants in NSW' (EPA, 2006) and AS 3580.14:2011 Methods for sampling and analysis of ambient air - Meteorological monitoring for ambient air quality monitoring applications."</i></p> <p>Meteorological data is reported in Section 6.2 of the Annual Reviews</p>	
<b>REJECT EMPLACEMENT</b>				
21	<p>The Applicant must undertake reject emplacement in accordance with the current Mining Operations Plan as updated and approved by DRG from time to time. If reject emplacement in Areas 1, 3 and 4 as described in the August 1995 EIS is proposed, the Applicant must:</p> <p>(a) investigate and report to the DRG on the possibility of disposing all reject into one emplacement area, at least 12 months before reject emplacement into the disturbed mining areas is complete;</p> <p>(b) provide a report on the geotechnical investigations and engineering specifications for emplacement areas 1, 3 and 4 to the DRG, and the Secretary at least 6 months prior to commencement of reject emplacement in these areas; and</p> <p>(c) commence use of emplacement areas 1, 3 and 4 only after consultation with the Council and approval by the DRG.</p>	Compliant	<p>All reject is placed in the Aberdare REA and the East Pit REA, as approved in the MOP.</p> <p>(a) to (c) not triggered as REAs 1, 3 and 4 have not been constructed and are not currently used.</p>	
<b>FLORA AND FAUNA</b>				
22	<p>The Applicant must:</p> <p>(a) take all reasonable measures to protect native vegetation from damage during construction except where trees, shrubs and other vegetation are removed for approved works; and</p> <p>(b) salvage all useable soil and vegetative materials for reuse in controlling erosion and/or site rehabilitation.</p>	Compliant	<p>According to site communications there has been no construction during the audit period. Clearing, Excavation, Stake or Pile Driving Permits. Completed examples of permits sighted.</p>	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
23	<p>The Applicant must:</p> <p>(a) undertake fauna surveys for bat species at undisturbed sites proposed for reject emplacement as required by the OEH;            (b) report results of any fauna surveys to the OEH;            (c) undertake a monitoring program of riparian vegetation along Quorrobolong and Con Creeks in the area of longwalls A3 to A5a with particular reference to River Flat Eucalypt Forest EEC; and            (d) carry out any necessary ameliorative measures requested by the OEH in relation to the findings of the fauna surveys and riparian vegetation monitoring program, to the satisfaction of the OEH.</p>	Compliant	<p>(a) not triggered due to not disturbing REAs            (b) not triggered            (c) was completed and submitted prior to audit period. The report was approved by OEH on 17 May 2019 stating that the requirement of condition 23 c had been met.            (d) there has been no ameliorative measures required by OEH,</p>	
<b>HERITAGE</b>				
<b>Aboriginal Heritage</b>				
24	<p>Six months prior to commencing activities in undisturbed reject emplacement areas to use Cessnock No. 1 Colliery surface facilities, the Applicant must undertake additional Aboriginal heritage surveys to the satisfaction of the OEH.</p>	Not triggered	<p>These REAs have not been disturbed.</p>	
24a	<p>The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. The plan must:</p> <p>(a) be prepared by a suitably qualified archaeologist in consultation with OEH and Registered Aboriginal Parties, and be submitted to the Secretary for approval prior to the commencement of extraction of longwall A5a; and</p> <p>(b) include a program/procedures for:            * salvage and management of Aboriginal sites within the active mining areas;            * monitoring and management of Aboriginal sites within the active mining areas;            * managing the discovery of any new Aboriginal objects or skeletal remains discovered during the project;            * undertaking additional archaeological surveys on any areas subject to extensive remediation activities;            * ongoing consultation with and involvement of the Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site;            * training personnel on Aboriginal cultural heritage awareness; and            * undertaking recording of Aboriginal site impacts.</p> <p>The Applicant must implement the approved plan as approved from time to time by the Secretary.</p>	Compliant	<p>Preparation            The most recent version of the Aboriginal Cultural Heritage Management Plan (ACHMP) is dated 20 June 2018 and was approved by the DPIE on 1/8/2018, prepared by Umwelt qualified archaeologists. Approval letter sighted.</p> <p>(a) Section 3 and Appendix 1 of the ACHMP outlines consultation undertaken            b) Key aspects of this sub-condition are outlined within Section5 of the ACHMP.</p> <p>Implementation            Heritage management works are detailed in the Annual Reviews for the audit period. Due diligence assessments were undertaken during the audit period with regard to planned hazard reduction burn areas.</p>	
<b>European Heritage</b>				
25	<p>The Applicant must:</p> <p>(a) undertake a Heritage Impact Assessment of the site and prepare a Heritage Management Plan, in consultation with the Council, for the approval of the Heritage Council of NSW prior to re-commencing any mining activities at the Cessnock No 1 Colliery surface facilities at Kalingo;            (b) make application under section 132 of the Heritage Act 1977 for any works proposed to be undertaken on or under Lot 1, DP 87087 and Part Lot 1, DP 69968 County Northumberland, Parish Heddon; and            (c) take all reasonable measures to protect the ring-barked tree referenced in the April 2006 SEE, to the satisfaction of the Secretary.</p> <p><b>Note:</b> The land referred to in condition 25(b) is currently subject to a section 130 order under the Heritage Act 1977 to prevent harm to buildings, works, relics etc of the South Maitland Railway, gazetted 16 September, 1983.</p>	Not triggered	<p>Historic Heritage Management Plan has been prepared for the Austar Complex. Approved and meets the requirements of this condition.</p> <p>The Annual Reviews state that there will be progress assessments for the demolition of existing structures and foundations at Bellbird, Pelton &amp; Cessnock No 1 shaft. This has not been completed.</p> <p>According to site communications, there has been some consultation with council. The C&amp;M MOP has commitments to investigate historic heritage further.</p>	
<b>TRAFFIC AND TRANSPORT</b>				
26	<p>The Applicant must:</p> <p>(a) prior to the commencement of operations in reject emplacement areas 3 and 4 (as described in the August 1995 EIS), provide to the satisfaction of the Council and the RMS and at its own cost, a crossing over Wollombi Road (Main Road 218) in the vicinity of these coal waste emplacement areas with respect to type and sight distance in accordance with AS2890-1. Such crossing must consist of pavement and bitumen seal extending at least 30 metres either side of Main Road 218; and            (b) provide a Type BA intersection at the nominated entry to the Cessnock No 1 Colliery site. The intersection type and location must be determined in conjunction with Council and constructed prior to commencement of operations at the Cessnock No 1 Colliery site.</p>	Not triggered	<p>No operations have been undertaken in REA areas 3 and 4</p>	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
27	<p>The Applicant must:</p> <p>(a) prior to 31 December 2008, or as otherwise agreed with the Secretary, undertake upgrade works to the road level crossing at Vincent Street, Kitchener, as recommended in Austar Coal Mine Pty Limited Report on Four Rail Level Crossings in Cessnock LGA Stage 5 Road Safety Audit (GHD March 2007); and</p> <p>(b) prior to 30 June 2009, use its best endeavours to undertake upgrade works at the following road level crossings as recommended in Austar Coal Mine Pty Limited Report on Four Rail Level Crossings in Cessnock LGA Stage 5 Road Safety Audit C106(GHD March 2007):</p> <ul style="list-style-type: none"> <li>* Cessnock Road, Kearsley;</li> <li>* Neath Road, Neath; and</li> <li>* Mitchell Avenue, Weston,</li> </ul> <p>in consultation with the South Maitland Railway, and to the satisfaction of the Council and the RMS.</p>	Compliant	<p>Outside of audit period - assessed as compliant in 2017 IEA.</p> <p>a) Vincent street works have been completed. * Evidence of release of bond for upgrade works. * Evidence sighted in the field of completed works.</p> <p>b) Kitchener level crossing was upgraded by federal government. Media release in 2009 stated that flashing lights and bells had been installed at the crossing.</p>	

**REHABILITATION**  
**Rehabilitation Objectives**

	<p>The Applicant must rehabilitate the site to the satisfaction of DRG. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the documents listed in condition 2 of Schedule 2, and comply with the objectives in Table 6.</p>	Compliant																		
28	<p><i>Table 6: Rehabilitation Objectives</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>All areas affected by the development</td> <td> <ul style="list-style-type: none"> <li>• Safe</li> <li>• Hydraulically and geotechnically stable</li> <li>• Non-polluting</li> <li>• Fit for the intended post-mining land use(s)</li> </ul> </td> </tr> <tr> <td>Areas proposed for native ecosystem re-establishment</td> <td> <ul style="list-style-type: none"> <li>• Establish self-sustaining ecosystems comprising flora species selected to re-establish and complement local and regional biodiversity</li> </ul> </td> </tr> <tr> <td>Areas proposed for agricultural or pastoral use</td> <td> <ul style="list-style-type: none"> <li>• Nominated land capability classification is achieved and is self-sustaining</li> </ul> </td> </tr> <tr> <td>Other areas affected by the development</td> <td> <ul style="list-style-type: none"> <li>• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of local native plant species appropriate for the intended post mining land use(s) (unless DRG agrees otherwise)</li> </ul> </td> </tr> <tr> <td>Surface infrastructure of the development</td> <td> <ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless DRG agree otherwise or development consent is obtained from the relevant consent authority for their retention and post-mining use</li> </ul> </td> </tr> <tr> <td>Portals and vent shafts of the development</td> <td> <ul style="list-style-type: none"> <li>• To be decommissioned and made safe and stable</li> </ul> </td> </tr> <tr> <td>Built features damaged by mining operations</td> <td> <ul style="list-style-type: none"> <li>• Repair/restore/replace to pre-mining condition or equivalent unless the:               <ul style="list-style-type: none"> <li>o owner agrees otherwise; or</li> <li>o damage is fully restored, repaired or compensated for under the <i>Mine Subsidence Compensation Act 1961</i></li> </ul> </li> </ul> </td> </tr> </tbody> </table>	Feature	Objective	All areas affected by the development	<ul style="list-style-type: none"> <li>• Safe</li> <li>• Hydraulically and geotechnically stable</li> <li>• Non-polluting</li> <li>• Fit for the intended post-mining land use(s)</li> </ul>	Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none"> <li>• Establish self-sustaining ecosystems comprising flora species selected to re-establish and complement local and regional biodiversity</li> </ul>	Areas proposed for agricultural or pastoral use	<ul style="list-style-type: none"> <li>• Nominated land capability classification is achieved and is self-sustaining</li> </ul>	Other areas affected by the development	<ul style="list-style-type: none"> <li>• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of local native plant species appropriate for the intended post mining land use(s) (unless DRG agrees otherwise)</li> </ul>	Surface infrastructure of the development	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless DRG agree otherwise or development consent is obtained from the relevant consent authority for their retention and post-mining use</li> </ul>	Portals and vent shafts of the development	<ul style="list-style-type: none"> <li>• To be decommissioned and made safe and stable</li> </ul>	Built features damaged by mining operations	<ul style="list-style-type: none"> <li>• Repair/restore/replace to pre-mining condition or equivalent unless the:               <ul style="list-style-type: none"> <li>o owner agrees otherwise; or</li> <li>o damage is fully restored, repaired or compensated for under the <i>Mine Subsidence Compensation Act 1961</i></li> </ul> </li> </ul>	Compliant	<p>Generally rehabilitation objectives relate to final rehabilitation.</p> <p>Rehabilitation and closure criteria have been developed and are presented in the MOP.</p> <p>During the site inspection rehabilitation areas at the Aberdare REA and the West Pit. Rehabilitation areas were considered to be well established with a good level of vegetation cover. Site communications indicated that revegetation of the West Pit occurred during optimal rainfall conditions.</p> <p>The Annual Reviews report on the status of rehabilitation including a comparison to the MOP completion criteria and results of rehabilitation trials and investigations</p>	
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<b>Progressive Rehabilitation</b>														
29	<p>The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance, to the satisfaction of DRG. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.</p> <p><b>Note:</b> It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development</p>	Compliant	During the site inspection rehabilitation areas at the Aberdare REA and the West Pit. Rehabilitation areas were considered to be well established with a good level of vegetation cover.											
<b>SCHEDULE 4 ADDITIONAL PROCEDURES FOR SUBSIDENCE MANAGEMENT</b>														
<b>NOTIFICATION OF LANDOWNERS</b>														
1	Prior to 31 June 2008, the Applicant must notify the landowners of land listed in Table 1 in writing that they have the right to require the Applicant to acquire their land in accordance with condition 1 of Schedule 3 and conditions 3 to 5 below.	Not triggered	Both properties had been purchased prior to the audit period.											
2	The Applicant must notify all landowners whose land may be subject to subsidence as a result of the development about the procedures for rectification and compensation for subsidence effects on residences, farm buildings, agricultural land and other infrastructure under the Mining Act 1992 and the Mine Subsidence Compensation Act 1961.	Compliant	All properties within 20mm subsidence zone have been notified and advised. Built features management plans are prepared for all - not available on website due to privacy. Example built features MP sighted for Duckworth Property and related consultation letter sighted.											
<b>LAND ACQUISITION</b>														
3	<p>Within 3 months of receiving a written request from a landowner with acquisition rights as specified in Condition 1 or Condition 2 of Schedule 3, the Applicant must make a binding written offer to the landowner based on:</p> <p>(a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the development the subject of the development application, 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 property 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, but excluding any improvements that have resulted from the implementation of measures implemented by the SA NSW;</p> <p>(b) the reasonable costs associated with:  * relocating within the Cessnock local government area, or to any other local government area determined by the Secretary;  * obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and</p> <p>(c) reasonable compensation for any disturbance caused by the land acquisition process.</p>	Not triggered	Land not acquired during the audit period.											

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
	<p>However, if at the end of this period, 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 Secretary for resolution.</p> <p>Upon receiving such a request, the Secretary must request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.</p> <p>Within 14 days of receiving the independent valuer's determination, the Applicant must make a written offer to purchase the land at a price not less than the independent valuer's determination.</p> <p>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 must cease, unless otherwise agreed by the Secretary.</p>	Not triggered	Land not acquired during the audit period.	
4	The Applicant must bear the costs of any valuation or survey assessment requested by the independent valuer, or the Secretary and the costs of determination referred above.	Not triggered	Land not acquired during the audit period.	
5	If the Applicant and landowner agree that only part of the land must be acquired, then the Applicant must pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.	Not triggered	Land not acquired during the audit period.	
<b>SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING</b>				
<b>Environmental Management Strategy</b>				
1	<p>The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This Strategy must:</p> <p>(a) provide the strategic context for environmental management of the development;</p> <p>(b) identify the statutory requirements that apply to the development;</p> <p>(c) describe in general how the environmental performance of the development would be monitored and managed during the development;</p> <p>(d) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> <li>* keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>* receive, handle, respond to, and record complaints;</li> <li>* resolve any disputes that may arise during the course of the development;</li> <li>* respond to any non-compliance;</li> <li>* manage any cumulative impacts;</li> <li>* respond to emergencies;</li> </ul> <p>(e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development; and</p> <p>(f) include:</p> <ul style="list-style-type: none"> <li>* references to any strategies, plans and programs approved under the conditions of this consent; and</li> <li>* a clear plan depicting all the monitoring to be carried out under the conditions of this consent.</li> </ul> <p>The Applicant must implement the approved strategy as approved from time to time by the Secretary.</p>	Compliant	<p><u>Preparation</u> The most recent version of the Environmental Management Strategy (EMS) is dated 22 June 2018 and was approved by the DPIE on 1/8/2018. Approval letter sighted..</p> <p>(a) The strategic framework for environmental management of the mine complex is detailed in section 3. (b) Statutory approvals are covered in Section 6 and Appendix B and C of the Strategy. (c) Section 2 refers to the appropriate management plans under which the environmental performance of the development is monitored and managed. (d) The procedures are included in Section 10 to Section 12. (f) Copies of the required strategies are referred to as appendices, but are not included in the document. Notwithstanding this all appropriate strategies are available on the website and appropriately referenced. The most recent version of the Environmental Monitoring Program (EMP) is dated 25 June 2018 and was approved by the DPIE on 1/8/2018. Approval letter sighted..</p> <p><u>Implementation:</u> Evidence of recording of complaints and incidents in the Annual Reviews. Incident reporting as per the PIRMP.</p>	
<b>Environmental Monitoring Program</b>				
2	The Applicant may consolidate the various monitoring requirements of this consent into a single Environmental Monitoring Program for the development.	Compliant	<p><u>Preparation</u> The most recent version of the Environmental Monitoring Program (EMP) is dated 25 June 2018 and was approved by the DPIE on 1/8/2018. Approval letter sighted..</p>	
3	Deleted	Note		
<b>Incident Reporting</b>				



Condition Number	Condition	Compliance Status	Evidence	Recommended Action
4	<p>Within 7 days of detecting an exceedance of the limits/performance criteria in this consent, the Applicant must report the exceedance/incident to the Department (and any relevant agency). The report must:</p> <p>(a) describe the date, time, and nature of the exceedance/incident;            (b) identify the cause (or likely cause ) of the exceedance/incident;            (c) describe what action has been taken to date; and            (d) describe the proposed measures to address the exceedance/incident.</p>	Compliant	<p>During the audit this condition has been triggered for noise and dust criteria within this consent.</p> <p>Example notification emails and exceedance investigations provided to DPIE were sighted for:            - noise exceedance on 11 June 2019 - notification on 12 June.            - PM10 exceedance on 6 September 2019.- notification on 9 September</p>	
<b>Regular Reporting</b>				
4a	The Applicant must provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.	Compliant	<p>Annual reviews provided on website.            CCC monitoring summary available on the website showing monitoring summary. Update quarterly previously and is now 6 monthly</p>	
<b>Annual Review</b>				
5	<p>By the end of September each year, unless the Secretary agrees otherwise, the Applicant must submit a review to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the development (including any rehabilitation) that was carried out in the previous year to 30 June, and the development that is proposed to be carried out over the current year to 30 June;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous year to 30 June, which includes a comparison of these results against the:            * relevant statutory requirements, limits or performance measures/criteria;            * requirements of any plan or program required under this consent;            * monitoring results of previous years; and            * relevant predictions in the documents listed in condition 2 of Schedule 2;</p> <p>(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.</p>	Administrative non-compliance	<p>Annual reviews are prepared for the site for the period 1 July to 30 June.</p> <p>All Annual Reviews for audit period are signed and dated prior to end of September. Also sighted submission confirmation of submission from DPIE for each year.</p> <p>2019 to 2020 Annual Review submitted 30 September 2020            2018 to 2019 Annual Review submitted 27 September 2019            2017 to 2018 Annual Review submitted 28 September 2018</p> <p>(a) Section 4 of the Annual Reviews outline the activities undertaken during the reporting period and section 12 details the proposed activities for the next year.            (b) the Annual Reviews present a detailed review of monitoring results for the complex against the relevant consent conditions and EPL for the reporting year. A summary of this is presented in table 6-1 of the Annual Reviews.            (c) Non-compliances are identified in Section 1 of the Annual Reviews and further details including follow up actions are detailed in Section 11.            (d) <b>Admin NC</b> - With the exception of air quality results, the Annual Reviews do not report or present long term trends in monitoring data over the life of the mine. Brief discussion of trends is included in Table 6-1 of the Annual Review however, this does not consider long term, life of mine trends.            e) Comparison to predicted impacts/criteria are identified in Section 6 along with investigation of impacts            f) Proposed improvements are outlined where relevant in the Annual Reviews including in Table 6-1.</p>	<p><b>Non Compliance REC:</b> Future Annual Reviews should present an assessment of long term trends in data to assess the impacts over the life of the mine (eg. over a five year period).</p>
<b>Independent Environmental Audit</b>				
6	<p>Prior to 31 December 2008, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:</p> <p>(a) be conducted by suitably qualified, experienced, and independent expert/s whose appointment has been endorsed by the Secretary;            (b) include consultation with the relevant agencies and the CCC;            (c) assess, in respect of the requirements of this consent and any relevant mining lease or environment protection licence, the environmental performance of the development and its effects on the surrounding environment;            (d) assess whether the development is complying with relevant standards and performance measures specified in these approvals (including under any strategy, plan or program required under this consent) and with other statutory requirements;            (e) review the adequacy of strategies, plans or programs required under this consent; and, if necessary,            (f) recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under this consent; and            (g) be conducted and reported to the satisfaction of the Secretary.</p> <p><b>Note:</b> This audit team must be led by a suitably qualified auditor and include experts in the fields of subsidence, surface water, groundwater, noise and air quality.</p>	Compliant	<p>The 2008, 2011, 2014 and 2017 Independent Audits are provided on the website.</p> <p>(a) the previous (2017) Audit was completed by SLR as endorsed by the DPIE.            (b) Section 1.5 of the 2017 Audit outlines consultation undertaken.            (c) The 2017 IEA assessed compliance with the relevant consents and EPL .            (d) The adequacy of key programs from the consents was assessed as part of the audit.            (e) Appropriate mitigation measures and recommendations were provided.</p> <p>This 2020 Audit has been prepared to address this condition.</p>	
7	Within 6 weeks of completing this audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary with a response to any recommendations contained in the audit report.	Compliant	The 2017 IEA report was completed on 27 February 2018 and Letters of submission of audit for 2017 sighted dated 13 March 2018.	
<b>Revision of Strategies, Plans and Programs</b>				



Condition Number	Condition	Compliance Status	Evidence	Recommended Action
8	<p>Within 3 months of:</p> <p>(a) the submission of an incident report under condition 4 above;  (b) the submission of an Annual Review under condition 5 above;  (c) the submission of an audit report under condition 6 above; and  (d) the approval of a modification to the conditions of this consent, the Applicant must review the strategies, plans and programs required under this consent, to the satisfaction of the Secretary. The applicant must notify the Department in writing of any such review being undertaken. Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted for the approval of the Secretary.</p> <p><b>Note:</b> The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the development.</p>	Administrative non-compliance	Management plans were revised and notification provided within the three month timeframe, however updated reports were not submitted for approval within the timeframes specified in the consents (6 weeks for DA 29/95 and 4 weeks for PA08_0111).	<b>Improvement REC:</b> Review and update all Management Plans following the IEA (or as agreed with DPIE) to reflect the transition to Care and Maintenance and any appropriate changes to environmental management measures.
<b>Updating and Staging of Strategies, Plans or Programs</b>				
8a	<p>To ensure that strategies, plans or programs required under this consent are updated on a regular basis, and that they incorporate any appropriate additional measures to improve the environmental performance of the development, the Applicant may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.</p> <p>With the agreement of the Secretary, the Applicant may prepare a revision of or a stage of a strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this consent.</p> <p>While any strategy, plan or program may be submitted on a staged basis, the Applicant will need to ensure that the operations associated with the development are covered by suitable strategies, plans or programs at all times.</p> <p>If the submission of any strategy, plan or program is to be staged; then the relevant strategy, plan or program must clearly describe the specific stage/s of the development to which the strategy, plan or program applies; the relationship of this stage/s to any future stages; and the trigger for updating the strategy, plan or program.</p>	Compliant	Management Plans for the site cover the entire Austar Complex. Plans were updated in June 2018 and submitted to the DPE (in consultation with the EPA). Approval letter sighted dated 13 August 2018. Plans will be reviewed following Annual Review and IEA including consideration of switch to care and maintenance. Site are consulting with department regarding approval to only review once following the completion of the IEA.	
<b>Relationship with other consents</b>				
8b	With the agreement of the Secretary, the Applicant may combine any strategy, plan, program, review, audit or committee required by this consent with any similar requirement under another development consent or approval relating to the Austar Mine Complex, including Project Approval 08_0111 for the Stage 3 mining area.	Compliant	* Management plans have been combined for the complex and these have been approved by the DPE. Approval letter sighted dated 13 August 2018	
<b>Evidence of Consultation</b>				
8c	<p>Where consultation with any public authority is required by the conditions of this consent, the Applicant must:</p> <p>(a) consult with the relevant public authority prior to submitting the required document to the Secretary for approval;  (b) submit evidence of this consultation as part of the relevant document;  (c) describe how matters raised by the authority have been addressed and any matters not resolved; and  (d) include details of any outstanding issues raised by the authority and an explanation of disagreement between any public authority and the Applicant.</p>	Compliant	<p>Based on reviews of management plans consultation is detailed including responses, and additional information.</p> <p>Evidence of responses attached in appendices of MPs</p>	
<b>Community Consultative Committee</b>				
9	<p>The Applicant must operate a CCC for the development to the satisfaction of the Secretary. This CCC must be operated in accordance with the Department's Community Consultative Committee Guidelines, November 2016 (or later version).</p> <p><b>Notes:</b>  * The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent; and  * In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, Council and the local community.</p>	Compliant	* CCC information, including minutes, personnel and contact details available on the Austar website. Includes reference to the DPIE guidelines <a href="http://www.austarcoalmine.com.au/page/community/community-consultative-committee/">http://www.austarcoalmine.com.au/page/community/community-consultative-committee/</a>	
10	Deleted	Note		
11	Deleted	Note		
<b>Access to Information</b>				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
12	<p>The Applicant must:</p> <p>(a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> <li>* the documents listed in condition 2 of Schedule 2;</li> <li>* all current statutory approvals for the development;</li> <li>* approved strategies, plans and programs required under the conditions of this consent;</li> <li>* a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;</li> <li>* a summary of the progress of the development;</li> <li>* contact details to enquire about the development or to make a complaint;</li> <li>* a complaints register, which is to be updated on a monthly basis;</li> <li>* minutes of CCC meetings;</li> <li>* the last five annual reviews;</li> <li>* any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit;</li> <li>* any other matter required by the Secretary; and</li> </ul> <p>(b) keep this information up-to-date, to the satisfaction of the Secretary.</p>	Compliant	<p>The website contains:</p> <ul style="list-style-type: none"> <li>* A copy of all current statutory approvals for the mine complex.</li> <li>* A copy of the environmental management strategy and associated plans and programs.</li> <li>* A summary of the monitoring results of the mine complex.</li> <li>* Site contact details.</li> <li>* A complaints register, which is updated on a monthly basis.</li> <li>* A copy of the minutes of CCC meetings.</li> <li>* A copy of the previous 6 Annual Reviews (over the last 6 years).</li> <li>* A copy of any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit.</li> </ul>	

# EPL 416

Anniversary Date 31-Dec  
 Licensee Austar Coal Mine Pty Limited  
 Locked Bag 806  
 Cessnock NSW 2325

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action									
<b>1 Administration Conditions</b>													
<b>A1 What is the licence authorises and regulates</b>													
A1.1	<p>This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.</p> <p>Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out:</p> <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Coal works</td> <td>Coal works</td> <td>0 - 2000000 T annual handling capacity</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>&gt; 500000 - 2000000 T annual production capacity</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	0 - 2000000 T annual handling capacity	Mining for coal	Mining for coal	> 500000 - 2000000 T annual production capacity	Compliant	As reported in Annual Reviews total ROM coal within specified limits: 2017-2018 - 1,413,065t 2018-2019 - 705,352t 2019-2020 - 1,034,297t	
Scheduled Activity	Fee Based Activity	Scale											
Coal works	Coal works	0 - 2000000 T annual handling capacity											
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<b>A2 Premises or plant to which this licence applies</b>													
A2.1	<p>The licence applies to the following premises:</p> <table border="1"> <thead> <tr> <th>Premises Details</th> </tr> </thead> <tbody> <tr> <td>AUSTAR COAL MINE</td> </tr> <tr> <td>WOLLOMBI ROAD</td> </tr> <tr> <td>PELTON</td> </tr> <tr> <td>NSW 2325</td> </tr> <tr> <td>SOUTHLAND COLLIERY HOLDING, REFER TO LOCALITY PLAN FIGURE 1.1 FORWARDED TO THE EPA ON 21/8/01.</td> </tr> </tbody> </table>	Premises Details	AUSTAR COAL MINE	WOLLOMBI ROAD	PELTON	NSW 2325	SOUTHLAND COLLIERY HOLDING, REFER TO LOCALITY PLAN FIGURE 1.1 FORWARDED TO THE EPA ON 21/8/01.	Compliant	The EPL covers the entire Austar Complex. Figure sighted showing EPL area. There has been a request from site to change EPL boundary to incorporate expanded mining area. Figure has been prepared and submitted to EPA to show proposed EPL boundary with presentation of areas under Austar control.				
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<b>A3 Information supplied to the EPA</b>													
A3.1	<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <p>a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and            b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</p>	Compliant	Works are carried out generally in accordance with this licence.										
<b>2 Discharges to Air and Water Applications to Land</b>													
<b>P1 Location of monitoring/discharge points and areas</b>													

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action																												
P1.1	<p>The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</p> <table border="1"> <thead> <tr> <th colspan="4"><i>Air</i></th> </tr> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>7</td> <td>Weather monitoring</td> <td></td> <td>Eastings 341198, Northings 6361368 (MGA 56)</td> </tr> </tbody> </table>	<i>Air</i>				EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	7	Weather monitoring		Eastings 341198, Northings 6361368 (MGA 56)	Compliant	Weather station is located at the CHPP and is in location of EPL point 7.																	
<i>Air</i>																																
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																													
7	Weather monitoring		Eastings 341198, Northings 6361368 (MGA 56)																													
P1.2	<p>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.</p>	Note																														
P1.3	<p>The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.</p> <table border="1"> <thead> <tr> <th colspan="4"><i>Water and land</i></th> </tr> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Wet weather discharge; Discharge quality monitoring; Volume monitoring</td> <td>Wet weather discharge; Discharge quality monitoring; Volume monitoring</td> <td>Spillway of the emergency dam at the Pelton Coal Preparation Plant site, labelled as 1 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.</td> </tr> <tr> <td>2</td> <td>Ambient water quality monitoring</td> <td></td> <td>Bellbird Creek labelled as 2 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.</td> </tr> <tr> <td>4</td> <td>Ambient water quality monitoring</td> <td></td> <td>Bellbird Creek labelled as 4 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.</td> </tr> <tr> <td>5</td> <td>Ambient water quality monitoring</td> <td></td> <td>The unnamed creek labelled as 5 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01, at the Western Boundary of the Pelton Mine landholding.</td> </tr> <tr> <td>6</td> <td>Discharge to waters, discharge quality monitoring, volume monitoring.</td> <td>Discharge to waters, discharge quality monitoring, volume monitoring.</td> <td>Discharge from 1ML permeate tank as shown on Drawing No. Proposed Relocation of EPL 416 Discharge Point 6, dated 8/12/09.</td> </tr> </tbody> </table>	<i>Water and land</i>				EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	1	Wet weather discharge; Discharge quality monitoring; Volume monitoring	Wet weather discharge; Discharge quality monitoring; Volume monitoring	Spillway of the emergency dam at the Pelton Coal Preparation Plant site, labelled as 1 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.	2	Ambient water quality monitoring		Bellbird Creek labelled as 2 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.	4	Ambient water quality monitoring		Bellbird Creek labelled as 4 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.	5	Ambient water quality monitoring		The unnamed creek labelled as 5 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01, at the Western Boundary of the Pelton Mine landholding.	6	Discharge to waters, discharge quality monitoring, volume monitoring.	Discharge to waters, discharge quality monitoring, volume monitoring.	Discharge from 1ML permeate tank as shown on Drawing No. Proposed Relocation of EPL 416 Discharge Point 6, dated 8/12/09.	Compliant	Monitoring points shown on Figure in the EMS.	
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Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
<b>3 Limit Conditions</b>				
<b>L1 Pollution of waters</b>				
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Non-compliant (Low Risk)	<p>During the audit period there have been four reportable incidents that had potential to cause pollution to waterways.</p> <p>Kitchener SIS sediment basin discharge 9/2/2020 and 27/7/2020 EC limit exceeded at SW6 11/1/2019 pH limit not within criteria 9 July 2020.</p> <p>Incident reports submitted to the EPA have been sighted which concluded that there was unlikely to have been any material harm caused by the incidents. No further action has been taken by the EPA. Overflows were reported to the EPA but no further action was taken by the EPA.</p> <p><u>Observation</u> It was observed that a key site risk regarding water management is related to surface/underground pipelines carrying mine water through non-mine land. The risk relates to the possibility of undetected leakages resulting in offsite discharge of mine water. See improvement recommendations.</p>	<p><b>Improvement REC:</b> Consider the status of rehabilitated areas within the Kitchener SIS area. If rehabilitation can be signed off as complete, clean water runoff from the rehabilitated areas above the sediment dams may be diverted and the catchment reporting to the dams reduced. This may reduce overtopping during rainfall events.</p> <p><b>Improvement REC:</b> With regard to potential leakage from pipelines SLR recommend that Austar carry out a risk assessment considering potential failure modes, and the adequacy of current arrangements.</p>
L1.2	<p>Discharge from Point 1 is permitted only when the discharge occurs solely as a result of rainfall at the premises exceeding:</p> <p>a) a total of 168 millimetres over any consecutive five day period; or b) 48 millimetres in less than any consecutive 12 hour period.</p>	Compliant	There have been no discharges from Point 1 during the audit period. Point 1 is the CHPP emergency overflow.	
<b>L2 Concentration limits</b>				
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.	Non-compliant (Low Risk)	<p>Two water quality incidents during the audit period where water quality exceeded the limits for SW6:</p> <p>As reported in the 2018-2019 Annual Review: Laboratory results for monitoring point Licenced discharge point 6 (SW6) result was 667 µs/cm against a limit of 600 µs/cm on one occasion. All other analytes (pH, TSS and Iron) were within limits. Also pH exceedance on 9 July 2020. Incident reports submitted to the EPA have been sighted which concluded that there was unlikely to have been any material harm caused by the incidents. No further action has been taken by the EPA. No further recommendations.</p>	
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Non-compliant (Low Risk)	<p>Two water quality incidents during the audit period where water quality exceeded the limits for SW6:</p> <p>As reported in the 2018-2019 Annual Review: Laboratory results for monitoring point Licenced discharge point 6 (SW6) result was 667 µs/cm against a limit of 600 µs/cm on one occasion. All other analytes (pH, TSS and Iron) were within limits. Also pH exceedance on 9 July 2020. Incident reports submitted to the EPA have been sighted which concluded that there was unlikely to have been any material harm caused by the incidents. No further action has been taken by the EPA. No further recommendations.</p>	
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.	Note		

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action																														
L2.4	Water and/or Land Concentration Limits  POINT 1 <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>50 percentile concentration limit</th> <th>90 percentile concentration limit</th> <th>3DGM concentration limit</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>Iron</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>1</td> </tr> <tr> <td>pH</td> <td>pH</td> <td></td> <td></td> <td></td> <td>6.5-8.5</td> </tr> <tr> <td>Total dissolved solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>6000</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>50</td> </tr> </tbody> </table>	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Iron	milligrams per litre				1	pH	pH				6.5-8.5	Total dissolved solids	milligrams per litre				6000	Total suspended solids	milligrams per litre				50	Not triggered	No discharge from point 1 during the Audit Period	
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<b>L3 Volume and Mass limits</b>																																		
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.  <table border="1"> <thead> <tr> <th>Point</th> <th>Unit of Measure</th> <th>Volume/Mass Limit</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>kilolitres per day</td> <td>2000</td> </tr> <tr> <td>6</td> <td>Measure 1</td> <td>5000</td> </tr> </tbody> </table> Note: For the purpose of this condition 'Measure 1' means KL/day measured as an annual average.	Point	Unit of Measure	Volume/Mass Limit	1	kilolitres per day	2000	6	Measure 1	5000	Compliant	Point 1 has not discharged during the audit period.  Spreadsheet sighted for SW6 showing rolling annual discharge average: 2020 year to date 1430 KL per day.  All discharge shown monthly in EPL reporting data. 2019 annual average - 1146 KL per day 2018 annual average - 1720 KL per day																						
Point	Unit of Measure	Volume/Mass Limit																																
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<b>4 Operating Conditions</b>																																		
<b>O1 Activities must be carried out in a competent manner</b>																																		

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
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.	Compliant	The site is currently in care and maintenance and is in a clean and tidy state with maintenance activities being undertaken in a competent manner. Site inspection of the waste storage area confirmed all waste was appropriately segregated and stored.	
<b>O2 Maintenance of plant and equipment</b>				
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.	Compliant	Calibration certificates for dust and noise Realtime monitors viewed on sentinex portal. Calibration undertaken by Novecom as required. Evidence of maintenance through SAP system provided.  Also evidence of maintenance records sighted in SAP.	
<b>O3 Dust</b>				
O3.1	The premise must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Compliant	Annual reviews report AQ compliance - refer to DA 29/95 assessment. Site inspection confirmed no dust emissions from the premises.	
<b>5 Monitoring and Recording Conditions</b>				
<b>M1 Monitoring Records</b>				
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.	Compliant	EPL monitoring sighted on the website. Stored internally on s drive	
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.	Compliant	Evidence of monitoring sighted including fieldsheets, lab data etc  Water monthly reports sighted. Prepared by Cbased and include field sheets, lab results etc.  EPL monitoring data included on website back to 2012	
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.	Compliant	Evidence of monitoring sighted including fieldsheets, lab data etc  Water monthly reports sighted. Prepared by Cbased and include field sheets which include all this information.  EPL monitoring data included on website back to 2012	
<b>M2 Requirement monitor concentration of pollutants discharged</b>				
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Compliant	Methodology provided in the SWMP. Cbased also has SWMS for sampling which document procedures.	

Condition Number	Condition	Compliance Status (C/O//NC/NA)	Evidence	Recommended Action																																																											
M2.2	<p>Water and/or Land Monitoring Requirements</p> <p>POINT 1</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Conductivity</td> <td>microsiemens per centimetre</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> <tr> <td>Iron</td> <td>milligrams per litre</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> <tr> <td>Total dissolved solids</td> <td>milligrams per litre</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Conductivity	microsiemens per centimetre	Special Frequency 1	Grab sample	Iron	milligrams per litre	Special Frequency 1	Grab sample	pH	pH	Special Frequency 1	Grab sample	Total dissolved solids	milligrams per litre	Special Frequency 1	Grab sample	Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample	Compliant	<p>Point 1 monitors overflow from the Emergency Storage Dam.</p> <p>Point 1 has not discharged during the audit period.</p>																																				
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Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action																														
	<p>Note: Special Frequency 1 means daily collected at a minimum of twelve hourly intervals when a discharge is occurring</p> <p>Special Frequency 2 means three times per week during any period of discharge from Point 1 at a minimum of 48 hour intervals commencing as soon as practical after discharge has commenced. Once per month during any period of discharge from Point 6 at a minimum of 4 weekly intervals.</p>	Note																																
<b>M3 Testing methods - concentration limits</b>																																		
M3.1	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	Compliant	<p>Detailed sampling method in Cbased SWMS. Approved methods covered by SWMS.</p> <p>Monitoring is completed by Carbon Based Environmental. Trained staff, with results analysed in a NATA accredited laboratory.</p> <p>Austar has trained environmental staff who can take a sample during discharge events for analysis at a</p>																															
<b>M4 Weather monitoring</b>																																		
M4.1	The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition M4.2.	Compliant	Weather station is continuous, records on 15 minute basis with data summarised to 24 hour periods. Met station is Teledata system.																															
M4.2	<p>For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns</p> <p>Point 7</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Units of Measure</th> <th>Frequency</th> <th>Averaging Period</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Air Temperature</td> <td>Degrees Celsius</td> <td>Continuous</td> <td>1 hour</td> <td>AM-4</td> </tr> <tr> <td>Wind direction</td> <td>Degrees</td> <td>Continuous</td> <td>15 minute</td> <td>AM2 &amp; AM-4</td> </tr> <tr> <td>Wind speed</td> <td>m/s</td> <td>Continuous</td> <td>15 minute</td> <td>AM-2 &amp; AM-4</td> </tr> <tr> <td>Sigma theta</td> <td>Degrees</td> <td>Continuous</td> <td>15 minute</td> <td>AM-2 &amp; AM-4</td> </tr> <tr> <td>Rainfall</td> <td>mm</td> <td></td> <td>24 hours</td> <td>Standard rain gauge</td> </tr> </tbody> </table>	Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method	Air Temperature	Degrees Celsius	Continuous	1 hour	AM-4	Wind direction	Degrees	Continuous	15 minute	AM2 & AM-4	Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4	Sigma theta	Degrees	Continuous	15 minute	AM-2 & AM-4	Rainfall	mm		24 hours	Standard rain gauge	Compliant	Weather station is operated by Teledata (by Cbased Environmental). Meets all requirements of EPL monitored in accordance with AS and also monitors additional parameters which are included as part of package.	
Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method																														
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M4.3	<p>Rainfall at the premises must be measured and recorded in millimetres per 24 hour period, at the same time each day.</p> <p>Note: The rainfall monitoring data collected in compliance with Condition M4.2. can be used to</p>	Compliant	Rainfall is recorded midnight to midnight. All parameters recorded 15 mins and are summarised to the 24 hour period.																															
<b>M5 Recording of pollution complaints</b>																																		
M5.1	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.	Compliant	Complaints record maintained on the website. Minimal complaints received - 2 in 2020. 0 in 2019 and 3 in 2018																															
M5.2	<p>The record must include details of the following:</p> <p>a) the date and time of the complaint;</p> <p>b) the method by which the complaint was made;</p> <p>c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;</p> <p>d) the nature of the complaint;</p> <p>e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and</p> <p>f) if no action was taken by the licensee, the reasons why no action was taken.</p>	Compliant	Separate internal version of complaints. Complaints recorded in Intellex including all requirements. Website version does not contain personal details																															
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Compliant	Complaints record maintained and sighted back to 2008.																															

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action																		
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Compliant	Complaints records are available on the website. There have been no requests from the EPA in the audit period.																			
<b>M6 Telephone complaints Line</b>																						
M6.1	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.	Compliant	Austar Community Response Line: 1800 701 986 Managed by 3rd party service who manage all the details and send email/SMS to Environmental Representatives and control room. Complaint is immediately forwarded. Number is available in the website.																			
M6.2	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.	Compliant	Austar Community Response Line: 1800 701 986 Managed by 3rd party service who manage all the details and send email/SMS to Environmental Representatives and control room. Complaint is immediately forwarded. Number is available in the website.																			
M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	Note																				
<b>M7 Requirement to monitor volume or mass</b>																						
M7.1	<p>For each discharge point or utilisation area specified below, the licensee must monitor:</p> <p>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;</p> <p>at the frequency and using the method and units of measure, specified below.</p> <table border="1"> <thead> <tr> <th colspan="3">POINT 1</th> </tr> <tr> <th>Frequency</th> <th>Unit of Measure</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Special Frequency 1</td> <td>kilolitres per day</td> <td>In line instrumentation</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="3">POINT 6</th> </tr> <tr> <th>Frequency</th> <th>Unit of Measure</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Monthly</td> <td>kilolitres per day</td> <td>In line instrumentation</td> </tr> </tbody> </table> <p>Note: Special Frequency 1 means daily collected at a minimum of twelve hourly intervals when a discharge is occurring.</p>	POINT 1			Frequency	Unit of Measure	Sampling Method	Special Frequency 1	kilolitres per day	In line instrumentation	POINT 6			Frequency	Unit of Measure	Sampling Method	Monthly	kilolitres per day	In line instrumentation	Compliant	<p>Evidence sighted in the field of discharge points and V Notch Weirs which meet the monitoring/sampling method requirements for this condition. Daily reports come out of Citect including flows etc.</p> <p>Work orders are completed for maintenance of the overall water management system.</p> <p>The volume of liquid is recorded with evidence provided in the EPL Monitoring Reports as well as the Annual Review.</p> <p>Sighted evidence of the 'Site Water Monthly Data' Spreadsheet.</p> <p>It is noted that Point 1 has not discharged during the audit period.</p>	
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<b>6 Reporting Conditions</b>																						
<b>R1 Annual Return Documents</b>																						
R1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ol style="list-style-type: none"> <li>a Statement of Compliance,</li> <li>a Monitoring and Complaints Summary,</li> <li>a Statement of Compliance - Licence Conditions,</li> <li>a Statement of Compliance - Load based Fee,</li> <li>a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,</li> <li>a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and</li> <li>a Statement of Compliance - Environmental Management Systems and Practices.</li> </ol> <p>At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.</p>	Compliant	Annual Returns sighted for audit period																			
R1.2	<p>An Annual Return must be prepared in respect of each reporting period, except as provided below.</p> <p>Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.</p>	Compliant	Annual Returns sighted for audit period																			

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
R1.3	Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.  Note: An application to transfer a licence must be made in the approved form for this purpose.	Not triggered		
R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence	Not triggered		
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Administrative non-compliance	Evidence of submissions sighted.  2017 Annual Return submitted on 27/2/2018 2018 Annual Return submitted on 26/2/2019. 2019 Annual Return submitted on 20/2/2020. Notice received stating that it had not been certified correctly. Austar recertified then resubmitted on 30/3/2020	
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Compliant	EPL records retained back to 2006	
R1.7	Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	Administrative non-compliance	Evidence of submissions sighted.  2017 Annual Return submitted on 27/2/2018 2018 Annual Return submitted on 26/2/2019. 2019 Annual Return submitted on 20/2/2020. Notice received stating that it had not been certified correctly. Austar recertified then resubmitted on 30/3/2020.	
<b>R2 Notification of environmental harm</b>				
Note	The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	Compliant	Evidence of PIRMP notifications during the audit period. Evidence of consultation with EPA following PIRMP notifications. All PIRMP notifications are also outlined in the Annual Reviews and include:  The Kitchener SIS Sediment Dam discharged between 6 and 9th February 2020 during heavy rainfall. The Sediment Dams are designed to contain runoff from a 5 day 90th percentile rainfall event (in accordance with the 'Blue Book'), which is 42.8mm depth of rainfall. The rainfall recorded during the three days from 6 to 9 February was 113.8mm rainfall depth, well in excess of the required design standard. Austar reported the event to relevant authorities in accordance with PIRMP, on the basis that there may have been potential for pollution of waters through sediment discharge. This site was inspected by SLR during the audit, and several mitigating circumstances were noted: the catchment is largely revegetated; discharge water would first pass through the sediment dams enabling some settling of coarser sediments; and, the discharge would have passed through a sediment fence along the downslope boundary. Accordingly, the potential for sediment export is considered to be very limited.  Orange staining of the CHPP Clean Water Drain was notified during previous years, and the EPA has added a PRP into the EPL. Austar is complying with the requirements of the PRP.  During the audit it was noted that there are a number of overland mine water pipes, which have potential to leak water to the environment if there was a pipe failure. It is understood that Austar manage this risk through, a) weekly inspections of pipeline routes for evidence of leakages, and b) pressure sensors on the pipelines which provide alert to any rapid changes of pressure and shut-down of the pipeline pumps.  <i>SLR note that the environmental incidents have been well managed</i>	<b>Improvement REC:</b> With regard to potential leakage from pipelines SLR recommend that Austar carry out a risk assessment considering potential failure modes, and the adequacy of current arrangements.
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555	Compliant	Evidence sighted of notification by phone line of Kitchener SIS on 27 July 2020. Call reference Call C11241-2020	
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	Compliant	The Kitchener SIS Sediment Dam discharge event occurred on 9th February 2020, evidence of notification on same day provided.	
<b>R3 Written Report</b>				

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
R3.1	where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	Not triggered	Based on the site communications this has not been triggered,	
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Not triggered	Based on the site communications this has not been triggered,	
R3.3	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence.	Not triggered	Based on the site communications this has not been triggered,	
3.4	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.	not triggered	Based on the site communications this has not been triggered,	
<b>7 General Conditions</b>				
<b>G1 Copy of licence kept at the premises or plant</b>				
G1.1	A copy of this licence must be kept at the premises to which the licence applies	Compliant	Hard copy sighted. Also found in the Environmental office and on the s drive	
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see	not triggered	No requests have been received during the audit period.	
G1.	The licence must be available for inspection by any employee or agent of the licence working at the p	Compliant	Hard copy sighted. Also found in the Environmental office and on the s drive	
<b>8 Pollution Studies and Reduction Program</b>				
<b>U1 Premises Noise Assessment</b>				
U1.1	The licensee must conduct a noise assessment in accordance with the document, 'NSW Industrial Noise Policy', (EPA, 2000) (INP) for the operations and activities carried out at the licensed premises and submit a report to the Manager, Hunter Region, by no later than 31 AUGUST 2014.	Compliant	Completed and closed out prior to the audit period. It is noted that this report has been continually updated from this version.	
U1.2	The report referred to in condition U1.1 must include, but is not limited to the following: 1. Project Specific Noise Levels for the nearest noise sensitive receiver location(s). The project specific noise levels may be sourced from recent documentation submitted in support of a project approval application, or determined specifically in response to this condition, provided that: (a) The source of the project specific noise levels are stated; (b) The project specific noise levels have been derived in accordance with the INP; (c) Details are provided of how the project specific noise levels have been derived; and (d) The nearest noise sensitive receiver locations chosen are representative of those potentially most affected by noise from the premises. 2. Predicted or measured noise level contributions for the noise sensitive receiver locations identified in U1.2.1 above as a result of all activities and operations carried out at the premises. These may be sourced from recent documentation submitted in support of a project approval or determined specifically in response to this condition, provided that: (a) The source of the predicted or measured noise level(s) are stated; (b) Noise levels have been predicted or measured in accordance with the INP; and (c) Details of how the noise levels have been predicted are provided. 3. Noise Limits proposed for the location(s) identified in U1.2.1 above, derived with regard to the project specific noise levels and predicted noise level contributions from U1.2.1 and U1.2.2 above, that can be placed on the licence, for all activities and operations carried out at the premises. 4. Details of methods to be used to determine compliance with the limits in U1.2.3 above. Note: (a) A reference to the INP includes a reference to the INP Application Notes; and (b) Noise sensitive receiver locations do not include any locations owned by the licensee or another coal mine	Compliant	This report was completed prior to the audit period. It is noted that ongoing works have been undertaken on this PRP during the audit period. Consultation undertaken for this audit indicated that a key EPA requirement for the site is to set noise limits to be included in an EPL variation. The PRP works have indicated that in most cases during the night-time, predicted noise levels exceed amenity criteria. As per Section 6.1 of the 2017 Noise Policy for Industry "The project noise trigger levels should not be applied as mandatory noise limits. The project noise trigger level is the level used to assess noise impact and drive the process of assessing all feasible and reasonable control measures". It would be considered that an appropriate action would be to apply "noise goals" to the site rather than compliance limits and report on progressive noise reductions towards those noise goals on an annual basis. Noise goals should be based on the noise levels achievable by the site with the implementation of reasonable and feasible noise mitigation measures. It is also noted that the site is currently in care and maintenance and therefore noise emissions are currently significantly reduced. The auditor agrees with the PRP recommendation that given that ACM is currently in care and maintenance status, any further evaluation of noise control be postponed until such time as further significant noise generating operations are proposed.	<b>Improvement REC:</b> Continue to negotiate with the EPA with regard to appropriate noise limits or goals for the site. It is recommended that consideration be given to setting noise goals for the site based on the noise levels achievable by the site with the implementation of reasonable and feasible noise mitigation measures. <b>Improvement REC:</b> Negotiate with EPA regarding suspension of PRP during Care and Maintenance phase.
<b>U2 Premises Noise Limits</b>				

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action								
U2.1	<p>Noise generated at the premises must not exceed the noise limits below:</p> <table border="1"> <thead> <tr> <th>Receiver</th> <th>Noise Limit dB(A)L90</th> </tr> </thead> <tbody> <tr> <td>Pelton Village</td> <td>43</td> </tr> <tr> <td>Pyne Residence</td> <td>40</td> </tr> <tr> <td>O'Hearn Residence</td> <td>37</td> </tr> </tbody> </table> <p>Note: These noise limits apply until new noise limits, determined through the "Premises Noise Assessment" pollution reduction program, condition U1 of this licence, are applied to the licence.</p>	Receiver	Noise Limit dB(A)L90	Pelton Village	43	Pyne Residence	40	O'Hearn Residence	37	Non-compliant (Low Risk)	<p>Noise compliance is reported within the Annual Reviews.</p> <p>SLR also reviewed noise monitoring reports from the audit period. Noise monitoring is completed on a quarterly basis.</p> <p>No exceedances of this criteria were recorded during the audit period with the exception of the following as reported in the 2018-2019 Annual review: Activities from Astar complied with relevant noise limits on most occasions at the majority of monitoring locations during the 2018-19 reporting period, with the exception of one night (at two locations) in Q2 2019.</p>	<p><b>Improvement REC:</b> Continue to negotiate with the EPA with regard to appropriate noise limits or goals for the site. It is recommended that consideration be given to setting noise goals for the site based on the noise levels achievable by the site with the implementation of reasonable and feasible noise mitigation measures.</p> <p><b>Improvement REC:</b> Negotiate with EPA regarding suspension of PRP during Care and Maintenance phase.</p>
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Pelton Village	43											
Pyne Residence	40											
O'Hearn Residence	37											
U2.2	The noise limits apply at all times under wind speeds up to 3 metres per second (measured at 10 metres above ground level) and Pasquill stability class from A to F.	Note										
U2.3	<p>Noise from the premises is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise limits in Condition U2.1 unless otherwise stated.</p> <p>Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.</p> <p>The modification factors presented in Section 4 of the NSW Industrial Noise Policy must also be applied to the measured noise level where applicable.</p>	Note										
U2.4	A noise compliance assessment report must be submitted to the EPA's Regional Manager, Hunter on a quarterly basis. The report must contain the results of noise compliance monitoring specified in U2.3.	Compliant	EPA noise compliance assessment reports submitted to EPA on quarterly basis.									
<b>U3 Clean Water Drainage Line Investigation</b>												
U3.1	<p>The Licensee must undertake an investigation into the source, cause and environmental impacts of the orange staining/residue within the Astar CHPP Clean Water drain, identified as the 'Investigation Drainage Line' in Figure 2 CHPP Surface Water Sample locations 25/8/2017, within document titled 'Astar Clean Water Drainage Line Investigation Status Report' dated 25 August 2017 prepared by Gary Mulhearn, (EPA reference DOC17/440862). The investigation is to be undertaken by a suitably qualified and experienced person or persons.</p> <p>The investigation must as a minimum include but not be limited to;</p> <ul style="list-style-type: none"> <li>review historical and site-specific information,</li> <li>undertake groundwater investigations,</li> <li>undertake geological investigations,</li> <li>an assessment of any likely impacts of the orange substance on the environment including groundwater and potential overland flow to waters.</li> </ul> <p>An initial scope of works for this investigation is to be provided to the EPA for approval by no later than 5pm Wednesday 31 January 2018.</p> <p>The findings of this investigation are to be submitted in a report to the EPA no later than 5pm Thursday 31 March 2018.</p>	Compliant	<p>Scoping report for investigations was lodged with the EPA, and Astar lodged the investigation report with the EPA on 29/03/2018. The report was prepared by Douglas Partners.</p> <p>Suitable containment infrastructure is currently in place on the Clean Water Drain to collect and pump flows in the clean water drain back to the CHPP water treatment system.</p> <p>Monitoring has continued throughout the audit period, and Astar has submitted monthly reports in accordance with the PRP conditions.</p> <p>During a July 2020 rainfall event there was flow in the creek, reported in monthly reports, but no discharge past the containment system. Since that rainfall event there has been some evidence of staining in the Clean Water Drain again. Further investigations have been commenced by Astar.</p> <p>It is understood that pending the outcomes of these further investigations, Astar is seeking to close out the PRP with the EPA and incorporate a suitable TARP in Water Management Plan.</p>	<p><b>Improvement REC:</b> With concurrence of EPA develop suitable TARPS for management of staining under the Water Management Plan.</p>								

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
U3.2	<p>Monitoring</p> <p>Surface Water Monitoring The licensee must undertake monthly water monitoring within the Investigation drainage line at Sample Points 1, 2, 3, 4, 5,6 as per Figure 2, CHPP Surface Water Sample locations 25/8/2017 within document titled 'Austar Clean Water Drainage Line Investigation Status Report' dated 25 August 2017 prepared by Gary Mulhearn, (EPA reference DOC17/440862). The licensee must monitor (by sampling and obtaining results by analysis) the concentration of pH, EC TSS and Iron.</p> <p>Ground Water Monitoring The licensee must undertake monthly monitoring of the Groundwater Bore located near the Investigation Drain as defined in Figure 2, CHPP Surface Water Sample locations 25/8/2017 within document titled 'Austar Clean Water Drainage Line Investigation Status Report' dated 25 August 2017 prepared by Gary Mulhearn, (EPA reference DOC17/440862). The licensee must monitor (by sampling and obtaining results by analysis) the concentration of pH, EC TSS and Iron, and water level. Water level is to be recorded in level below ground and RL.</p> <p>Photo Monitoring The licensee must undertake monthly photo monitoring within the Investigation drainage line at all Photo Points defined in Figure 1 CHPP Surface Water Sample locations 25/8/2017 within document titled 'Austar Clean Water Drainage Line Investigation Status Report' dated 25 August 2017 prepared by Gary Mulhearn, (EPA reference DOC17/440862).</p>	Compliant	<p>Monthly reports are submitted to the EPA.</p> <p>Sent to EPA and cc DPIE and RR. RR requested not to receive any more, DPIE acknowledge it is an EPA issue.</p> <p>The EPA reports comply with the reporting requirements.</p>	
U3.3	<p>The Licensee must provide a monthly status report on the CHPP Clean Water drain contamination to the EPA by 5pm the Third Monday of each Month. The first report is to be submitted to the EPA no later than 5pm Monday 15 January 2018. This report removes the requirement for the Licensee to provide fortnightly updates to the EPA as per EPA letter dated 13 July 2017 DOC17/370341.</p> <p>As a minimum the report must include, but not be limited to;</p> <ul style="list-style-type: none"> <li>• a summary of ongoing actions to identify the source of the orange staining/residue in the clean water drain at the Austar CHPP identified in condition U3.1,</li> <li>• a summary of controls in place to ensure Bellbird Creek downstream is not adversely impacted as a result of water and or aspects associated with the orange staining/residual in the Austar CHPP clean water drain,</li> <li>• results from water monitoring undertaken within the reporting period, in accordance with section M2 of the licence,</li> <li>• results from monitoring undertaken in accordance with condition U3.2.</li> </ul> <p>The EPA will review the requirement to continue reporting as per this condition within three months of the submission of the Investigation Report required by U3.1.</p>	Compliant	<p>Monthly reports are submitted to the EPA.</p> <p>Sent to EPA and cc DPIE and RR. RR requested not to receive any more, DPIE acknowledge it is an EPA issues</p>	
<b>9 Special Conditions</b>				
<b>E1 Advice to Black Creek Water Users</b>				
E1.1	<p>The licensee must maintain a system acceptable to water users on Black Creek for advising those water users registered with the company of the discharge of waters from discharge point 1.</p> <p>Where possible, water users will be advised within the 24 hour period immediately prior to the commencement of any discharge. Where prior advice is not possible, advice will be given as soon as practicable after discharge commences.</p> <p>The licensee will advise water users of the conductivity of water being discharged. The conductivity of the waters of Bellbird Creek at the intersection of Black Creek with Lomas Lane will be advised to water users on request.</p>	Not triggered	<p>There have been no discharges from Point 1 during the audit period. Point 1 is the CHPP emergency overflow</p>	
<b>E2 CHPP Clean Water Drain Orange Staining Containment</b>				
E2.1	<p>The orange staining residue within the clean water drain (identifier) must be fully contained within the premises at all times. Any discharges to waters of this residue must comply with condition L1.1 of this EPL</p>	Compliant	<p>The stained water reports to the Clean Water Drain, which is ephemeral. Austar has installed a permanent containment system on the Clean Water Drain to ensure that stained water does not discharge from site. This involves a bund across the drain and pumps which pump water to the CHPP water treatment system. Containment arrangements were viewed during the SLR site inspection and provide an appropriate containment system.</p> <p>During a July 2020 rainfall event there was flow in the creek, reported in monthly reports, but no discharge past the containment system. Since that rainfall event there has been some evidence of staining in the Clean Water Drain again. Further investigations have been commenced by Austar.</p>	



# Statement of Commitments - Stage 3

Application No.:

Proponent:

Approval Authority:

Land:

Project

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
<b>Compliance with the EA</b>				
1.1	Operation of the Stage 3 development will be undertaken in accordance with the environmental controls and commitments as described in the EA or as specified in this Statement of Commitments.	Compliant	Operations generally completed in accordance with the environmental controls and commitments as described in the EA or as specified in this Statement of Commitments.	
<b>1.2 Life of Stage 3 Concept Mine Plan</b>				
<b>Project Life</b>				
1.2.1	The project approval life will be until 31 December 2030. Closure and rehabilitation activities may continue beyond this period and will be undertaken in accordance with an approved Mining Operations Plan.	Compliant	The end of mine life has not yet been reached. A current Mining Operations Plan is in place an amendment has been submitted to RR to reflect the change in operations to care and maintenance.	
<b>Production Limits</b>				
1.2.2	Underground mining in Stage 3 will produce up to 3.6 Mtpa ROM coal by LTCC methods. This coal will be conveyed, handled, processed and transported using Austar Mine Complex infrastructure.	Not triggered	No mining in stage 3 area during the audit period	
<b>Hours of Operation</b>				
1.2.3	Mining and associated activities for the Stage 3 Project may be undertaken 24 hours a day, seven days a week.	Compliant	No mining is currently being undertaken however activities associated with care and maintenance are undertaken in the approved times	
<b>Refinement of Mine Plan</b>				
1.2.4	Any material changes to the concept mine plan outlined in this EA report will be detailed and assessed as part of Extraction Plans (EPs) and Mining Operations Plan (MOP) prepared by Austar Coal Mine.	Compliant	In the audit period there have been no changes to the Stage 3 plan as no mining has been undertaken in Stage 3. Bellbird south longwalls were modified but not part of stage 3.  The MOP has been updated to reflect the transition to Care and Maintenance.	
1.2.5	Mining parameters for the proposed mine plan as detailed in the EP will be designed to ensure that predicted systemic subsidence in terms of subsidence, tilt, tensile strain and compressive strain will comply with or be less than the Upper Bound predictions detailed in the EA. Those being:  · 3000 mm subsidence; · 11 mm/m tilt; · 0.09km-1 total conventional hogging curvature; and · 0.15km-1 total conventional sagging curvature.	Compliant	No subsidence in stage 3 in audit period as no mining in stage 3 area. Stage 3 mining ceased in 2015 therefore any subsidence would be complete. Subsidence management is outlined in Section 3.2.1 of the approved MOP.	
1.2.6	The locations of any minor surface infrastructure that may be required to implement the project will be detailed and assessed as part of MOP's prepared by Austar Coal Mine.	Compliant	There was no minor surface infrastructure constructed in the audit period	
<b>1.3 Subsidence</b>				
1.3.1	Austar Coal Mine will manage the impacts of mining subsidence as required by the conditions of the consent, conditions of the ML and other DII conditions.	Compliant	Refer consent	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
1.3.2	<p>The Mine Plan submitted as part of the EP for longwall extraction will take into consideration monitoring results from previous Austar Mine Complex operations and will be designed to ensure that subsidence as a result of mining does not exceed Upper Bound predictions as set out in the EA for subsidence, tilt, tensile strain and compressive strain. Those being:</p> <ul style="list-style-type: none"> <li>· Maximum Upper Bound subsidence ranges from approximately 825 mm for LWA7 to approximately 3000 mm for LWA19.</li> <li>· Maximum Upper Bound tilt ranges from approximately 4.0 mm/m for LWA7 to approximately 11 mm/m for LWA19.</li> <li>· Maximum Upper Bound conventional hogging curvature ranges from approximately 0.2 mm/m for LWA7 to approximately 0.09km<sup>-1</sup> for LWA19.</li> <li>· Maximum Upper Bound conventional sagging curvature ranges from approximately 0.06km<sup>-1</sup> for LWA7 to approximately 0.15km<sup>-1</sup> for LWA19.</li> </ul>	Compliant	No new extraction plan has been prepared or submitted for stage 3 mining area during the audit period.	
1.3.3	<p>Where a potential subsidence impact is identified on private property, Austar Coal Mine will prepare a Built Features Management Plan in consultation with the property owner. This plan will clearly outline impacts of mining on the property and the management and remediation measures to be implemented. Subsidence management measures to be implemented as part of the project will include:</p>	Not triggered	<p>Not triggered in audit period.</p> <p>No subsidence of private property during the audit period in stage 3 area</p>	
1.3.4	<p>include:</p> <ul style="list-style-type: none"> <li>· subsidence monitoring lines to be located as determined as part of the EP process where access is granted;</li> <li>· visual assessment of all natural features and items of surface infrastructure before, during and following mining to detect subsidence impacts such as surface cracking, irregularities in the subsidence profile, erosion, damage to structures, changes in drainage patterns or loss of water from drainage structures where access is granted;</li> <li>· detailed subsidence monitoring in accordance with DRE requirements. This data will be utilised to regularly update the subsidence predictions for Stage 3;</li> <li>· remediation and rehabilitation of subsidence impacts will be carried out, where required, as soon as practicable following subsidence using methods specified in the EP where access is granted;</li> <li>· building structures located within the subsidence affectation area will be inspected by a structural engineer prior to and after undermining and appropriate management measures implemented where access is granted;</li> <li>· informing all relevant service providers of the potential impacts of mining subsidence on services;</li> <li>· farm dams within the subsidence affectation area will be monitored during and following undermining where access is granted, to ensure they remain in a safe and serviceable condition. Remediation works will be undertaken as required;</li> <li>· in the event of any significant loss of water from a privately-owned farm dam, Austar Coal Mine will provide an alternate source of water, as required, until the dam is repaired where access is granted ; and</li> <li>· any privately-owned bores within the subsidence affectation area will be monitored during and following undermining where access is granted. If the capacity of any</li> </ul>	Not triggered	<p>Not triggered in audit period.</p> <p>No subsidence of private property in stage 3 area during the audit period</p>	



Condition Number	Condition	Compliance Status	Evidence	Recommended Action
1.3.5	Austar Coal Mine will, prior to undermining of Quorrobolong Road, Nash Lane and Coney Creek Lane prepare and implement a Traffic Management Plan to manage any subsidence impacts on the roads and associated culverts and bridges in consultation with Cessnock City Council and DRE and to the satisfaction of the Director-General.	Compliant	No further works during the audit period. As per previous audit a) Covered within the Built Features Management Plan in Austar LW A7-A10 Extraction Plan (dated 19/12/13). b) Subsidence Monitoring Program for Stage 3 Longwalls A7 to A10 (4/12/13).	
1.3.6	Austar Coal Mine will prepare management plans in consultation with relevant service providers, for the protection of infrastructure and services within the potential Stage 3 mine subsidence area to ensure these remain in a safe and serviceable condition throughout the mining period. These plans will be submitted to the Director General for approval as part of the EP prior to undermining of the services.	Compliant	No further works during the audit period. As per previous audit a) Covered within the Built Features Management Plan in Austar LW A7-A10 Extraction Plan (dated 19/12/13). b) Subsidence Monitoring Program for Stage 3 Longwalls A7 to A10 (4/12/13).	
<b>1.4 Ecology</b>				
1.4.1	Austar Coal Mine will establish and manage the proposed Biodiversity Offset Area (refer to Figure 7.1 of the EA) to protect and enhance its ecological values in perpetuity, to the satisfaction of the Director-General.	Compliant	* NSW Government Gazette No. 24 that is a Notice of Reservation of a State Conservation Area, which refers to Lot 3 DP755225 as part of the Werakata State Conservation Area.  * No monitoring of offsets at site as it's been transferred to a national park.  As previous audit	
1.4.2	A Weed Management Plan will be developed for the Surface Infrastructure Site.	Compliant	Weed action plan has been prepared for the entire complex by Enright Land Management - August 2020. Updated in August 2020.  Sighted and provided	
1.4.3	The Austar bushfire management strategy will be revised to include the specific requirements of the Surface Infrastructure Site during the construction and operation phases.	Compliant	Bush fire management plan prepared by EcoLogical latest version dated November 2018. Hard copy of bushfire APZ provided.	
1.4.4	Prior to the commencement of construction of the Surface Infrastructure Site (other than for those works identified in the Shaft Construction Management Plan), an Austar Mine Complex Ecological Management Plan which integrates management of ecological issues associated with construction of 25 the Surface Infrastructure Site, Stage 3 underground mining and with the remainder of Austar Coal Mine operations will be submitted to the Director-General for approval. This will include:  · clearing procedures for establishment of the Surface Infrastructure Site and associated access road/services easement; · replacement of arboreal habitat within surrounding areas or within the Biodiversity Offset Area, should the removal of any hollow-bearing trees be required; and · extension of the existing Austar Coal Mine ecological monitoring program to include monitoring of vegetation condition within subsidence affected areas.	Not triggered	Construction of the SIS has not been completed other than the shafts.  Clearing for shaft construction was outside of the audit period.  Shaft Construction Management Plan has been retired and removed from the EMS as no further works required at this stage.	
1.4.5	Clearing of vegetation will be restricted to the minimum area necessary to construct the proposed infrastructure and provide adequate fire protection and will be undertaken in accordance with the tree felling procedure outlined in Section 7.5.3 of the EA.	Compliant	No clearing has been undertaken during the audit period. Clearing would be shown in the MOP.  No clearing proposed in the C&M MOP.	
1.4.6	An appropriate speed limit on access roads will be implemented to minimise the risk of vehicle collision with ground-dwelling fauna dispersing between adjacent habitats.	Compliant	Speed limit signs throughout site. Speed at SIS limited to 30kph	
1.4.7	An appropriately designed nest box will be erected (either within remaining bushland areas or within the Biodiversity Offset Area) for the compensation of each tree hollow removed as a result of clearing required for construction of the proposed Surface Infrastructure Site.	Compliant	According to site communications nest boxes are installed and visible from the SIS.	
1.4.8	Any outbreaks of invasive weeds observed on the property boundary will be appropriately controlled to avoid their escape into the surrounding Werakata State Conservation Area and subsequently competing with threatened flora species. Early detection will ensure the management required is not extensively onerous.	Compliant	Austar have weed action plan prepared by Enright dated August 2020.  Site inspection did not note any weed infestations.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
1.4.9	Species to reduce the risk of invasive plant species escaping into the adjacent reserve and competing with threatened flora species. Particular care will be taken to avoid planting species which are known to escape and naturalise into native bushland.	Compliant	Landscape management plan dated January 2015 provided which includes details on managing potentially evasive species.	
<b>1.5 Heritage</b>				
1.5.1	An Aboriginal Cultural Heritage Management Plan (ACHMP) will be prepared for the Austar Mine Complex to outline all Aboriginal heritage management strategies for the project, responsibilities of all parties and the timeframe for required heritage works.	Compliant	An ACHMP has been developed for the complex and is available on Austars' website. The ACHMP provides details on consultation undertaken during the development of the plan. The ACHMP provides: * Aboriginal heritage management strategies in Section 3.0. * Responsibilities of all parties in Section 4.0. * Timeframe for required heritage works in Section 4.0.  Implementation: * On-going consultation with registered Aboriginal Party. * Monitoring of Aboriginal cultural heritage sites is undertaken according to the ACHMP.	
1.5.2	Austar will make a monetary contribution of \$100,000 to an Aboriginal project or program (to be decided by Aboriginal stakeholders) as an offset for any subsidence impacts that affect the grinding groove site. Austar will make this contribution when all necessary government approvals for the Project have been obtained.	Compliant	Completed outside of audit period.	
1.5.3	No Aboriginal archaeological site be visited, or have works done there, without Aboriginal stakeholders in attendance.	Compliant	Ongoing consultation with RAPs. Due diligence inspections undertaken with RAPs prior to hazard reduction burns reported in Annual Reviews.	
1.5.4	Known sites on accessible properties will be included in a monitoring program. This will involve recording each site before and after subsidence to identify any impacts. This will be done by an archaeologist and Aboriginal stakeholders.	Not triggered	No subsidence in stage 3 in audit period as no mining in stage 3 area. Stage 3 mining ceased in 2015 therefore subsidence complete.	
1.5.5	Aboriginal stakeholders (and an archaeologist if requested by Aboriginal stakeholders) will provide relevant Austar personnel with a cultural heritage awareness training session.	Not triggered	Refer to ACHMP for training.  NO cultural training has been undertaken in the audit period	
1.5.6	If any additional sites are found within the Project area, these will be inspected by an archaeologist and Aboriginal stakeholders where access is granted to assess the site and decide on how it should be managed.	Not triggered	No survey or works have been undertaken in the stage 3 area during the Audit period therefore no additional site found.	
1.5.7	If remediation works are required on any of the creek lines within the Stage 3 area, an archaeological survey with Aboriginal stakeholders will be undertaken prior to commencement of any works where access is granted.	Not triggered	No subsidence in stage 3 in audit period as no mining in stage 3 area. Stage 3 mining ceased in 2015 therefore subsidence complete.	
1.5.8	Historic Heritage Management Plan incorporating all of Austar Mine Complex will be developed.	Compliant	This was not updated in the audit period as no changes to stage 3 operations.	
<b>1.6 Surface Water and Drainage</b>				
1.6.1	Austar will develop a detailed Soil and Water Management Plan for the Surface Infrastructure Site prior to commencement of construction.	Compliant	Completed prior to audit period	
1.6.2	Erosion and sediment control measures will be designed and implemented for construction of surface infrastructure to a standard consistent with Managing Urban Stormwater: Soils and Construction (NSW Landcom 2004) (the Blue Book) and Guidelines for Establishing Drainage Lines on Rehabilitated Mine sites (Draft) (DLWC, 1999).	Compliant	Completed prior to audit period.  A Site Water Management Plan dated July 2018 is in place. Erosion and sediment control is outlined in Section 6.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
1.6.3	<p>Any subsidence impacts on drainage lines will be effectively remediated where access is granted such that there is no significant impact on downstream water users and environmental flows. Drainage line monitoring and remediation protocols will be developed as part of the EP process, and in consultation with NOW, to guide the management of subsidence impacts and drainage line remediation works on surface water systems. The drainage line monitoring and remediation protocols will include:</p> <ul style="list-style-type: none"> <li>· detailed monitoring protocols;</li> <li>· a program to complete drainage remediation works in a timely manner, post-subsidence to limit the potential for surface water capture;</li> <li>· details of the design of drainage line remediation works such that the rehabilitated drainage lines maintain a similar channel form and sinuosity to the pre-mining environment, to ensure that the overall erosive power of the creek system is consistent with that existing pre-mining;</li> <li>· assessment of the viability and benefits of applying proactive measures such as the installation of liners or geo-fabrics in drainage lines prior to subsidence; and</li> <li>· the existing Austar Site Water Management Plan will be extended to include the Surface Infrastructure Site and Stage 3 underground mining. The plan will be updated in consultation with NOW and DRE and submitted to the Director-General prior to the commencement of construction of the Surface Infrastructure Site.</li> </ul>	Not triggered	No subsidence in stage 3 in audit period as no mining in stage 3 area. Stage 3 mining ceased in 2015 therefore subsidence complete.	
1.6.4	Surface water monitoring results will be reported annually in the Annual Review	Compliant	Surface water results reported in Section 7.3 of the Annual Reviews.	
<b>1.7 Groundwater</b>				
1.7.1	A groundwater monitoring program will be implemented for the project as outlined in Appendix 14, or as otherwise agreed by the Director-General in consultation with NOW.	Compliant	<p>Groundwater monitoring program detailed in Section 8 of the Site Water Management Plan.</p> <p>Results reported in Section 7.4 of the Annual Review.</p>	
1.7.2	The results of groundwater monitoring and a comparison of measured and predicted impacts will be reported annually in the Annual Environmental Management Report.	Administrative non-compliance	<p>Groundwater monitoring results reported in the Annual Review.</p> <p>Historical groundwater review was undertaken by AGE in 2018. The review compared the observed groundwater conditions with the predicted potential impacts. The report concluded that the observed groundwater trends were generally in agreement with predictions.</p> <p>In 2017 - 2018 Annual Review a commitment was made to compare measured results to predicted results in the subsequent Annual Reviews. This was completed but not incorporated into the 2018-2019 or 2019-2020 Annual Reviews.</p>	<b>Non-compliance REC:</b> In the Annual Reviews - comments regarding trends are generally limited to the 12 month reporting period only. Suggest longer term discussion is included future reviews. Include discussions around comparison to baseline data and/or predictions as practicable,
1.7.3	Impacts on privately-owned bores will be assessed by monitoring where access is granted and in the event that any utilised privately-owned bore is significantly affected, an alternative water supply will be provided by Austar Coal Mine until such time as the bore is re-established or replaced.	Not triggered	According to site communications there are no privately registered bores in the Stage 3 area. Ground is generally too saline for beneficial use. Section 8.2.5 of the SWMP includes management of privately owned bores if there was any.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
1.7.4	An annual analysis of surface and groundwater monitoring data will be undertaken and will include: <ul style="list-style-type: none"> <li>comparison of groundwater levels with rainfall information;</li> <li>identification of any changes or long-term trends in groundwater levels; and</li> <li>visual inspection of creeks and drainage lines</li> </ul>	Compliant	Trends against rainfall shown in appendices of annual reviews.  Creek surveys are undertaken monthly Cbased, Monitoring reports include photo monitoring points.  It was previously recommended to remove data from when a logger was pulled out, which is evident on the graphs with large 'reverse or downward' spikes from the lines. This appears again in 2019 - 2020	<b>Improvement REC:</b> remove data from when a logger was pulled out, which is evident on the graphs with large 'reverse or downward' spikes from the lines.  <b>Improvement REC:</b> add trigger criteria to groundwater graphs for easy identification of exceedances similar to that of the surface water hydrographs
1.7.5	The monitoring results and analysis findings will be reported in the Annual Review	Compliant	* Surface water and groundwater monitoring results and analysis are reported annually in the Annual Reviews.	

### 1.8 Noise and Blasting

1.8.1	<p>Unless otherwise agreed with the landowner, Austar Coal Mine will manage operations associated with the Stage 3 underground mining and Surface Infrastructure Site such that the noise emissions from these operations comply with the noise criteria included in Table 1.1 at surrounding residences for the range of meteorological conditions modelled in the EA.</p> <table border="1"> <caption>Table 1.1 – Project Specific Noise Criteria</caption> <thead> <tr> <th>Location</th> <th>Period</th> <th>Intrusiveness Criteria LAeq(15minute)</th> <th>Amenity Criteria LAeq(Period)</th> <th>Project Specific Noise Criteria LAeq(15minute)</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Kitchener Residences</td> <td>Day</td> <td>38 dBA</td> <td>50 dBA</td> <td>38 dBA</td> </tr> <tr> <td>Evening</td> <td>35 dBA</td> <td>45 dBA</td> <td>35 dBA</td> </tr> <tr> <td>Night</td> <td>35 dBA</td> <td>40 dBA*</td> <td>35 dBA</td> </tr> <tr> <td rowspan="3">Serradilla Residence, Kauter Residence, Penney and Linton Property</td> <td>Day</td> <td>37 dBA</td> <td>50 dBA</td> <td>37 dBA</td> </tr> <tr> <td>Evening</td> <td>37 dBA</td> <td>45 dBA</td> <td>37 dBA</td> </tr> <tr> <td>Night</td> <td>35 dBA</td> <td>40 dBA</td> <td>35 dBA</td> </tr> </tbody> </table>	Location	Period	Intrusiveness Criteria LAeq(15minute)	Amenity Criteria LAeq(Period)	Project Specific Noise Criteria LAeq(15minute)	Kitchener Residences	Day	38 dBA	50 dBA	38 dBA	Evening	35 dBA	45 dBA	35 dBA	Night	35 dBA	40 dBA*	35 dBA	Serradilla Residence, Kauter Residence, Penney and Linton Property	Day	37 dBA	50 dBA	37 dBA	Evening	37 dBA	45 dBA	37 dBA	Night	35 dBA	40 dBA	35 dBA	Compliant	Noise monitoring results are reported within the Annual Reviews:  There were no noise exceedances from the SIS over the audit period,	
Location	Period	Intrusiveness Criteria LAeq(15minute)	Amenity Criteria LAeq(Period)	Project Specific Noise Criteria LAeq(15minute)																															
Kitchener Residences	Day	38 dBA	50 dBA	38 dBA																															
	Evening	35 dBA	45 dBA	35 dBA																															
	Night	35 dBA	40 dBA*	35 dBA																															
Serradilla Residence, Kauter Residence, Penney and Linton Property	Day	37 dBA	50 dBA	37 dBA																															
	Evening	37 dBA	45 dBA	37 dBA																															
	Night	35 dBA	40 dBA	35 dBA																															
1.8.2	Unless otherwise agreed with the landowner, Austar Coal Mine will manage the construction phase of the Surface Infrastructure Site in accordance with the requirements of DECCW's Interim Construction Noise Guideline (2009).	Not triggered	No construction during the audit period																																
1.8.3	Acoustic bunding will be constructed to a height of 3.5 metres above ground level along the northern boundary adjacent to the car park and bathhouse.	Not triggered	No car park or bathhouse has been constructed																																
1.8.4	The ventilation fan outlet will be directed to the west.	Compliant	The ventilation fan is directed to the west.																																
1.8.5	Man and materials winder and second egress winder motors will be enclosed.	Not triggered	Man and materials and second egress have not been constructed.																																
1.8.6	Blasting will generally take place only once per day and will be undertaken between the hours of 9.00 am to 5.00 pm Monday to Saturday with no blasting on Sundays or Public Holidays.	Not triggered	No blasting undertaken during the reporting period.																																
1.8.7	Airblast overpressure from blasting associated with shaft development at the Surface Infrastructure Site when measured at residences not associated with the development will not exceed a maximum of 120 dBL Linear Peak at any time and will not exceed 115 dBL for more than 5% of blasts over a 12 month period.	Not triggered	Construction of shaft outside of the audit period.																																
1.8.8	Peak particle velocity from blasting associated with shaft development at the Surface Infrastructure Site when measured at residences not associated with the development will not exceed a maximum of 10 mm/s at any time and will not exceed 5 mm/s for more than 5% of blasts over a 12 month period.	Not triggered	Construction of shaft outside of the audit period.																																

### 1.9 Air Quality

Condition Number	Condition	Compliance Status	Evidence	Recommended Action								
1.9.1	<p>Austar Coal Mine will manage operations associated with the operation of the Surface Infrastructure Site so that dust deposition as a result of the development does not exceed levels set out in Table 1.2 at nearest non-project related residences.</p> <table border="1" data-bbox="368 365 1038 428"> <caption>Table 1.2 - Dust Deposition Criteria</caption> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th>Maximum Increase in Deposited Dust Level</th> <th>Maximum Total Deposited Dust Level</th> </tr> </thead> <tbody> <tr> <td>Deposited dust</td> <td>Annual</td> <td>2 g/m<sup>2</sup>/month</td> <td>4 g/m<sup>2</sup>/month</td> </tr> </tbody> </table> <p>Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.</p>	Pollutant	Averaging Period	Maximum Increase in Deposited Dust Level	Maximum Total Deposited Dust Level	Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month	Compliant	<p>Dust monitoring results are reported in the Annual Reviews for the audit period.</p> <p>Based on the Annual Reviews no exceedances from the Infrastructure area during the audit period.</p> <p>The Annual Reviews present air quality monitoring results undertaken in accordance with the approved air quality management plan and compare the results of the monitoring against the relevant air quality criteria.</p>	
Pollutant	Averaging Period	Maximum Increase in Deposited Dust Level	Maximum Total Deposited Dust Level									
Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month									
1.9.2	<p>Austar Coal Mine will expand the existing dust monitoring network to include dust deposition gauges at locations to the south and north of the proposed Surface Infrastructure Site. Dust monitoring findings relating to the Surface Infrastructure Site will be reported annually in the Annual Review.</p>	Compliant	<p>D9 (north), D7 and D8 (south) were added to the existing dust monitoring network as part of Stage 3. Results are reported in the Annual Reviews.</p>									
<b>1.10 Energy and Greenhouse Gas</b>												
1.10.1	<p>Austar Coal Mine will develop and maintain an internal energy and GHG management plan for Stage 3 operations in accordance with Austar Coal Mine requirements. This will include reviewing:</p> <ul style="list-style-type: none"> <li>· energy efficiency in plant and equipment procurement, consideration be given to the life cycle costs advantages obtained by using energy efficient components;</li> <li>· the opportunity to install additional sub-metering for offices, workshops and winders;</li> <li>· operational initiatives such as turning off idling plant equipment;</li> <li>· control and temperature settings for air conditioning units in offices and switch rooms;</li> <li>· automatic control of external and internal lighting;</li> <li>· potential energy efficiency opportunities in water pumping and dust suppression systems (for example, variable speed drive pumps);</li> <li>· review changes in power consumption with installation of new equipment and install power factor correction equipment to suit; and</li> <li>· review workshop and bathhouse lighting and office and high bay lighting.</li> </ul>	Compliant	<p>Stage 3 has not operated during the audit period.</p> <p>AQGHG management plan includes energy efficiency initiatives.</p>									
<b>1.11 Visual</b>												

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
1.11.1	<p>Austar Coal Mine will implement the following visual controls to screen or reduce the visual impact from views of the Surface Infrastructure Site from residential areas and public road locations:</p> <ul style="list-style-type: none"> <li>· Maintain a vegetative screen along the edges of the access road to the Surface Infrastructure Site.</li> <li>· Limit clearing on the Surface Infrastructure Site to that required for construction and bushfire protection purposes.</li> <li>· Use appropriate natural tones on the winder building to ensure that it blends into the backdrop of native forest when viewed from Kitchener and sections of Quorrobolong Road.</li> <li>· Direct night-time security lights into the site and ensure that all lighting is located and directed so as to not directly impact on residential or road locations. Lighting will be designed to minimise excessive night glow in a manner consistent with AS 4282 Control of the Obtrusive Effects of Outdoor Lighting.</li> <li>· All buildings potentially visible to the public to be coloured in suitable natural tones.</li> </ul>	Compliant	<p>The SIS was viewed during the site inspection. The site inspection confirmed site not visible from public roads and vegetation screen along access road. The site is stable with clearing minimised, disturbed areas revegetated as practicable and the ventilation facility being of a natural tone. There have been no lighting or visual complaints associated with the Kitchener SIS.</p> <p>Winder building has not been built and since care and Maintenance lighting at SIS is all turned off.</p>	
<b>1.12 Transport</b>				
1.12.1	<p>To mitigate potential traffic impacts associated with the development of the Surface Infrastructure Site, Austar Coal Mine will:</p> <ul style="list-style-type: none"> <li>· Construct an Austroads type AUR intersection treatment with an auxiliary passing lane for through traffic on Quorrobolong Road around right turning traffic at the proposed Surface Infrastructure Site access.</li> <li>· Provide lighting at the proposed pit top facility access intersection on Quorrobolong Road.</li> <li>· Erect a left side road junction (W2-4) warning sign for northbound traffic approaching the proposed Surface Infrastructure Site access intersection to compensate for less than desirable Safe Intersection Site Distance (SISD).</li> <li>· Prepare a traffic management plan for oversize and heavy vehicle movements to and from the Surface Infrastructure Site during construction of the Stage 3 development. This Plan will take into consideration specific measures that may be required in regard to address school bus movements on Quorrobolong Road during the construction phase.</li> </ul>	Not triggered	<p>The pit top has not been constructed therefore this has not been triggered.</p> <p>Construction of shafts prior to audit period</p>	
<b>1.13 Community</b>				
1.13.1	<p>Austar Coal Mine will work with Cessnock City Council, the Department and Community Consultative Committee to incorporate representatives from the Stage 3 Project area. Austar Coal Mine will provide the Community Consultative Committee with regular information regarding the environmental management performance of the Stage 3 Project and any relevant matters regarding community relations.</p>	Compliant	<p>All representatives of the CCC are listed on the website.</p> <p>The CCC includes one Council member and 3 persons with properties above stage 3.</p>	
1.13.2	<p>Maintain a 24 hour per day community information and complaint line.</p>	Compliant	<p>A 24 hour complaints line is maintained.</p>	



Condition Number	Condition	Compliance Status	Evidence	Recommended Action
1.13.3	Provide regular updates of mine development and monitoring on the Austar Coal Mine website.	Compliant	Austar maintain an up to date website including the most recent environmental monitoring and management reports.	
1.13.4	Austar Coal Mine will in consultation with Cessnock City Council contribute to the upgrade of the Wollombi Road/West Avenue intersection prior to commissioning of the Surface Infrastructure Site to provide a designated right turn lane into West Avenue to formalise traffic movements in this area and improve existing traffic problems associated with the right turn movement using the through lane and through vehicles passing in the bicycle lane/parking area.	Not triggered	SIS pit top has not been constructed	
1.13.5	Install a type F flashing light control at the Vincent Street railway level crossing	Compliant	Observed flashing light in the field.	
1.13.6	Provide support to Kitchener Public School through the provision of sporting equipment and contributions to school/community projects.	Compliant	Community support is summarised in the annual reviews and included Kitchener Public School	
1.13.7	Contribute to the ongoing maintenance of Poppet Head Reserve, Kitchener.	Compliant	Austar wrote to Council asking whether they could contribute. Council responded that a management plan needed to be in place before they could take any contributions.	
<b>1.14 Decommissioning and Rehabilitation</b>				
1.14.1	A decommissioning plan will be prepared for the Surface Infrastructure Site as part of the MOP process and submitted to the DRE for approval approximately five years prior to the commencement of decommissioning works.	Compliant	Care and Maintenance MOP includes a decommissioning plan. The Care and Maintenance MOP has been submitted to Resources Regulator but has yet to be approved.	
<b>1.15 Continuous Improvement of Existing Operations</b>				
1.15.1	Austar Coal Mine will review and extend its current Site Water Management Plan for Austar Mine Complex to include Stage 3 operations and operation of the Surface Infrastructure Site. The water performance of the water management system will be reported in the Annual Review.	Compliant	The SWMP applies to the entire Austar complex. Water management is covered in the Annual Review	
1.15.2	Activities within Austar Mine complex will be undertaken in accordance with approved Mining Operation Plan that will be reviewed and updated at least every seven years.	Compliant	Austar currently operations under an approved MOP which covers the period of June 2019 to May 2026. A Care and Maintenance MOP has been submitted to Resources Regulator but has yet to be approved.	
1.15.3	Austar Coal Mine will continue to implement the voluntary Noise Pollution Reduction Program for Pelton CHPP in consultation with OEH.	Compliant	Refer EPL	
1.15.4	Austar Coal Mine will commit to a Noise Management Plan that incorporates current noise monitoring, the voluntary Noise Pollution Reduction Program and associated noise management for Austar Mine Complex operations and will investigate reasonable and feasible noise mitigation strategies where appropriate.	Compliant	Austar have a noise and vibration management plan which incorporates the Noise Pollution Reduction Program.	
1.15.5	Austar Coal Mine will investigate opportunities for reduction in energy use and greenhouse gas emissions from the Austar Mine Complex. This will include: <ul style="list-style-type: none"> <li>· ongoing review of emissions monitoring and management technology;</li> <li>· review of coal operations and potential for improvement as part of producing clean coal through coal preparation to reduce moisture and ash content, sulphur, nitrogen and other contaminants. This results in reduced emissions of greenhouse gases and other pollutants when the coal is used; and</li> <li>· consider the application of the in-force National Greenhouse and Energy Reporting System (NGERS) and the Carbon Pollution Reduction System (CPRS) on Austar operations.</li> </ul>	Compliant	When going into Care and Maintenance investigations have been undertaken to reduce fan speeds and other energy savings.  Reduced electricity bills by ~75% through switch to C&M.  Refer to Yancoal Sustainability report on Yancoal website	
<b>1.16 Environmental Management, Monitoring, Auditing and Reporting</b>				
1.16.1	Austar Coal Mine will incorporate the Stage 3 Project into the Annual Review for Austar Mine Complex.	Compliant	Annual reviews include the Stage 3 project area.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
1.16.2	<p>Three years after commencement of the Stage 3 Project, and every three years thereafter, Austar Coal Mine will commission and pay the full cost of an Independent Environmental Audit of the project in consultation with the Director-General of the Department. A copy of the audit report will be provided to the Director-General of the Department and DRE, OEH, NOW, Cessnock City Council, and members of the Community Consultative Committee for the Stage 3 Project. This audit may be combined with other independent environmental audits required by the Director-General of the Department.</p>	Compliant	<p>Previous audits taken in 2014 and 2017. This audit November 2020.</p> <p>Letters of submission of audit for 2017 sighted dated 13 March 2018.</p>	



# Consolidated Mining Lease No 2 (Act 1992)

Lease: Consolidated Mining Lease No 2 (Act 1992)  
 Holder: Austar coal Mine Pty Limited  
 CAN 111 910 822  
 Date of Lease: Mar-93  
 Expiry Date of: 15-May-25

Amended 8 October 2018 to remove condition 9  
 CML2 Covers the Stage 3 Mining Area

Condition Number	Condition	Verification Method	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
<b>Notice to Landholders</b>					
1	<p>Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.</p> <p>If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.</p>	Was this lease renewed? Ev. Of notification.	Not triggered	Lease granted prior to audit period.	
<b>Environmental Harm</b>					
2	The proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.	Inspections. Annual Review; PIRMP	Compliant	Based on the findings of this audit and the site inspection, the proponent has implemented measures and are minimising harm to the environment.	
<b>Mining Operations Plan</b>					
3	<p>(a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries.</p> <p>(b) The MOP must:</p> <ul style="list-style-type: none"> <li>i) identify areas that will be disturbed by mining operations;</li> <li>ii) detail the staging of specific mining operations;</li> <li>iii) identify how the mine will be managed to allow mine closure;</li> <li>iv) identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment;</li> <li>v) reflect the conditions of approval under:                             <ul style="list-style-type: none"> <li>- the Environmental Planning and Assessment Act 1979</li> <li>- the Protection of the Environment Operations Act 1997</li> <li>- and any other approvals relevant to the development including the conditions of this lease; and</li> </ul> </li> <li>vi) have regard to any relevant guidelines adopted by the Director-General.</li> </ul> <p>(c) The titleholder may apply to the Director-General to amend an approved MOP at any time.</p> <p>(d) It is not a breach of this condition if:</p> <ul style="list-style-type: none"> <li>i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997 or the Occupational Health and Safety Act 2000; and</li> <li>ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.</li> </ul> <p>(e) A MOP ceases to have affect 7 years after date of approval or other such period as identified by the Director-General. An approved amendment to the MOP under condition 5 does not constitute an approval for the purpose of this paragraph unless otherwise identified by the Director-General.</p>	Ev.of MOP.	Compliant	<p>Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.</p> <p>Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.</p> <p>In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.</p>	
<b>Environmental Management Reporting</b>					
4	The lease holder must lodge Environmental Management Reports (EMR) with the Director-general annually or at dates otherwise directed by the Director-General.	AEMR/Annual Review	Compliant	<p>The site annual reviews are prepared to meet this condition.</p> <p>Annual reviews are prepared for the site for the period 1 July to 30 June.</p> <p>All Annual Reviews for audit period are signed and dated prior to end of September. Also sighted submission confirmation of submission for each year.</p>	
<b>The EMR must:</b>					

Condition Number	Condition	Verification Method	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
5	a) report against compliance with the MOP; b) report on progress in respect of rehabilitation completion criteria; c) report on the extent of compliance with regulatory requirements; and d) have regard to any relevant guidelines adopted by the Director-General;		Compliant	Compliance with the MOP reported in the Annual Reviews. Includes:  - Section 8.1 reports rehab against the MOP - table 8-1 reports progress of completion criteria - AR report reports on compliance and guidelines	
6	Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.	Annual Review; PIRMP	Compliant	Incident reporting undertaken as required. Evidence of incident reporting and submission to agencies sighted, Refer to consents and EPL.	
<b>Rehabilitation</b>					
7	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.	Any final rehab?	Compliant	Rehabilitated areas sighted during the site inspection were noted to be in accordance with specified post mining land use in the MOP plan 4 figures.  No rehab relinquished or requests for satisfaction of RR	
<b>Subsidence Management</b>					
8	a) The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.  (b) Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the Applications for Subsidence Management Approvals guidelines (EOG17)  (c) The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the Mine Health & Safety Act 2004, or the document New Subsidence Management Plan Approval Process - Transitional Provisions (EDP09).  (d) Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for Subsidence Management Approvals.  (e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 3 and will be subject to the Annual Environmental Management Report process as set out under Condition 4. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document New Approval Process for Management of Coal Mining Subsidence - Policy.	SMP; End of panel reports	Compliant	Extraction plan available on website  Extraction Plan for LWB4-B7 is the relevant EP for the audit period. The original Extraction plan for B4-B7 approved was by DPE on 20 September 2017 acknowledging that it had been prepared to the satisfaction of DRG.  EP was modified for the shortening of LW B4. Revised EP approved by DPIE on 12 Feb 2019. Approval letter sighted. Shortening of B5-B7 approved on 7 August 2019. Did not require an amendment to the EP due to impacts similar or less than the existing EP. Approval letter sighted.	
<b>Working Requirement</b>					
9	The lease holder must:  (a) ensure that at least 137 competent people are efficiently employed on the lease area on each week day except Sunday or any week day that is a public holiday, OR (b) expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$2,397,500 per annum whilst the lease is in force.  The Minister may at any time or times, by instrument in writing served on the lease holder, increase or decrease the expenditure required or the number of people to be employed.	Check Ann. Review. Should have more people	Not triggered	Condition has been deleted	
<b>Control of Operations</b>					
10	(a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:- (i) cease working the lease; or (ii) cease that part of the operation not complying with the Act or conditions; until in the opinion of the Environmental Officer the situation is rectified.  (b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction.  (c) A direction referred to in this condition may be served on the Mine Manager.		Not triggered	According to site communications no stop work orders have been issued under this mining lease	
<b>Reports</b>					

Condition Number	Condition	Verification Method	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
11	<p>The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <p>(a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period;</p> <p>(b) Details of expenditure incurred in conducting that exploration;</p> <p>(c) A summary of all geological findings acquired through mining or development evaluation activities;</p> <p>(d) Particulars of exploration proposed to be conducted in the next twelve months period;</p> <p>(e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.</p>		Compliant	<p>One exploration report submitted for all mining leases.</p> <p>Evidence of 'Indexing Title DSL89 Group Report's. Anniversary period is April 4 to April 3. Reports covering:</p> <ul style="list-style-type: none"> <li>- April 4th, 2017 - April 3th 2018 (submitted May 4th 2017).</li> <li>- April 4th, 2018- April 3th 2019 (submitted 2 May 2019).</li> <li>- April 4th, 2019- April 3th 2020 (submitted May 4th 2015).</li> </ul> <p>Reports cover these requirements. There is a minor non - compliance as the reports are dated 30 days after the anniversary date, not 28 days.</p>	
<b>Licence to Use Reports</b>					
12	<p>(a) The lease holder grants to the Minister, by way of a non-exclusive licence, the right in copyright to publish, print, adapt and reproduce all exploration reports lodged in any form and for the full duration of copyright.</p> <p>(b) The non-exclusive licence will operate as a consent for the purposes of section 365 of the Mining Act 1992.</p>		Note		
<b>Confidentiality</b>					
13	<p>(a) All exploration reports submitted in accordance with the conditions of this lease will be kept confidential while the lease is in force, except in cases where:</p> <p>(i) the lease holder has agreed that specified reports may be made non-confidential.</p> <p>(ii) reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease.</p> <p>(b) Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-on title or any subsequent flow-on title, has terminated.</p> <p>(c) The Director-General may extend the period of confidentiality.</p>		Note		
<b>Terms of the non-exclusive licence</b>					
14	<p>The terms of the non-exclusive copyright licence granted under condition 12 are:</p> <p>(a) the Minister may sub-licence others to publish, print, adapt and reproduce but not on-licence reports.</p> <p>(b) the Minister and any sub-licensee will acknowledge the lease holder's and any identifiable consultant's ownership of copyright in any reproduction of the reports, including storage of reports onto an electronic database.</p> <p>(c) the lease holder does not warrant ownership of all copyright works in any report and, the lease holder will use best endeavours to identify those parts of the report for which the lease holder owns the copyright.</p> <p>(d) there is no royalty payable by the Minister for the licence.</p> <p>(e) if the lease holder has reasonable grounds to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which diversely affects the operations of the lease holder, that licence is revocable on the giving of a period of not less than three months notice.</p>		Note		
<b>Blasting</b>					
15	<p><b>(a) Ground Vibration</b> The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment and Climate Change.</p> <p><b>(b) Blast Overpressure</b> The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment and Climate Change.</p>		Compliant	<p>According to site communications, there was some limited minor blasting undertaken underground. Did not register on vibration monitors. Vibration monitoring is reported in annual reviews.</p>	
<b>Safety</b>					
16	<p>Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.</p>		Compliant	<p>As verified by site inspection all shafts, boreholes to the underground are appropriately protected and secure.</p>	
<b>Exploratory Drilling</b>					
17	<p>(a) At least twenty eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Water and Energy Regional Hydrologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes.</p> <p>(b) If the lease holder drills exploratory drill holes he must satisfy the Director-General that:-</p> <p>(i) all cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established;</p> <p>(ii) all holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;</p> <p>(iii) all drill holes are permanently sealed with cement plugs to prevent surface discharge of groundwaters;</p> <p>(iv) if any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape;</p> <p>(v) if any drill hole meets an artesian or sub-artesian flow it is effectively sealed to prevent contamination of aquifers.</p> <p>(vi) once any drill hole ceases to be used the hole must be sealed in accordance with Departmental guidelines. Alternatively, the hole must be sealed as instructed by the Director-General.</p> <p>(vii) once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.</p>		Not triggered	<p>There was no exploratory drill during the audit period.</p>	
<b>Prevention of Soil Erosion and Pollution</b>					

Condition Number	Condition	Verification Method	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
18	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.		Compliant	As verified by site inspections there was no evidence of significant dust, erosion or sedimentation. There was no significant evidence of hydrocarbon staining etc.  During the audit period there have been two reportable incidents that may have caused pollution to waterways within this ML.  Kitchener SIS sed basin discharge 9/2/2020 and 27/7/2020  Incident reports submitted to the EPA have been sighted which concluded that there was unlikely to have been any material harm caused by the incidents. No further action has been taken by the EPA.	
<b>Transmission lines, Communication lines and Pipelines</b>					
19	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.		Compliant	Public services are in the Bellbird South management area. These are covered by Built Features Managements which are part of the EP which is approved by the DG	
<b>Fences, Gates</b>					
20	(a) Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate.  (b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.		Compliant	There have been no complaints regarding fence/gate mismanagement	
<b>Roads and Tracks</b>					
21	(a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate.  (b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.		Compliant	Roads are covered under the EP with Built Features Management Plans. No subsidence impacts on Sandy Creek road have been required to be repaired during the audit period.	
22	Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Environment and Climate Change.		Compliant	No tracks constructed during the audit period. Based on site inspection all site access tracks were in good condition. Access tracks on Austar land inspected quarterly and maintained for bushfire management.	
<b>Trees and Timber</b>					
23	(a) The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden.  (b) The lease holder must not cut, destroy, ring bark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992 must comply with the provisions of the Native Vegetation Act 2003.  (c) The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.		Compliant	No clearing undertaken during the audit period.  Any works would be to maintain areas based on slashing for APZ fire zones. No removal of large trees.	
<b>Resource Recovery</b>					
25	(a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-general is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to recover such minerals.  (b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.  (c) The lease holder must, when requested by the Director-General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.  (d) The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director-General has incorporated the views of the lease holder.  (e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the Mining Act, 1992.  (f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice.		Not triggered	Coal Resources Recovery Plan included in the Extraction Plans.  No direction has been received to improve recovery. The application for the shortening of longwalls B4 to B7 were approved by RR.	
<b>Indemnity</b>					
26	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.		Not triggered	No action/suit/claim/demand has been made against Austar in relation to any damage/injury to person/property as a result of the exercise of rights	
<b>Security</b>					

Condition Number	Condition	Verification Method	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
28	<p>(a) The single security in the sum of \$14,420,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under Dam Site Lease (Mining Purposes) 89 (Act 1901), Mineral Lease 1157 &amp; 1283 (Act 1906), Mining Purposes Lease 23, 204, 217, 233, 269, 1364 (Act 1906), Private Lands Lease 150 (Act 1906), Consolidated Coal Lease 728 &amp; 752 (Act 1973), Mining Purposes Lease 324 (Act 1973), Mining Lease 1345, 1347, 1388, 1550 (Act 1992) and Consolidated Mining Lease 2 (Act 1992). If the lease holder fails to fulfil any one or more of the obligations under this lease, then the security held may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of the lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder.</p> <p>(b) The lease holder must provide the security required by sub-clause (a) in one of the following forms:            (i) cash,            (ii) a security certificate in a form approved by the Minister and issued by an authorised deposit-taking institution</p>		Compliant	<p>RCE is submitted with the MOP.</p> <p>Latest signed RCE is 26/6/2019.</p> <p>Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.</p>	
<b>Prescribed Dam</b>					
29	<p>(a) Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the notification area of the Kalingo Dam without the prior written approval of the Minister and subject to any conditions he may stipulate.</p> <p>(b) Where the lease holder desires to mine within the notification area he must:            (i) at least twelve ( 12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and            (ii) provide such information as the Minister may direct.</p> <p>(c) The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. This sub-paragraph is complied with if:            (i) the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act 1978 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b).            (ii) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.            (iii) the Director-General has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the mining proposal.            (iv) the Dams Safety Committee has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and            (v) where the Dams Safety Committee has made recommendations the approval is in terms that are: in accordance with those recommendations; or            where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph.            (vi) Where the Minister does not accept the recommendations of the Dams Safety Committee or where the Dams Safety Committee has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: as determined by agreement between the Minister and the Minister administering the Dams Safety Act 1978; or in the event of failure to reach such agreement- as determined by the Premier.</p> <p>(d) The Minister, on notice from the Dams Safety Committee, may at any time or times:            (i) cancel any approval given where a notice pursuant to Section 18 of the Dams Safety Act 1978 is given.            (ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed</p>		Compliant	<p>According to approved mining plans, no mining has been undertaken in the Kalingo Dam area.</p>	
<b>Suspension of Mining Operations</b>					
30	<p>The holder of a consolidated mining lease may not suspend mining operations in the mining area other than in accordance with the consent of the Minister.</p>		Compliant	<p>Application for suspension of mining submitted in 11 March 2020.</p> <p>Verbal from A/Manager Titles Assessment, Resources Operations on 23 March 2020 stating that application has been received and will be processed in due course. No approval has yet been received</p>	
<b>Cooperation Agreement</b>					
31	<p>The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping petroleum title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> <li>* access arrangements</li> <li>* operational interaction procedures</li> <li>* dispute resolution</li> <li>* information exchange</li> <li>* well location</li> <li>* timing of drilling</li> <li>* potential resource extraction conflicts and</li> <li>* rehabilitation issues.</li> </ul>		Not triggered	<p>No overlapping titles</p>	
<b>Trigonometrical Stations and Survey Marks</b>					
32	<p>(a) A person must not remove, damage, destroy, displace, obliterate or deface any marks in connection with any trigonometrical station, permanent mark or survey mark unless authorised to do so by the Surveyor-General.</p> <p>(b) A person must not insert in any land any mark resembling a permanent survey mark unless authorised to do so by the Surveying Regulations 2001.</p> <p>(c) At all times while exercising the powers of entry, a person must carry, and produce on demand, a certificate of authority in the form prescribed by the Surveying Regulations 2001.</p>		Compliant	<p>Notification to the Senior Surveyor sighted dated 5 December 2016 (prior to audit period) notifying of potential for disturbance of survey marks by subsidence.</p>	
<b>SPECIAL CONDITIONS</b>					

Condition Number	Condition	Verification Method	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
33	Unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose the registered holder shall not work or cause to be worked any seam of coal by underground methods within the subject area within the barrier defined as follows: The land within the zone beneath and adjacent to the Pelton Railway enclosed by an angle of draw of 35 degrees from the vertical plane of the boundary parallel to and thirty metres horizontally distant from the outermost rails of the railway track(s), such angle of draw being measured outwards from the point on the vertical plane of the said boundary at the surface or at the level of the horizontal plane of the railway track, whichever may be the higher, to the floor of the coal seam in which mining operations are to be carried out.		Compliant	Based on mine plans no mining has been undertaken in the vicinity of Pelton Railway.	
34	Any approval or consent given by the Minister including any approval or consent given pursuant to any condition or term contained in a lease consolidated into this lease to the effect that the registered holder may conduct mining operations in those parts of the subject area within the zone defined in Condition 33 shall be deemed to be a consent for the purposes of the said Condition 33 subject to the same conditions of that approval or consent.		Not triggered	As above	
35	The registered holder shall not work or cause to be worked any seam of coal within the subject area without leaving, if the Minister by order given in writing to the registered holder so directs, a barrier of such width or a protective pillar or pillars of such size or sizes as is specified in the order, against any surface improvements or any feature whether natural or artificial.		Not triggered	No such order has been received during the audit period.	



# Consolidated Mining Lease No 728 (Act 1973)

CCL728 Covers - Pit top, CHPP, 2 shaft and LWs B4-B6

Lease: Consolidated Mining Lease No 728 (Act 1973)  
 Holder: Austar coal Mine Pty Limited  
 CAN 111 910 822  
 Date of Lease: Mar-93  
 Expiry Date of: 30-Dec-23

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
<b>Extraction of Coal</b>				
1	EXTRACTION OF COAL  1 The lease holder shall extract as large a percentage of the coal in the subject area as is practicable consistent with the provisions of the Coal Mines Regulations Act 1982 and the Regulations thereunder and shall comply with any direction given or which may be given in this regard by the Minister.	Compliant	Approved mine plan and coal resource extraction as per approved Extraction Plan.  Coal Resources Recovery Plan included in the Extraction Plans.  No direction has been received to improve recovery. The application for the shortening of longwalls B4 to B7 was approved by RR.	
<b>Mining Operations Plan</b>				
2	MINING OPERATIONS PLAN (MOP) 2 (1) Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:- (a) ongoing mining operations and environmental management; and (b) ongoing monitoring of the project. (2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement. (3) A Plan must be lodged with the Director-General:- (a) prior to the commencement of operations; (b) subsequently as appropriate prior to the expiry of any current Plan; and (c) in accordance with any direction issued by the Director-General. (4) The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:- (a) area(s) proposed to be disturbed under the Plan; (b) mining and rehabilitation method(s) to be used and their sequence; (c) areas to be used for disposal of tailings/waste; (d) existing and proposed surface infrastructure; (e) progressive rehabilitation schedules; (f) areas of particular environmental sensitivity; (g) water management systems (including erosion and sediment controls); (h) proposed resource recovery; and (i) where the mine will cease extraction during the term of the Plan; a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation 5) The Plan when lodged will be reviewed by the Department of Mineral Resources. (6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and relodgement. (7) If a requirement in accordance with clause (6) is not issued within two months of the lodgement of a Plan, lease holder may proceed with implementation of the Plan submitted subject to the lodgement of the required security deposit within the specified time.	Compliant	Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.  Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.	
<b>Environmental Management Report</b>				
3	ANNUAL ENVIRONMENTAL MANAGEMENT REPORT (AEMR) (1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General. (2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:- (a) the accepted Mining Operations Plan; (b) development consent requirements and conditions; (c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals; (d) any other statutory environmental requirements; (e) details of any variations to environmental approvals applicable to the lease area. and (f) where relevant, progress towards final rehabilitation objectives. (3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.	Compliant	The site annual reviews are prepared to meet this condition.  Annual reviews are prepared for the site for the period 1 July to 30 June.  All Annual Reviews for audit period are signed and dated prior to end of September. Also sighted submission confirmation of submission for each year.	
9	The lease holder shall not work or cause to be worked any seam of coal within the subject area without leaving, if the Minister, so directs, a barrier of such width or a protective pillar or pillars of such size or sizes against any surface improvements of any feature whether natural or artificial.	Not triggered	No such order has been received during the audit period.	
13	The lease holder shall not prospect or mine for coal within the area(s) shown on the plan annexed hereto and marked "B" insofar as such area(s) relate(s) to the surface and land below the surface to the depth(s) specified on that plan, other than the mining of coal for the purpose of a shaft in the green coloured area and for the purposes of a shaft and drift in the areas shown by yellow, red and blue colours.	Compliant	Based on the mine plan this is compliant	

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
<b>Shafts, Drifts, Adits</b>				
14	SHAFTS, DRIFTS, ADITS 14 Operations shall be conducted in such a manner as not to cause any danger to persons or stock and the lease holder shall provide and maintain adequate protection to the satisfaction of the Minister around each shaft or excavation opened up or used by the lease holder.	Compliant	As verified by site inspection all shafts, boreholes to the underground are appropriately protected and secure.	
<b>Dumps</b>				
15	DUMPS 15 The lease holder shall comply with any direction, given or which may be given by the Inspector regarding the dumping, depositing or removal of material extracted as well as the stabilisation and revegetation of any dumps of coal, minerals, mine residues, tailings or overburden situated on the subject area or the associated colliery holding.	Not triggered	Dumping and rehabilitation is undertaken in accordance with the MOP. No directions have been received	
16	The lease holder shall comply with any direction given or which may be given by the Minister regarding the spraying of coal dumps on the subject area.	Not triggered	No directions received in the audit period. According to site communications the coal is quite wet coal therefore stockpile sprays are not required.	
17	The lease holder shall take such precautions as are necessary to abate any dust nuisance.	Compliant	No dust noted during site inspections. Refer to consent and EPL findings	
<b>Managements and Rehabilitation of Lands (General)</b>				
18	The lease holder shall not interfere in any way with any fences on or adjacent to the subject area unless with the prior written approval of the owner thereof or the Minister and subject to such conditions as the Minister may stipulate.	Compliant	There have been no complaints regarding fence/gate mismanagement	
19	The lease holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.	Not triggered	No directions received in the audit period.	
20	If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines	Compliant	Built features management plans Dilapidation surveys before and after mining.	
21	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister any lands within the subject area which may have been disturbed by the lease holder.	Compliant	No directions in relation to rehab. Rehab is undertaken in accordance with the MOP. Site inspections verified rehab to MOP final land use plans	
22	Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.	Not triggered	No demolition or decommissioning of surface infrastructure during the audit period	
23	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the lease holder.	Compliant	No directions in relation to rehab. Rehab is undertaken in accordance with the MOP. Site inspections verified rehab to MOP final land use plans	
24	The lease holder shall take all precautions against causing outbreak of fire on the subject area.	Compliant	Bushfire management plan in place including APZs. Actions in plan to monitor for catastrophic days, no hot work on catastrophic days. Water cart available for slashing operations.	
25	The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment.	Compliant	As verified by site inspections there was no evidence of significant dust, erosion or sedimentation. There was no significant evidence of hydrocarbon staining etc.  During the audit period there have been four reportable incidents that may have caused pollution to waterways.  Kitchener SIS sed basin discharge 9/2/2020 and 27/7/2020 EQ Digital Assessment L1-0106 11/11/2019	
<b>Trees (Planting and Protection of) Flora and Fauna and Arboreal Screens</b>				
27	TREES (PLANTING AND PROTECTION OF) FLORA AND FAUNA AND ARBOREAL SCREENS If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna within the subject area.	Not triggered	No clearance or disturbance of vegetation during the MOP term.	
29	The lease holder shall maintain an arboreal screen to the satisfaction of the Minister within such parts of the subject area as may be specified by the Minister and shall plant such trees or shrubs as may be required by the Minister to preserve the arboreal screen in a condition satisfactory to the Minister.	Compliant	There have been no direction from minister indicating not satisfied. No visual complaints	



Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
30	The lease holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the lease holder shall observe and perform any instructions given or which may be given by the Minister with a view to minimising or preventing soil erosion.	Compliant	As verified by site inspections there was no evidence of significant erosion or sedimentation.	
31	The lease holder shall pay to Cessnock City Council, Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the lease holder to any road adjoining or traversing the surface or the excepted surface, as the case may be of the subject area. PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority as the case may be from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in settlement of a claim for compensation for the same damage.	Not triggered	Sandy Creek Road BFMP. Refer consent  Nothing during this audit period	
32	In the event of operations being conducted on the surface of any road, track or firetrail traversing the subject area or in the event of such operations causing damage to or interference with any such road, track or firetrail the lease holder, at his own expense, shall if directed to do so by the Minister provide to the satisfaction of the Minister an alternate road, track or firetrail in a position as required by the Minister and shall allow free and uninterrupted access along such alternate road, track or firetrail and, if required to do so by the Minister, the lease holder shall upon completion of operations rehabilitate the surface of the original road, track or firetrail to a condition satisfactory to the Minister.	Compliant	Based on site inspection utilised tracks and access roads are well maintained.  Q14 private access road maintained for landowner by Austar	
<b>Catchment Areas</b>				
33	CATCHMENT AREAS 33 (a) Operations shall be carried out in such a way as not to cause any pollution of the Hunter Catchment Area. (b) If the lease holder is using or about to use any process which in the opinion of the Minister is likely to cause contamination of the waters of the said Catchment Area the lease holder shall refrain from using or cease using as the case may require such process within twenty four (24) hours of the receipt by the lease holder of a notice in writing under the hand of the Minister requiring the lease holder to do so. (c) The lease holder shall comply with any regulations now in force or hereafter to be in force for the protection from pollution of the said Catchment Area.	Compliant	During the audit period there have been two reportable incidents that may have caused pollution to waterways. EC limited exceeded at SW6 11/1/2019 pH limit not to spec 9 July 2020.  Incident reports submitted to the EPA have been sighted which concluded that there was unlikely to have been any material harm caused by the incidents. No further action has been taken by the EPA.	
<b>Transmission Lines, Communications Lines and Pipelines</b>				
41	TRANSMISSION LINES, COMMUNICATION LINES AND PIPELINES 41 The lease holder shall as far as is practicable so conduct operations as not to interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area and shall comply with any direction given or which may be given by the Minister in this regard.	Not triggered	Public services are in the Bellbird South management area. These are covered by Built Features Managements which are part of the EP which is approved by the DG	
<b>Aboriginal Place or Relic</b>				
43	ABORIGINAL PLACE OR RELIC 43 The lease holder shall not knowingly destroy, deface or damage any Aboriginal object or Aboriginal place within the subject area except in accordance with, an authority issued under the National Parks and Wildlife Act, 1974, and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.	Compliant	Heritage management works are detailed in the Annual Reviews for the audit period. Due diligence assessments were undertaken during the audit period with regard to artefacts within planned hazard reduction burn areas.	
<b>Additional Information</b>				
45	ADDITIONAL INFORMATION 45 The lease holder shall if directed by the Minister and within such time as the Minister may stipulate furnish to the Minister: (a) information regarding the ownership of the land within the subject area; (b) information regarding the ownership of the coal within the subject area prior to 1st January, 1982; (c) an indemnity in a form approved by the Minister indemnifying the Crown and the Minister against any wrong payment effected as a result of incorrect information furnished by the lease holder; (d) information regarding the financial viability of the lease holder and operations within and associated with the subject area; and (e) information regarding shareholdings in the lease holder.	Not triggered	No requests during the audit period	
<b>Service of Notices</b>				
46	SERVICE OF NOTICES 46 Within a period of three (3) months from the date of this authority or a period of three (3) months from the date of service of the notice of renewal, or within such further time as the Director General may allow, the lease holder shall serve on each landholder within the subject area a notice in writing indicating that this authority has been granted or renewed and whether the authority includes the surface. The notice shall be accompanied by an adequate plan and description of the subject area. If there are ten (10) or more landholders affected the lease holder may serve the notice by publication in a newspaper circulating in the region where the subject area is situated. The notice shall indicate that this authority has been granted or renewed, state whether the authority includes the surface and shall contain an adequate plan and description of the subject area.	Not triggered	Not triggered in audit period	

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
47	47 (a) Where an Inspector under the Mining Act 1992 is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder, the Inspector may serve on the lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease holder: (i) to cease operations within the subject area in contravention of that condition or Act; and (ii) to carry out within the specified time works necessary to rectify or remedy the situation. (b) The lease holder shall comply with the directions contained in any notice served pursuant to sub paragraph (a) of this condition. The Director General may confirm, vary or revoke any such direction. (c) A notice referred to in his condition may be served on the Colliery Manager.	Not triggered	No notice has been given to cease works	
48	48 The lease holder shall indemnify and keep indemnified the Crown from and against all actions suits and claims and demands of whatsoever nature and all costs charges and expense which may be brought against the lease holder or which the lease holder may incur respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the lease holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this authority shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder which the lease holder may be licensed or compelled to do hereunder.	Not triggered	No action/suit/claim/demand has been made against Austar in relation to any damage/injury to person/property as a result of the exercise of rights	
49	The lease holder shall save harmless the Crown from payment of compensation and from and against all claims, actions, suits or demands whatsoever in the event of any damage resulting from mining operations under or near the subject area.	Not triggered	No action/suit/claim/demand has been made against Austar in relation to any damage/injury to person/property as a result of the exercise of rights	
50	50 (a) Where the lease holder desires to commence prospecting operations in the subject area the lease holder shall notify the Director General in writing and shall comply with such additional conditions as the Minister may impose including any condition requiring the lodgement of an additional bond or other form of security for rehabilitation of the area affected by such operations. (b) Where the lease holder notifies the Director General pursuant to sub paragraph (a) of this condition the lease holder shall furnish with that notification details of the type of prospecting methods that would be adopted and the extent and location of the area that would be affected by them.	Not triggered	No exploration or prospecting has been undertaken in the audit period	
51	51 (a) The joint security of \$5,760,000.00 required to be lodged with the Minister by the Lease holder for the purpose of ensuring the fulfilment by the leaseholder of its obligations under <b>DSL 89 (Act 1901), MPL 217 (Act 1906), MPL 23 (Act 1906), MPL 233 (Act 1906), MPL 269 (Act 1906), MPL 1364 (Act 1906), MPL 204 (Act 1906), MPL 324 (Act 1973), CCL 752 (Act 1973), ML 1157 (C&amp;S Act 1906), ML 1283 (C&amp;S Act 1906), ML 1345 (Act 1992), ML 1347 (Act 1992), ML 1388 (Act 1992), CML 2 (Act 1992), and PLL 150 (Act 1906)</b> includes the obligations of this lease. In the event that the lease holder fails to fulfill any of the lease holder's obligations under these authorities the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purposes of the clause a lease holder shall be deemed to have failed to fulfill the lease holder's obligations under these authorities, if the lease holder fails to comply with any condition or provision of these authorities, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision of these authorities or of any provision of the Act or regulations made thereunder. (b) The lease holder must provide the security required by sub-clause (a) hereof in one of the following forms:- (i) cash, or (ii) a security certificate in such form and given by such surety as may from time to time be approved by the Minister. (c) The Minister may at any time, vary the amount of security required in accordance with this condition.	Compliant	RCE is submitted with the MOP. Latest signed RCE is 26/6/2019. Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.	
<b>Royalty at Additional Rate</b>				
54	ROYALTY AT ADDITIONAL RATE 54 The lease holder shall during the term of this authority pay to the Minister royalty at the additional rate as prescribed by the Regulations for coal recovered by open cut mining methods from the area.	Not triggered	Austar is an underground mine therefore not applicable	
<b>Prior Barrier &amp; Mining Approvals</b>				
55	PRIOR BARRIER & MINING APPROVALS 55. Any approval or consent previously given by the Minister to the effect that the lease holder may mine for, work, win or remove coal from any part of the subject area, including any approval or consent given pursuant to any barrier condition contained in leases consolidated into this lease, shall be deemed to be a consent given subject to the same conditions of that approval or consent under this lease.	Not triggered		
<b>Details of Lands, Purposes and Additional Conditions</b>				

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
56	<p>DETAILS OF LANDS, PURPOSES AND ADDITIONAL CONDITIONS</p> <p>56. The leases holder shall be limited to the following operations and conditions within the specified areas described on the plan annexed hereto and marked "B".</p> <p>COLUMN 1 Lands shown by green colour on the plan annexed hereto and marked "B".</p> <p>COLUMN 2</p> <p>1. Construction, maintenance or use (in or in connection with mining operations) of: any building, road, ventilation shaft, telephone line, cable or pipeline.</p> <p>2. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations.</p> <p>3. The generation and transmission of electricity for use in or in connection with mining operations.</p> <p>COLUMN 3</p> <p>Condition No 57 of this schedule.</p> <p>COLUMN 1 Lands shown by yellow, red and blue colours on the plan annexed hereto and marked "B"</p> <p>COLUMN 2</p> <p>1. Construction, maintenance or use (in or in connection with mining operations) of: any conveyor, road, ventilation shaft, telephone line, cable or pipeline, drift (as mentioned under the noun "mine" in the dictionary of the Mining Act 1992);</p> <p>2. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations.</p> <p>3. The generation and transmission of electricity for use in or in connection with mining operations.</p> <p>COLUMN 3 NIL</p>	Not triggered		
57	<p>In regard to Condition No.56 and the plan annexed hereto and marked "B",the lease holder:</p> <p>a) shall not obstruct, divert or dam any watercourse or natural surface water drainage feature on the subject lands, unless by licence from the Department of Land and Water Conservation to construct a dam,</p> <p>b) shall not erect or operate on the subject lands any building or machinery for the beneficiation of coal, unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose,</p> <p>c) shall not erect on the subject lands any plant for the purpose of generating electricity, unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose,</p> <p>d) shall not use any shaft on the subject lands for the purpose of transporting or bringing coal to the surface, unless with the consent of the Minister first had and obtained and subject to such conditions as he may impose.</p>	Not triggered		
<b>Pelton/Ellaalong Lease Transfer Special Conditions</b>				
A-1-1	<p>a) The leaseholder shall proceed with rehabilitation works at the Pelton Site (Coal Preparation Plant and Open Cut Mining Areas) and Aberdare Extended Site (Coal Washery Rejects Emplacement) in general accordance with those works documented in;</p> <p>ELLALONG/PELTON COLLIERY REHABILITATION PLAN SOUTHLAND COAL JUNE 1998</p> <p>b) Rehabilitation works documented in 1(a) above are to be varied in accordance with the variations specified in Annexure A-2.</p> <p>c) Rehabilitation works as documented in 1(a) above and as may be varied in 1(b) above are to be integrated and documented in the Mining Operations Plan referred to in 2 under.</p>	Not triggered	Lease transfer prior to the audit period	

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
A-1-2	<p>Mining Operations Plan (MOP)</p> <p>2. (1) Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for-</p> <p>a) ongoing mining operations and environmental management; and b) ongoing monitoring of the project.</p> <p>(2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement.</p> <p>(3) A plan must be lodged with the Director-General:</p> <p>a) within 60 days of the date of lease transfer</p> <p>b) subsequently as appropriate prior to the expiry of any current Plan; and</p> <p>c) In accordance with any direction issued by the Director-General</p> <p>(4) The Plan must present a schedule of proposed mine development for a period of three (3) years contain diagrams and documentation which identify:</p> <p>a) area(s) proposed to be disturbed under the Plan;</p> <p>b) mining and rehabilitation method(s) to be used and their sequence;</p> <p>c) areas to be used for disposal of tailings/waste;</p> <p>d) existing and proposed surface infrastructure;</p> <p>e) progressive rehabilitation schedules;</p> <p>f) areas of particular environmental sensitivity;</p> <p>g) water management systems (including erosion and sediment controls);</p> <p>h) proposed resource recovery; and</p> <p>i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation.</p> <p>(5) The Plan when lodged will be reviewed by the Department of Mineral Resources.</p> <p>(6) The Director-General may within (2) months of the lodgement or a Plan, require modification and relodgement.</p> <p>(7) If a requirement in accordance with clause (6) is not issued within two months of the lodgement or a Plan, leaseholder may proceed with implementation of the Plan submitted.</p> <p>(8) During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlines in (5) - (7) above.</p>	Not triggered	Lease transfer prior to the audit period	
A-1-3	<p>(1) Within 12 months of the date of lease transfer and thereafter annually or, at such other times as maybe allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General, the EPAs Director (Northern Region) and the Cessnock City Council General Manager.</p> <p>(2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuring twelve months in terms of:</p> <p>a) the accepted Mining Operations Plan;</p> <p>b) developments consent requirements and conditions;</p> <p>c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals;</p> <p>d) any other statutory environmental requirements;</p> <p>e) details of any variations to environmental approvals applicable to the lease area and</p> <p>f) where relevant progress towards final rehabilitation objectives.</p> <p>(3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.</p> <p>(4) The leaseholder shall, as and when directed by the Minister, cooperate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.</p>	Not triggered	Lease transfer prior to the audit period	
A-1-4	A senior officer employed on site is to be nominated as the responsible and accountable person for all environmental and rehabilitation operating requirements pursuant to the lease, This officer is to have access to appropriately qualified environmental consultants, as required.	Not triggered	Lease transfer prior to the audit period	

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
A-1-5	(1) Immediate upon the transfer of the lease, the leaseholder shall conduct an assessment of environmental risk of the water management system(s) for the operating mine, coal washing plant and coal washery reject emplacement. (2) Within 30 days of the date of lease transfer the leaseholder shall prepare and lodge with the Department of Mineral Resources a Water Management Plan which is to address: a) Risk assessment (in 5 (1) above), b) Storage levels (at the time of reporting) and capacities, pumps, alarm settings and flow lines for contaminated waters, c) Stability of clean water diversion structures, d) Environmental monitoring of waters e) Management responsibilities and inspections procedures. f) Operator training in emergency response.	Not triggered	Lease transfer prior to the audit period	
A-1-6	6 REHABILITATION WORKS SCHEDULE (1) The leaseholder shall prepare a rehabilitation schedule that lists all tasks required to be completed in the first 3 years after lease transfer, pursuant to Condition 1 above. The leaseholder shall let 80 per cent of the contracts necessary to complete this schedule within 6 months of registration of lease transfer, as provided in an Agreement made between the leaseholder and the Minister within twenty eight (28) days of the registration of the transfer of this lease. (2) Progress of rehabilitation works as documented in the AEMR (3 (3) above) will be reviewed by the Department of Mineral Resources according to the agreed MOP sequence and completion criteria (2 (4) above). Should rehabilitation progress be deficient the Minister may, by written notice to the leaseholder; increase the Security Deposit, pursuant to the lease, each year up to \$2,000,000 by the end of the third year of the MOP.	Not triggered	Lease transfer prior to the audit period	
A-1-6	6 REHABILITATION WORKS SCHEDULE (1) The leaseholder shall prepare a rehabilitation schedule that lists all tasks required to be completed in the first 3 years after lease transfer, pursuant to Condition 1 above. The leaseholder shall let 80 per cent of the contracts necessary to complete this schedule within 6 months of registration of lease transfer, as provided in an Agreement made between the leaseholder and the Minister within twenty eight (28) days of the registration of the transfer of this lease. (2) Progress of rehabilitation works as documented in the AEMR (3 (3) above) will be reviewed by the Department of Mineral Resources according to the agreed MOP sequence and completion criteria (2 (4) above). Should rehabilitation progress be deficient the Minister may, by written notice to the leaseholder; increase the Security Deposit, pursuant to the lease, each year up to \$2,000,000 by the end of the third year of the MOP.	Not triggered	Lease transfer prior to the audit period	
A-2-1	1. Within 6 months of registration of lease transfer, contracts of work for the sealing of the West Shaft and West Drift mine entries shall be substantially let, unless it can be demonstrated to the Director-General that they are required for water disposal or ventilation purposes. If such demonstration is accepted, the Director-General will issue extensions of time as appropriate, to this condition. The work, when done, is to be completed and maintained to final criteria satisfactory to the Department of Mineral Resources.	Not triggered	Lease transfer prior to the audit period	
A-2-2	2 The tailings ponds areas (1a, 1b, 1c) are to be cleaned out and kept for emergency use only until final rehabilitation is carried out according to final completion criteria satisfactory to the Department of Mineral Resources. The areas are not to be used to store acid water or acid forming materials except in the case of such emergency. In such event the water/material shall be treated as rapidly as is practical within sound treatment plant and minesite operational practice and the area dewatered.	Not triggered	Lease transfer prior to the audit period	
A-2-3	The precipitate dam (area 9d) is to be mucked out and desilted. The desilted material is to be disposed of within open cut void areas.	Not triggered	Lease transfer prior to the audit period	
A-2-4	All pollution control dams (areas 9a, 9b 9g and 9i) are to be desilted and stabilised to maintain storage capacity.	Not triggered	Lease transfer prior to the audit period	
A-2-5	The Aberdare Extended area (6ha) is to be rehabilitated with capping material and maintained, with work to be carried out as scheduled (or earlier) in the Rehabilitation Plan. Earthworks are to commence by the end of the first quarter 1999 and are to be completed by 1 July 2000.	Not triggered	Lease transfer prior to the audit period	
A-2-6	Within 6 months of registration of lease transfer, contracts of work for rehabilitation of the South East rejects area (north of the Eastern Open Cut and adjacent to the railway) shall be substantially let, unless it can be demonstrated to the Director-General that the area is required to be used as a facility for storage of special product sized coal. If such demonstration is accepted, the Director-General will issue extensions of time as appropriate, to this condition. The work, when done, is to be completed and maintained to final criteria satisfactory to the Department of Mineral Resources.	Not triggered	Lease transfer prior to the audit period	

# Consolidated Mining Lease No 752 (Act 1973)

Lease: Consolidated Mining Lease No 752 (Act 1973)  
 Holder: Southland Coal Pty Ltd  
 Date of Lease: May-90  
 Expiry Date of: 30-Dec-23

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
0	INSTRUMENT OF RENEWAL CONSOLIDATED COAL LEASE NO 752 (ACT 1973) HOLDER (S) Southland Coal Pty Ltd A.B.N. 39 000 077 225 DATE OF LEASE: 23 May 1990 EXPIRY DATE OF LEASE: 30 December 2002 PERIOD OF RENEWAL UNTIL: 30 December 2023 AREA: approximately 3802 hectares as shown on Plan Catalogue No. D6759-01 DEPTH RESTRICTION: Various as shown on Plan Catalogue No. D6759-01 SURFACE EXCEPTION: Various as shown on Plan Catalogue No. D6759-01 ROYALTY PAYABLE at the rates which, from time to time, may be prescribed. MINERALS: COAL AMENDMENTS TO THE CONDITIONS OF THE LEASE: (a) All conditions contained in the lease prior to the renewal have been deleted. (b) The lease is now subject to the attached Conditions of Authority- 1999 (COAL) MINING LEASES numbered:- 1-3 inclusive, 14-27 inclusive, 29-33 inclusive, 41,43-51 inclusive, and 54	Note		
1	The lease holder shall extract as large a percentage of the coal in the subject area as is practicable consistent with the provisions of the Coal Mines Regulations Act 1982 and the Regulations thereunder and shall comply with any direction given or which may be given in this regard by the Minister.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
<b>Mining, Rehabilitation, Environmental Management Process (MREMP) Mining Operations Plan (MOP)</b>				
2	MINING, REHABILITATION, ENVIRONMENTAL MANAGEMENT PROCESS (MREMP) MINING OPERATIONS PLAN (MOP) 2 (1) Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:- (a) ongoing mining operations and environmental management; and (b) ongoing monitoring of the project.  (2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgment. (3) A Plan must be lodged with the Director-General:- (a) prior to the commencement of operations; (b) subsequently as appropriate prior to the expiry of any current Plan; and (c) in accordance with any direction issued by the Director-General.  (4) The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:- (a) area(s) proposed to be disturbed under the Plan; (b) mining and rehabilitation method(s) to be used and their sequence; (c) areas to be used for disposal of tailings/waste; (d) existing and proposed surface infrastructure; (e) progressive rehabilitation schedules; (f) areas of particular environmental sensitivity; (g) water management systems (including erosion and sediment controls); (h) proposed resource recovery; and (i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation  (5) The Plan when lodged will be reviewed by the Department of Mineral Resources. (6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and relodgement. (7) If a requirement in accordance with clause (6) is not issued within two months of the lodgement of a Plan, lease holder may proceed with implementation of the Plan submitted subject to the lodgement of the required security deposit within the specified time. (8) During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlined in clauses (5) - (7) above.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
<b>Annual Environmental Management Report (AEMR)</b>				
3	ANNUAL ENVIRONMENTAL MANAGEMENT REPORT (AEMR) (1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General. (2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:- (a) the accepted Mining Operations Plan; (b) development consent requirements and conditions; (c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals; (d) any other statutory environmental requirements; (e) details of any variations to environmental approvals applicable to the lease area, and (f) where relevant, progress towards final rehabilitation objectives. (3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice. (4) The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
<b>Shafts, Drifts, Adits</b>				
14	SHAFTS, DRIFTS, ADITS 14 Operations shall be conducted in such a manner as not to cause any danger to persons or stock and the lease holder shall provide and maintain adequate protection to the satisfaction of the Minister around each shaft or excavation opened up or used by the lease holder.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
<b>Dumps</b>				



Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
15	DUMPS 15 The lease holder shall comply with any direction, given or which may be given by the Inspector regarding the dumping, depositing or removal of material extracted as well as the stabilisation and revegetation of any dumps of coal, minerals, mine residues, tailings or overburden situated on the subject area or the associated colliery holding.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
16	The lease holder shall comply with any direction given or which may be given by the Minister regarding the spraying of coal dumps on the subject area.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
17	The lease holder shall take such precautions as are necessary to abate any dust nuisance.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
<b>Management and Rehabilitation</b>				
18	MANAGEMENT AND REHABILITATION OF LANDS (GENERAL) 18 The lease holder shall not interfere in any way with any fences on or adjacent to the subject area unless with the prior written approval of the owner thereof or the Minister and subject to such conditions as the Minister may stipulate.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
19	The lease holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
20	If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
21	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister any lands within the subject area which may have been disturbed by the lease holder.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
22	Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
23	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the lease holder.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
24	The lease holder shall take all precautions against causing outbreak of fire on the subject area.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
25	The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
26	26 The lease holder shall monitor noise and vibration and institute controls, generally in accordance with the recommendations of Australian Standard AS-2187-1993 and ANZEC Guidelines. (a) Ground Vibration The lease holder shall design all blasts on the basis that the ground vibration peak particle velocity generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by the lease holder, the holder of an authority under the Mining Act, or not subject to a valid agreement with the lease holder, with respect to the effects of blasting. (b) Blast Overpressure The lease holder shall design all blasts on the basis that the blast overpressure noise level generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by the lease holder; the holder of an authority under the Mining Act, or not subject to a valid agreement with the lease holder, with respect to the effects of blasting.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
27	If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna within the subject area.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
29	The lease holder shall maintain an arboreal screen to the satisfaction of the Minister within such parts of the subject area as may be specified by the Minister and shall plant such trees or shrubs as may be required by the Minister to preserve the arboreal screen in a condition satisfactory to the Minister.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
30	The lease holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the lease holder shall observe and perform any instructions given or which may be given by the Minister with a view to minimising or preventing soil erosion.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
31	The lease holder shall pay to Cessnock City Council, Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the lease holder to any road adjoining or traversing the surface or the excepted surface, as the case may be of the subject area.  PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority as the case may be from the Mine Subsidence Compensation Fund	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
32	In the event of operations being conducted on the surface of any road, track or firetrail traversing the subject area or in the event of such operations causing damage to or interference with any such road, track or firetrail the lease holder, at his own expense, shall if directed to do so by the Minister provide to the satisfaction of the Minister an alternate road, track or firetrail in a position as required by the Minister and shall allow free and uninterrupted access along such alternate road, track or firetrail and, if required to do so by the Minister, the lease holder shall upon completion of operations rehabilitate the surface of the original road, track or firetrail to a condition satisfactory to the Minister.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
33	(a) Operations shall be carried out in such a way as not to cause any pollution of the Hunter Catchment Area. (b) If the lease holder is using or about to use any process which in the opinion of the Minister is likely to cause contamination of the waters of the said Catchment Area the lease holder shall refrain from using or cease using as the case may require such process within twenty four (24) hours of the receipt by the lease holder of a notice in writing under the hand of the Minister requiring the lease holder to do so. (c) The lease holder shall comply with any regulations now in force or hereafter to be in force for the protection from pollution of the said Catchment Area.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
41	The lease holder shall as far as is practicable so conduct operations as not to interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area and shall comply with any direction given or which may be given by the Minister in this regard.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
43	The lease holder shall not knowingly destroy, deface or damage any Aboriginal object or Aboriginal place or within the subject area except in accordance with an authority issued under the National Parks and Wildlife Act, 1974, and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
45	The lease holder shall if directed by the Minister and within such time as the Minister may stipulate furnish to the Minister: (a) information regarding the ownership of the land within the subject area; (b) information regarding the ownership of the coal within the subject area prior to 1st January, 1982; (c) an indemnity in a form approved by the Minister indemnifying the Crown and the Minister against any wrong payment effected as a result of incorrect information furnished by the lease holder; (d) information regarding the financial viability of the lease holder and operations within and associated with the subject area; and (e) information regarding shareholdings in the lease holder.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
46	Within a period of three (3) months from the date of this authority or a period of three (3) months from the date of service of the notice of renewal, or within such further time as the Director General may allow, the lease holder shall serve on each landholder within the subject area a notice in writing indicating that this authority has been granted or renewed and whether the authority includes the surface. The notice shall be accompanied by an adequate plan and description of the subject area.  If there are ten (10) or more landholders affected the lease holder may serve the notice by publication in a newspaper circulating in the region where the subject area is situated. The notice shall indicate that this authority has been granted or renewed, state whether the authority includes the surface and shall contain an adequate plan and description of the subject area.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
47	47 (a) Where an Inspector under the Mining Act 1992 is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder, the Inspector may serve on the lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease holder: (i) to cease operations within the subject area in contravention of that condition or Act; and (ii) to carry out within the specified time works necessary to rectify or remedy the situation. (b) The lease holder shall comply with the directions contained in any notice served pursuant to sub paragraph (a) of this condition. The Director General may confirm, vary or revoke any such direction. (c) A notice referred to in his condition may be served on the Colliery Manager.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
48	The lease holder shall indemnify and keep indemnified the Crown from and against all actions suits and claims and demands of whatsoever nature and all costs charges and expense which may be brought against the lease holder or which the lease holder may incur respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the lease holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this authority shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease which the lease holder may be licensed or compelled to do hereunder.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
49	The lease holder shall save harmless the Crown from payment of compensation and from and against all claims, actions, suits or demands whatsoever in the event of any damage resulting from mining operations under or near the subject area.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
50	(a) Where the lease holder desires to commence prospecting operations in the subject area the lease holder shall notify the Director General in writing and shall comply with such additional conditions as the Minister may impose including any condition requiring the lodgement of an additional bond or other form of security for rehabilitation of the area affected by such operations.  (b) Where the lease holder notifies the Director General pursuant to sub paragraph (a) of this condition the lease holder shall furnish with that notification details of the type of prospecting methods that would be adopted and the extent and location of the area that would be affected by them.	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	
51	51 (a) The joint security of \$5,760,000.00 required to be lodged with the Minister by the Lease holder for the purpose of ensuring the fulfilment by the leaseholder of its obligations under <b>DSL 89 (Act 1901), MPL 217 (Act 1906), MPL 23 (Act 1906), MPL 233 (Act 1906), MPL 269 (Act 1906), MPL 1364 (Act 1906), MPL 204 (Act 1906), MPL 324 (Act 1973), ML 1157 (C&amp;S Act 1906), ML 1283 (C&amp;S Act 1906), CCL 728 (Act 1973), ML 1345 (Act 1992), ML 1347 (Act 1992), ML 1388 (Act 1992), CML 2 (Act 1992), and PLL 150 (Act 1906)</b> includes the obligations of this lease. In the event that the lease holder fails to fulfill any of the lease holder's obligations under these authorities the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purposes of the clause a lease holder shall be deemed to have failed to fulfill the lease holder's obligations under these authorities, if the lease holder fails to comply with any condition or provision of these authorities or of any provision of the Act or regulations made thereunder. (b) The lease holder must provide the security required by sub-clause (a) hereof in one of the following forms:- (i) cash, or (ii) a security certificate in such form and given by such surety as may from time to time be approved by the Minister. (c) The Minister may at any time, vary the amount of security required in accordance with this condition.	Compliant	RCE is submitted with the MOP.  Latest signed RCE is 26/6/2019.  Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.	
54	Condition 54	Not triggered	No mining has been undertaken within subsurface lease 752 during the audit period	



## Dam Site Lease No 89 (Act 1901)

Lease: Dam Site Lease No 89 (1901)  
 Holder: Austar coal Mine Pty Limited  
 CAN 111 910 822  
 Date of Lease: Apr-08  
 Expiry Date of: 04-Apr-30

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
0	LEASE: Dam Site Lease No 89 (ACT 1901) HOLDER: Austar Coal Mine Pty Limited (ACN 111 910 822) DATE OF LEASE: 4 April 1908 EXPIRY DATE OF LEASE: 4 April 2010 PERIOD OF RENEWAL UNTIL: 4 April 2030 AREA: 3.961 hectares AS SHOWN BY PLAN NO M13262 SURFACE EXCEPTION: Nil DEPTH RESTRICTION: Whole to 15.24 metres PURPOSES: The construction, maintenance or use (in or in connection with mining operations) of: any road, railway, tramway, bridge or jetty.	Note	The specified purpose of DSL 89 is <i>The construction, maintenance or use (in or in connection with mining operations) of: any road, railway, tramway, bridge or jetty.</i>  None of these requirements have been triggered during the audit period	
<b>Notice to Landholders</b>				
1	1. Notice to Landholders Within a period of three months from the date of grant or renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.	Not triggered		
<b>Environmental Harm</b>				
2	2. Environmental Harm The proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.	Not triggered		
<b>Mining Operations Plan</b>				
3	3. Mining Operations Plan (a) Mining operations must not be carried out otherwise than in accordance with: a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries. (b) The MOP must: i) identify areas that will be disturbed by mining operations; ii) detail the staging of specific mining operations; iii) identify how the mine will be managed to allow mine closure; iv) identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment; v) reflect the conditions of approval under: the Environmental Planning and Assessment Act 1979 the Protection of the Environment Operations Act 1997 and any other approvals relevant to the development including the conditions of this lease; and vi) have regard to any relevant guidelines adopted by the Director-General. (c) The titleholder may apply to the Director-General to amend an approved MOP at any time. (d) It is not a breach of this condition if: i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997 or the Occupational Health and Safety Act 2000; and ii) the Director-General had been notified in writing of the order or direction prior to the operations constituting the breach being carried out. (e) A MOP ceases to have effect 7 years after date of approval or other such period as identified by the Director-General. An approved amendment to the MOP under condition 5 does not constitute an approval for the purpose of this paragraph unless otherwise identified by the Director-General.	Not triggered		
<b>Environmental Management Reporting</b>				
4	4. Environment Management Reporting The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.	Compliant	The site annual reviews are prepared to meet this condition.  Annual reviews are prepared for the site for the period 1 July to 30 June.  All Annual Reviews for audit period are signed and dated prior to end of September. Also sighted submission confirmation of submission for each year.	
5	5. The EMR must: a) report against compliance with the MOP; b) report on progress in respect of rehabilitation completion criteria; c) report on the extent of compliance with regulatory requirements; and d) have regard to any relevant guidelines adopted by the Director-General.	Not triggered		
6	Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.	Not triggered		
<b>Rehabilitation</b>				
7	7. Rehabilitation Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.	Not triggered		
<b>Control of Operations</b>				
10	10. Control of Operations (a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:- (i) cease working the lease; or (ii) cease that part of the operation not complying with the Act or conditions; until in the opinion of the Environmental Officer the situation is rectified. (b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction. (c) A direction referred to in this condition may be served on the Mine Manager.	Not triggered		
<b>Blasting</b>				
15	15. Blasting (a) Ground Vibration The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment and Climate Change. (b) Blast Overpressure The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment and Climate Change.	Not triggered		
<b>Safety</b>				
16	16. Safety Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Not triggered		
<b>Prevention of Soil Erosion and Pollution</b>				

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
18	18. Prevention of Soil Erosion and Pollution Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	Not triggered		
<b>Transmission Lines, Communication Lines and Pipelines</b>				
19	19. Transmission lines, Communication lines and Pipelines Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.	Not triggered		
<b>Fences, Gates</b>				
20	20. Fences, Gates (a) Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate. (b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.	Not triggered		
<b>Roads and Tracks</b>				
21	21. Roads and Tracks (a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate. (b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.	Not triggered		
22	Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Environment and Climate Change.	Not triggered		
<b>Trees and Timber</b>				
23	23. Trees and Timber (a) The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden. (b) The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992 must comply with the provisions of the Native Vegetation Act 2003. (c) The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.	Not triggered		
<b>Indemnity</b>				
26	26. Indemnity The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.	Not triggered		
28	(a) The single security in the sum of \$14,420,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under Dam Site Lease 89 (Act 1901), Mineral Lease 1157 (Act 1906), Mineral Lease 1283 (Act 1906), Mining Purposes Lease 23 (Act 1906), Mining Purposes Lease 204 (Act 1906), Mining Purposes Lease 217 (Act 1906), Mining Purposes Lease 233 (Act 1906). The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping petroleum title(s). The cooperation agreement should address but not be limited to issues such as:	Not triggered		
31	access arrangements operational interaction procedures dispute resolution information exchange well location timing of drilling	Not triggered		
<b>Railways</b>				
32	Railways (1) The lease holder shall construct and maintain the railway within the subject area in accordance with the specifications and requirements of Rail Corporation New South Wales (RailCorp), formerly known as the State Rail Authority of New South Wales. (2) The lease holder shall, if required so to do by the Minister for the Department of Water and Energy, formerly known as Natural Resources, construct suitable crossings to the satisfaction of Rail Corporation New South Wales (RailCorp), formerly known as the State Rail Authority of New South Wales, against the railway where such railway crosses any road or street.	Not triggered		

# Mineral Lease No 1157 (Act 1906)

Lease: Mineral Lease No 1157 (1906)  
 Holder: Austar coal Mine Pty Limited  
 CAN 111 910 822  
 Date of Lease: Jul-49  
 Expiry Date of: 08-Jul-28

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
0	LEASE: Mineral Lease No 1157 (Act 1906) HOLDER: Austar Coal Mine Pty Ltd ACN 111 910 822 DATE OF LEASE: 8 July 1949 EXPIRY DATE OF LEASE: 8 July 2007 PERIOD OF RENEWAL UNTIL: 8 July 2028 AREA: 10.24 hectares AS SHOWN BY PLAN NO M21164 DEPTH RESTRICTION: 15.25 metres as shown on M21164	Note	Note this ML is relevant to the Aberdare emplacement area	
<b>Notice to Landholders</b>				
1	Notice to Landholders 1. Within a period of three months from the date of granted / renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.	Not triggered	Lease granted prior to audit period.	
<b>Mining, Rehabilitation, Environmental Management Process (MREMP) Mining Operations Plan (MOP)</b>				
2	<b>Mining, Rehabilitation, Environmental Management Process (MREMP) Mining Operations Plan (MOP)</b> 2. (1) Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:- (a) ongoing mining operations and environmental management; and (b) ongoing monitoring of the project. (2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement. (3) A Plan must be lodged with the Director-General:- (a) prior to the commencement of mining operations (including mining purposes); (b) subsequently as appropriate prior to the expiry of any current Plan; and (c) in accordance with any direction issued by the Director-General. (4) The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:- (a) area(s) proposed to be disturbed under the Plan; (b) mining and rehabilitation method(s) to be used and their sequence; (c) areas to be used for disposal of tailings/waste; (d) existing and proposed surface infrastructure; (e) existing flora and fauna on the site; (f) progressive rehabilitation schedules; (g) areas of particular environmental, ecological and cultural sensitivity and measures to protect these areas; (h) water management systems (including erosion and sediment controls); (i) proposed resource recovery; and (j) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation. (5) The Plan when lodged will be reviewed by the Department. (6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and re-lodgement. (7) If a requirement in accordance with clause (6) is not issued within two (2) months of the lodgement of a Plan, the lease holder may proceed with implementation of the Plan. (8) During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlined in clauses (5)- (7) above.	Compliant	Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.  Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.	
3	3(1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General. (2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of: (a) the accepted Mining Operations Plan; (b) development consent requirements and conditions; (c) Department of Environment and Conservation and Department of Planning licences and approvals; (d) any other statutory environmental requirements; (e) details of any variations to environmental approvals applicable to the lease area; and (f) where relevant, progress towards final rehabilitation objectives. (3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice. (4) The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies and the local council.	Compliant	The site annual reviews are prepared to meet this condition.  Annual reviews are prepared for the site for the period 1 July to 30 June.  All Annual Reviews for audit period are signed and dated prior to end of September. Also sighted submission confirmation of submission for each year.	
4	(a) The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface. (b) Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the Applications for Subsidence Management Approvals guidelines (EDG17) (c) The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the Coal Mines Regulation Act 1982, or the document New Subsidence Management Plan Approval process - Transitional Provisions (EDP09). (d) Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for Subsidence Management Approvals. (e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 2 and will be subject to the Annual Environmental Management Report process as set out under Condition 3. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document New Approval Process for Management of Coal Mining Subsidence - Policy.	Compliant	Extraction plan available on website  Extraction Plan for LWB4-B7 is the relevant EP for the audit period. The original Extraction plan for B4-B7 approved was by DPE on 20 September 2017 acknowledging that it had been prepared to the satisfaction of DRG.  EP was modified for the shortening of LW B4. Revised EP approved by DPE on 12 Feb 2019. Approval letter sighted. Shortening of B5-B7 approved on 7 August 2019. Did not require an amendment to the EP due to impacts similar or less than the existing EP. Approval letter sighted.	
<b>Control of Operations</b>				
6	6. (a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:- (i) cease working the lease; or (ii) cease that part of the operation not complying with the Act or conditions; until in the opinion of the environmental Officer the situation is rectified. (b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction. (c) A direction referred to in this condition may be served on the Mine Manager.	Not triggered	According to site communications no stop work orders have been issued	
<b>Reports</b>				

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
7	<p>Reports</p> <p>7. The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <p>(a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period;</p> <p>(b) Details of expenditure incurred in conducting that exploration;</p> <p>(c) A summary of all geological findings acquired through mmmg or development evaluation activities;</p> <p>(d) Particulars of exploration proposed to be conducted in the next twelve months period;</p> <p>(e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.</p>	Administrative non-compliance	<p>One exploration report submitted for all mining leases.</p> <p>Evidence of 'Indexing Title DSL89 Group Report's. Anniversary period is April 4 to April 3. Reports covering:</p> <p>- April 4th, 2017 - April 3th 2018 (submitted May 4th 2018).</p> <p>- April 4th, 2018- April 3th 2019 (submitted 2 May 2019).</p> <p>- April 4th, 2019- April 3th 2020 (submitted May 4th 2020).</p> <p>Reports cover these requirements. There is a minor non - compliance as the reports are dated 30 days after the anniversary date, not 28 days.</p> <p>It is understood that this is likely to be due to doucment reminders being incorrectly set for a submission 30 days following anniversary date.</p>	Improvement REC: Update document management system of personnel accountable for th preparation of the reports so that reminders reflect the reporting requirement of 28 days rather than 30 days.
8	<p>(a) the right in copyright to publish, print, adapt and reproduce all exploration reports lodged in any form and for the full duration of copyright.</p> <p>(b) The non-exclusive licence will operate as a consent for the purposes of section 365 of the Mining Act 1992.</p>	Note		
9	<p>(a) All exploration reports submitted in accordance with the conditions of this lease is in force, except in cases where:</p> <p>(i) the lease holder has agreed that specified reports may be made non-confidential.</p> <p>(ii) reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease.</p> <p>(b) Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-on title or any subsequent flow-on title, has terminated.</p> <p>(c) The Director-General may extend the period of confidentiality.</p>	Note		
<b>Terms of non-exclusive licence</b>				
10	<p>Terms of non-exclusive licence</p> <p>The terms of the non-exclusive copyright licence granted under condition 8(a) are:</p> <p>(a) the Minister may sub-licence others to publish, print, adapt and reproduce but not on-licence reports.</p> <p>(b) the Minister and any sub- licensee will acknowledge the lease holder's and any identifiable consultant's ownership of copyright in any reproduction of the reports, including storage of reports onto an electronic database.</p> <p>(c) the lease holder does not warrant ownership of all copyright works in any report and, the lease holder will use best endeavours to identify those parts of the report for which the lease holder owns the copyright</p> <p>(d) there is no royalty payable by the Minister for the licence.</p> <p>(e) if the lease holder has reasonable grounds to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which adversely affects the operations of the lease holder, that licence is revocable on the giving of a period of not less than three months notice.</p>	Note		
<b>Ground Vibration</b>				
11	<p>11. (a) Ground Vibration</p> <p>The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment and Conservation.</p> <p>(b) Blast Overpressure</p> <p>The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment and Conservation.</p>	Compliant	There was no blasting in this ML during the audit period.	
12	<p>12. Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.</p>	Compliant	As verified by site inspection all shafts, boreholes to the underground are appropriately protected and secure.	
13	<p>a) Land disturbed must be rehabilitated to a stable and permanent form suitable for a subsequent land use acceptable to the Director-General and in accordance with the Mining Operations Plan so that:-</p> <ul style="list-style-type: none"> <li>• there is no adverse environmental effect outside the disturbed area and that the land is properly drained and protected from soil erosion.</li> <li>• the state of the land is compatible with the surrounding land and land use requirements.</li> <li>• the landforms, soils, hydrology and flora require no greater maintenance than that in the surrounding land.</li> <li>• in cases where revegetation is required and native vegetation has been removed or damaged, the original species must be re-established with close reference to the flora survey included in the Mining Operations Plan. If the original vegetation was not native, any re-established vegetation must be appropriate to the area and at an acceptable density.</li> <li>• the land does not pose a threat to public safety.</li> </ul> <p>(b) Any topsoil that is removed must be stored and maintained in a manner acceptable to the Director-General.</p>	Compliant	<p>Rehabilitated areas sighted during the site inspection were noted to be in accordance with specified post mining land use in the MOP plan 4 figures.</p> <p>No rehab relinquished or requests for satisfaction of RR</p>	
14	<p>The lease holder must comply with any direction given by the Director-General regarding the stabilisation and revegetation of any mine residues, tailings or overburden dumps situated on the lease area.</p>	Not triggered	Dumping and rehabilitation is undertaken in accordance with the MOP. No directions have been received	
15	<p>(1) At least twenty eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Natural Resources regional hydrogeologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes.</p> <p>(2) If the lease holder drills exploratory drill holes he must satisfy the Director-General that:-</p> <p>(a) all cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established;</p> <p>(b) all holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;</p> <p>(c) all drill holes are permanently sealed with cement plugs to prevent surface discharge of groundwaters;</p> <p>(d) if any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape;</p> <p>(e) if any drill hole meets an artesian or sub-artesian flow it is effectively sealed to prevent contamination of aquifers.</p> <p>(f) once any drill hole ceases to be used the hole must be sealed in accordance with Departmental guidelines. Alternatively, the hole must be sealed as instructed by the Director-General.</p> <p>(g) once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.</p>	Not triggered	There was no exploratory drill during the audit period.	
16	<p>Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.</p>	Compliant	<p>As verified by site inspections there was no evidence of significant dust, erosion or sedimentation. There was no significant evidence of hydrocarbon staining etc.</p> <p>There were no incidents relating to this ML during the audit period.</p>	
17	<p>Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.</p>	Not triggered	Not applicable to this mining lease	
18	<p>(a) Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate.</p> <p>(b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.</p>	Compliant	There have been no complaints regarding fence/gate mismanagement	
19	<p>(a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate.</p> <p>(b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.</p>	Not triggered	Not applicable to this mining lease	
20	<p>Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Natural Resources.</p>	Compliant	No tracks constructed during the audit period. Based on site inspection all site access tracks were in good condition. Access tracks on Austar land inspected quarterly and maintained for bushfire management.	

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
21	<p>(a) The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden.</p> <p>(b) The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992 must comply with the provisions of the Native Vegetation Act 2003.</p> <p>(c) The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.</p>	Compliant	<p>No clearing undertaken during the audit period.</p> <p>Any works would be to maintain areas based on slashing for APZ fire zones. No removal of large trees.</p>	
23	<p>23. (a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to recover such minerals.</p> <p>(b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.</p> <p>(c) The lease holder must, when requested by the Director-General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.</p> <p>(d) The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director-General has incorporated the views of the lease holder.</p> <p>(e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the Mining Act, 1992.</p> <p>(f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice.</p>	Not triggered	No mining undertaken within this ML	
24	<p>The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.</p>	Not triggered	No action/suit/claim/demand has been made against Austar in relation to any damage/injury to person/property as a result of the exercise of rights	
26	<p>(a) The single security given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under Dam Site Lease (Mining Purposes) 89 (Act 1901), Mineral Lease 1283 (Act 1906), Mining Purpose Leases 23, 204, 217, 233, 269 and 1364 (Act 1906), Private Lands Lease 150 (Act 1906), Consolidated Coal Leases 728 and 752 (Act 1973), Mining Purposes Lease 324 (Act 1973), Consolidated Mining Lease 2 (Act 1992), Mining Leases 1345, 1347 and 1388 (Act 1992) and Mining Lease (Purposes) 1550 (Act 1992) is extended to apply to this lease.</p> <p>(b) If the lease holder fails to fulfil any one or more of the obligations under this lease, then the security held may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of the lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder.</p>	Compliant	<p>RCE is submitted with the MOP.</p> <p>Latest signed RCE is 26/6/2019.</p> <p>Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.</p>	

# Mineral Lease No 1283 (Act 1906)

Lease: Mineral Lease No 1283 (1906)  
 Holder: Austar coal Mine Pty Limited  
 CAN 111 910 822  
 Date of Lease: Jul-61  
 Expiry Date of: 13-Jul-22

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
0	MINERAL LEASE NO.1283 (C&S ACT 1906) HOLDER: SOUTHLAND COAL PTY LTD A.B.N. 39 000 077 225 DATE OF LEASE: 13 July 1961 EXPIRY DATE OF LEASE: 13 July 2002 PERIOD OF RENEWAL UNTIL: 13 July 2022 AREA: approximately 1.973 hectares as shown on Plan M16007-01 DEPTH RESTRICTION: . Whole 15.24 metres as shown on Plan M16007-01 SURFACE EXCEPTION: Whole 7.62 metres as shown on Plan M16007-01 ROYALTY PAYABLE at the rates which, from time to time, may be prescribed. MINERALS:, Coal	Note	Note - this ML is relevant to the Aberdare Emplacement Area	
1	The lease holder shall extract as large a percentage of the coal in the subject area as is practicable consistent with the provisions of the Coal Mines Regulations Act 1982 and the Regulations thereunder and shall comply with any direction given or which may be given in this regard by the Minister.	Not triggered	No extraction in ML 1283	
2	(1) Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:- (a) ongoing mining operations and environmental management; and (b) ongoing monitoring of the project. (2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement. (3) A Plan must be lodged with the Director-General:- (a) prior to the commencement of operations; (b) subsequently as appropriate prior to the expiry of any current Plan; and (c) in accordance with any direction issued by the Director-General. (4) The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:- (a) area(s) proposed to be disturbed under the Plan; (b) mining and rehabilitation method(s) to be used and their sequence; (c) areas to be used for disposal of tailings/waste; (d) existing and proposed surface infrastructure; (e) progressive rehabilitation schedules; (f) areas of particular environmental sensitivity; (g) water management systems (including erosion and sediment controls); (h) proposed resource recovery; and (i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation (5) The Plan when lodged will be reviewed by the Department of Mineral Resources. (6) The Director-General may within two months of the lodgement of a plan, require modification and lodgement. (7) If a requirement in accordance with clause (6) is not issued within two months of the lodgement of a Plan, the lease holder may proceed with implementation of the Plan submitted subject to the lodgement of the required security deposit within the specified time. (8) During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlined in clauses (5) - (7) above.	Compliant	Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.  Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.	
3	(1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General. The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:- (a) the accepted Mining Operations Plan (b) development consent requirements and conditions (c) EPA and Dept of land and water conservation licences and approval (d) any other statutory environmental requirements (e) details of any variations to environmental approvals applicable to the lease area, and (f) where relevant, progress towards final rehabilitation objectives. (2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:- (a) the accepted Mining Operations Plan; (b) development consent requirements and conditions; (c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals; (d) any other statutory environmental requirements; (e) details of any variations to environmental approvals applicable to the lease area, and (f) where relevant, progress towards final rehabilitation objectives. (3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice. (4) The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.	Compliant	The site annual reviews are prepared to meet this condition.  Annual reviews are prepared for the site for the period 1 July to 30 June.  All Annual Reviews for audit period are signed and dated prior to end of September. Also sighted submission confirmation of submission for each year.	
19	The lease holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.	Not triggered	Not applicable to this ML	
20	If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines.	Not triggered	Not applicable to this ML	
22	Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.	Not triggered	No demolition or decommissioning of surface infrastructure during the audit period	
23	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any Lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the lease holder.	Compliant	Rehabilitated areas sighted during the site inspection were noted to be in accordance with specified post mining land use in the MOP plan 4 figures.  No rehab relinquished or requests for satisfaction of RR	



Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
27	If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna within the subject area.	Not triggered	No clearance or disturbance of vegetation during the MOP term.	
31	The lease holder shall pay to Cessnock City Council, Department of Land and Water Conservation or the Chief Executive; Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the lease holder to any road adjoining or traversing the surface or the excepted surface, as the case may be of the subject area.  PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority as the case may be from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in settlement of a claim for compensation for the same damage.	Not triggered	Not applicable to this ML	
32	In the event of operations being conducted on the surface of any road, track or firetrail traversing the subject area or in the event of such operations causing damage to or interference with any such road, track or firetrail the lease holder, at his own expense, shall if directed to do so by the Minister provide to the satisfaction of the Minister an alternate road, track or firetrail in a position as required by the Minister and shall allow free and uninterrupted access along such alternate road, track or firetrail and, if required to do so by the Minister, the lease holder shall upon completion of operations rehabilitate the surface of the original road, track or firetrail to a condition satisfactory to the Minister.	Not triggered	Based on site inspection utilised tracks and access roads are well maintained.	
41	The lease holder shall as far as is practicable so conduct operations as not to interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area and shall comply with any direction given or which may be given by the Minister in this regard.	Not triggered	Not applicable to this ML	
45	The leaseholder shall if directed by the Minister and within such time as the Minister may stipulate furnish to the Minister: (a) information regarding the ownership of the land within the subject area; (b) information regarding the ownership of the coal within the subject area prior to 1st January, 1982; (c) an indemnity in a form approved by the Minister indemnifying the Crown and the Minister against any wrong payment effected as a result of incorrect information furnished by the lease holder; (d) information regarding the financial viability of the lease holder and operations within and associated with the subject area; and (e) information regarding shareholdings in the lease holder.	Not triggered	No requests during the audit period	
46	Within a period of three (3) months from the date of this authority or a period of three (3) months from the date of service of the notice of renewal, or within such further time as the Director General may allow, the lease holder shall serve on each landholder within the subject area a notice in writing indicating that this authority has been granted or renewed and whether the authority includes the surface. The notice shall be accompanied by an adequate plan and description of the subject area.  If there are ten (10) or more landholders affected the lease holder may serve the notice by publication in a newspaper circulating in the region where the subject area is situated. The notice shall indicate that this authority has been granted or renewed, state whether the authority includes the surface and shall contain an adequate plan and description of the subject area.	Not triggered	No requests during the audit period	
47	Where an inspector under the Mining Act 1992 is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder, the Inspector may serve on the lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease holder: (i) to cease operations within the subject area in contravention of that condition or Act; and (ii) to carry out within the specified time works necessary to rectify or remedy the situation. The lease holder shall comply with the directions contained in any notice served pursuant to sub paragraph (a) of this condition. The Director General may confirm, vary or revoke any such direction. A notice referred to in his condition may be served on the Colliery Manager.	Not triggered	No requests during the audit period	
48	The lease holder shall indemnify and keep indemnified the Crown from and against all actions suits and claims and demands of whatsoever nature and all costs charges and expense which may be brought against the lease holder or which the lease holder may incur respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the lease holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this authority shall in all respects have been observed by the lease holder or that any such	Not triggered	No action/suit/claim/demand has been made against Austar in relation to any damage/injury to person/property as a result of the exercise of rights	
49	The lease holder shall save harmless the Crown from payment of compensation and from and against all claims, actions, suits or demands whatsoever in the event of any damage resulting from mining operations under or near the subject area.	Not triggered	No action/suit/claim/demand has been made against Austar in relation to any damage/injury to person/property as a result of the exercise of rights	
50	Where the lease holder desires to commence prospecting operations in the subject area the lease holder shall notify the Director General in writing and shall comply with such additional conditions as the Minister may impose including any condition requiring the lodgement of an additional bond or other form of security for rehabilitation of the area affected by such operations.  Where the lease holder notifies the Director General pursuant to sub paragraph (a) II of this condition the lease holder shall furnish with that notification details of the type of prospecting methods that would be adopted and the extent and location of the area that would be affected by them.	Not triggered	No prospecting in the ML during the audit period	
51	(a) The joint security of \$5,760,000.00 required to be lodged with the Minister by the Lease holder for the purpose of ensuring the fulfilment by the leaseholder of its obligations under DSL 89 (Act 1901), MPL 217 (Act 1906), MPL 23 (Act 1906), MPL/ 233 (Act 1906), MPL 269 (Act 1906), MPL 1364 (Act 1906), MPL 204 (Act 190 ), MPL 324 (Act 1973), CCL 752 (Act 1973), CCL 728 (Act 1973), ML 1157 (Cast 1906), ML 1345 (Act 1992), ML 1347 (Act 1992), ML 1388 (Act 1992), CMI2 (Act 1992) and PLL 150 (Act 1906) includes the obligations of this lease: In the event that the lease holder fails to fulfill any of the lease holder's obligations under these authorities the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purposes of the clause a lease holder shall be deemed to have failed to fulfill the lease holder's obligations under these authorities, if the lease holder fails to comply with any condition or provision of these authorities, any provision of the Act or regulations made thereunder. (b) The lease holder must provide the security required by sub-clause (a) hereof in on of the following forms:- (i) cash, or (ii) a security certificate in such form and given by such surety as may form and given by such surety as may from time to time be approved by the Minister. (c) The Minister may at any time, vary the amount of security required in accordance with this condition.	Compliant	RCE is submitted with the MOP.  Latest signed RCE is 26/6/2019.  Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.	
54	The lease holder shall during the term of this authority pay to the Minister royalty at the additional rate as prescribed by the Regulations for coal recovered by open cut mining methods from the area.	Not triggered	Austar is an underground mine therefore not applicable	
<b>Special Conditions Annexure 1</b>				
1	1 a) The leaseholder shall proceed with rehabilitation works at the Pelton Site (Coal Preparation Plant and Open Cut Mining Areas) and Aberdare Extended Site (Coal Washery Rejects Emplacement) in general accordance with those works documented in; ELLALONG/PELTON COLLIERY REHABILITATION PLAN SOUTHLAND COAL JUNE 1998 b) Rehabilitation works documented in 1(a) above are to be varied in accordance with the variations specified in Annexure A-2. c) Rehabilitation works as documented in 1(a) above and as may be varied in 1(b) above are to be integrated and documented in the Mining Operations Plan referred to in 2 under.	Not triggered	Lease transfer prior to the audit period	



Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
2	<p>Mining Operations Plan (MOP)</p> <p>2. (1) Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for-</p> <p>a) ongoing mining operations and environmental management; and b) ongoing monitoring of the project.</p> <p>(2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement.</p> <p>(3) A plan must be lodged with the Director-General:</p> <p>a) within 60 days of the date of lease transfer</p> <p>b) subsequently as appropriate prior to the expiry of any current Plan; and c) In accordance with any direction issued by the Director-General</p> <p>(4) The plan must present a schedule of proposed mine development for a period of three (3) years contain diagrams and documentation which identify:</p> <p>a) area(s) proposed to be disturbed under the Plan;</p> <p>b) mining and rehabilitation method(s) to be used and their sequence;</p> <p>c) areas to be used for disposal of tailings/waste;</p> <p>d) existing and proposed surface infrastructure;</p> <p>e) progressive rehabilitation schedules;</p> <p>f) areas of particular environmental sensitivity;</p> <p>g) water management systems (including erosion and sediment controls);</p> <p>h) proposed resource recovery; and</p> <p>i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation.</p> <p>(5) The Plan when lodged will be reviewed by the Department of Mineral Resources.</p> <p>(6) the Director-General may within (2) months of the lodgement or a Plan, require modification and relodgement.</p> <p>(7) If a requirement in accordance with clause (6) is not issued within two months of the lodgement or a Plan, leaseholder may proceed with implementation of the Plan submitted.</p> <p>(8) During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the director general and will be subject to the review process outlined in (5) - (7) above.</p>	Not triggered	Lease transfer prior to the audit period	
3	<p>(1) Within 12 months of the date of lease transfer and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General, the EPA's Director (Northern Region) and the Cessnock City Council; General Manager.</p> <p>(2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuring twelve months in terms of: -</p> <p>a) the accepted Mining Operations Plan;</p> <p>b) developments consent requirements and conditions;</p> <p>c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals;</p> <p>d) any other statutory environmental requirements;</p> <p>e) details of any variations to environmental approvals applicable to the lease area and</p> <p>f) where relevant progress towards final rehabilitation objectives.</p> <p>(3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations; remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice</p> <p>(4) The leaseholder shall, as and when directed by the Minister, cooperate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.</p>	Not triggered	Lease transfer prior to the audit period	
4	A senior officer employed on site is to be nominated as the responsible and accountable person for all environmental and rehabilitation operating requirements pursuant to the lease. This officer is to have access to appropriately qualified environmental consultants, as required.	Not triggered	Lease transfer prior to the audit period	
5	<p>(1) Immediate upon the transfer of the lease, the leaseholder shall conduct an assessment of environmental risk of the water management system(s) for the operating mine, coal washing plant and coal washery reject emplacement.</p> <p>(2) Within 30 days of the date of lease transfer the leaseholder shall prepare and lodge with the Department of Mineral Resources a Water Management Plan which is to address:</p> <p>a) Risk assessment (in 5 (1) above),</p> <p>b) Storage levels (at the time of reporting) and capacities, pumps, alarm settings end flow lines for contaminated waters,</p> <p>c) Stability of clean water diversion structures,</p> <p>d) Environmental monitoring of waters</p> <p>e) Management responsibilities and inspections procedures.</p> <p>f) Operator training in emergency response.</p>	Not triggered	Lease transfer prior to the audit period	
6	<p>(1) The leaseholder shall prepare a rehabilitation schedule that lists all tasks required to be completed in the first 3 years after lease transfer, pursuant to Condition 1 above. The leaseholder shall let 80 per cent of the contracts necessary to complete this schedule within 6 months of registration of lease transfer, as provided in an Agreement made between the leaseholder and the Minister within twenty eight (28) days of the registration of the transfer of this lease.</p> <p>(2) Progress of rehabilitation works as documented in the AEMR (3 (3) above) will be reviewed by the Department of Mineral Resources according to the agreed MOP sequence and completion criteria (2 (4) above). Should rehabilitation progress be deficient the Minister may, by written notice to the leaseholder, increase the Security Deposit, pursuant to the lease, each year up to \$2,000,000 by the end of the third year of the MOP.</p>	Not triggered	Lease transfer prior to the audit period	
<b>Special Conditions Annexure 2</b>				
1	within 6 months of registration of lease transfer, contracts of work for sealing of the West Shaft and West Drift mine entries shall be substantially let, unless it can be demonstrated to the Director-General that they are required for water disposal or ventilation purposes. If such a demonstration is accepted, the Director-General will issue extensions of time as appropriate to this condition. the work, when done, is to be completed and maintained to final criteria satisfactory to the Department of Mineral Resources.	Not triggered	Lease transfer prior to the audit period	
2	The tailings ponds areas (1a, 1b, 1c) are to be cleaned out and kept for emergency use only until final rehabilitation is carried out according to final completion criteria satisfactory to the Department of Resources. The areas are not to be used to store acid water or acid forming materials except in the case of such emergency. In such event the water / material shall be treated as rapidly as is practical within sound treatment plant and minesite operational practice and the area dewatered.	Not triggered	Lease transfer prior to the audit period	
3	The precipitate dam (area 9d) is to be mucked out and desilted. The desilted material is to be disposed of within open cut void areas.	Not triggered	Lease transfer prior to the audit period	
4	All pollution control dams (areas 9a, 9b, 9g and 9i) are to be desilted and stabilised to maintain storage capacity.	Not triggered	Lease transfer prior to the audit period	
5	The Aberdare Extended area (6ha) is to be rehabilitated with capping material and maintained, with work to be carried out as scheduled (or earlier) in the Rehabilitation plan. Earthworks are to commence by the end of the first quarter 1999 and are to be completed by 1 July 2000.	Not triggered	Lease transfer prior to the audit period	
6	Within 6 months of registration of lease transfer, contracts of work for rehabilitation of the South East rejects area (north of the Eastern Open Cut and adjacent to the railway) shall be substantially let, unless it can be demonstrated to the Director General that the area is required to be used as a facility for storage of special product sized coal. This such demonstration is accepted, the Director-General will issue extensions of time as appropriate, to this condition. The work, when done, is to be completed and maintained to final criteria satisfactory to the Department of Mineral Resources.	Not triggered	Lease transfer prior to the audit period	

# Mineral Lease No 1345 (Act 1992)

Relevant to Aberdare Emplacement Area

Lease: Mineral Lease No 1345 (1992)  
 Holder: Austar coal Mine Pty Limited  
 CAN 111 910 822  
 Date of Lease: Mar-95  
 Expiry Date of: 30-Dec-23

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
0	MINING LEASE NO. 1345 (ACT 1992) HOLDER (S): SOUTHLAND COAL PTY LII DATE OF LEASE: 23 March 1995 EXPIRY DATE OF LEASE: 30 December 2002 PERIOD OF RENEWAL UNTIL: 30 December 2023 AREA: approximately 95.08 hectares DEPTH RESTRICTION: Nil SURFACE EXCEPTION: Nil ROYALTY PAYABLE at the rates which, from time to time, may be MINERALS: Coal	Note	This ML is applicable to the Aberdare Emplacement Area	
1	The lease holder shall extract as large a percentage of the coal in the subject area as is practicable consistent with the provisions of the Coal Mines Regulations Act 1982 and the Regulations thereunder and shall comply with any direction given or which may be given in this regard by the Minister.	Not triggered	No coal extraction in the ML area	
2	2 (1) Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:- (a) ongoing mining operations and environmental management; and (b) ongoing monitoring of the project. (2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement. (3) A Plan must be lodged with the Director-General:- (a) prior to the commencement of operations; (b) subsequently as appropriate prior to the expiry of any current Plan; and (c) in accordance with any direction issued by the Director-General. (4) The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:- (a) area(s) proposed to be disturbed under the Plan; (b) mining and rehabilitation method(s) to be used and their sequence; (c) areas to be used for disposal of tailings/waste; (d) existing and proposed surface infrastructure; (e) progressive rehabilitation schedules; (f) areas of particular environmental sensitivity; (g) water management systems (including erosion and sediment controls); (h) proposed resource recovery; and (i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation (5) The Plan when lodged will be reviewed by the Department of Mineral Resources. (6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and relodgement. (7) If a requirement in accordance with clause (6) is not issued within two months of the lodgement of a Plan,	Compliant	Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.  Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.	
3	3 (1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General. (2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:- (a) the accepted Mining Operations Plan; (b) development consent requirements and conditions; (c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals; (d) any other statutory environmental requirements; (e) details of any variations to environmental approvals applicable to the lease area. and (f) where relevant, progress towards final rehabilitation objectives. (3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice. (4) The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.	Compliant	The site annual reviews are prepared to meet this condition.  Annual reviews are prepared for the site for the period 1 July to 30 June.  All Annual Reviews for audit period are signed and dated prior to end of September. Also sighted submission confirmation of submission for each year.	

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
11	The lease holder unless with the consent of the Minister and subject to such conditions as the Minister may impose shall not work or cause to be worked any seam of coal by underground methods within the subject area within the barrier defined as follows: The land within the zone beneath and adjacent to South Maitland Railway enclosed by an angle of draw of 35° from the vertical plane of the boundary parallel to an thirty (30) metres horizontally distant from either side of the railways lands, such angle of draw being measured outwards from the point on the vertical plane of the said boundary at the surface or at the level of the horizontal plane of the railway track, whichever may be the higher, to the floor of the coal seam in which mining operations are being carried out.	Not triggered	No mining is undertaken in this ML	
14	Operations shall be conducted in such a manner as not to cause any danger to persons or stock and the lease holder shall provide and maintain adequate protection to the satisfaction of the Minister around each shaft or excavation opened up or used by the lease holder.	Compliant	No shafts or excavations are located in the ML Area fenced, bollards etc to try to keep people out but there is a trespass problem. No accidents or incidents have been reported in audit period	
15	The lease holder shall comply with any direction, given or which may be given by the Inspector regarding the dumping, depositing or removal of material extracted as well as the stabilisation and revegetation of any dumps of coal, minerals, mine residues, tailings or overburden situated on the subject area or the associated colliery holding.	Not triggered	Dumping and rehabilitation is undertaken in accordance with the MOP. No directions have been received	
16	The lease holder shall comply with any direction given or which may be given by the Minister regarding the spraying of coal dumps on the subject area.	Not triggered	No directions received in the audit period. According to site communications the coal is quite wet coal therefore stockpile sprays are not required.	
17	The lease holder shall take such precautions as are necessary to abate any dust nuisance.	Compliant	No dust noted during site inspections. The area has been stabilised with progressive rehabilitation.	
18	The lease holder shall not interfere in any way with any fences on or adjacent to the subject area unless with the prior written approval of the owner thereof or the Minister and subject to such conditions as the Minister may stipulate.	Compliant	There have been no complaints regarding fence/gate mismanagement	
19	The lease holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.	Not triggered	No directions received in the audit period.	
20	If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines.	Not triggered	No directions received in the audit period.	
21	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister any lands within the subject area which may have been disturbed by the lease holder.	Compliant	No directions in relation to rehab. Rehab is undertaken in accordance with the MOP. Site inspections verified rehab to MOP final land use plans	
22	Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.	Not triggered	No demolition or decommissioning of surface infrastructure during the audit period	
23	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the lease holder.	Compliant	No directions in relation to rehab. Rehab is undertaken in accordance with the MOP. Site inspections verified rehab to MOP final land use plans	
24	The lease holder shall take all precautions against causing outbreak of fire on the subject area.	Compliant	Bushfire management plan in place including APZs. Actions in plan to monitor for catastrophic days, no hot work on catastrophic days. Water cart available for slashing operations. Firebreaks are monitored quarterly and maintained as required. BMP documents actions	
25	The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment.	Compliant	As verified by site inspections there was no evidence of significant dust, erosion or sedimentation. There were no incidents relating to this ML during the audit period.	

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
26	<p>The lease holder shall monitor noise and vibration and institute controls, generally in accordance with the recommendations of Australian Standard AS-2187-1993 and ANZEC Guidelines.</p> <p>(a) Ground Vibration</p> <p>The lease holder shall design all blasts on the basis that the ground vibration peak particle velocity generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by the lease holder, the holder of an authority under the Mining Act, or not subject to a valid agreement with the lease holder, with respect to the effects of blasting.</p> <p>(b) Blast Overpressure</p> <p>The lease holder shall design all blasts on the basis that the blast overpressure noise level generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by the lease holder, the holder of an authority under the Mining Act, or not subject to a valid agreement with the lease holder, with respect to the effects of blasting.</p>	Not triggered	<p>According to site communications, there was some limited minor blasting undertaken underground. Did not register on vibration monitors. Vibration monitoring is reported in annual reviews.</p> <p>Not applicable to this mining lease</p>	
27	If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna within the subject area.	Not triggered	No clearance or disturbance of vegetation during the MOP term.	
29	The lease holder shall maintain an arboreal screen to the satisfaction of the Minister within such parts of the subject area as may be specified by the Minister and shall plant such trees or shrubs as may be required by the Minister to preserve the arboreal screen in a condition satisfactory to the Minister.	Compliant	There have been no direction from minister indicating not satisfied. No visual complaints	
30	The lease holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the lease holder shall observe and perform any instructions given or which may be given by the Minister with a view to minimising or preventing soil erosion.	Compliant	As verified by site inspections there was no evidence of significant erosion or sedimentation.	
31	<p>The lease holder shall pay to Cessnock Council, Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the lease holder to any road adjoining or traversing the surface or the excepted surface, as the case may be of the subject area.</p> <p>PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority as the case may be from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in settlement of a claim for compensation for the same damage.</p>	Not triggered	Not applicable to this ML	
32	In the event of operations being conducted on the surface of any road, track or firetrail traversing the subject area or in the event of such operations causing damage to or interference with any such road, track or firetrail the lease holder, at his own expense, shall if directed to do so by the Minister provide to the satisfaction of the Minister an alternate road, track or firetrail in a position as required by the Minister and shall allow free and uninterrupted access along such alternate road, track or firetrail and, if. Required to do so by the Minister, the lease holder shall upon completion of operations rehabilitate the surface of the original road, track or firetrail to a condition satisfactory to the Minister.	Compliant	Based on site inspection utilised tracks and access roads are well maintained.	
33	<p>(a) Operations shall be carried out in such a way as not to cause any pollution of the Hunter Catchment Area.</p> <p>(b) If the lease holder is using or about to use any process which in the opinion of the Minister is likely to cause contamination of the waters of the said Catchment Area the lease holder shall refrain from using or cease using as the case may require such process within twenty four (24) hours of the receipt by the lease holder of a notice in writing under the hand of the Minister requiring the lease holder to do so.</p> <p>(c) The lease holder shall comply with any regulations now in force or hereafter to be in force for the protection from pollution of the said Catchment Area.</p>	Compliant	During the audit period there have been no reportable incidents that may have caused pollution to waterways which are relevant to this Mining Lease.	
41	The lease holder shall as far as is practicable so conduct operations as not to interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area and shall comply with any direction given or which may be given by the Minister in this regard.	Not triggered	Not applicable to this ML	
43	The lease holder shall not knowingly destroy, deface or damage any aboriginal place or relic within the subject area except in accordance with an authority issued under the National Parks and Wildlife Act, 1974, and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.	Compliant	Heritage management works are detailed in the Annual Reviews for the audit period. An approved ACHMP is in place.	

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
45	The lease holder shall if directed by the Minister and within such time as the Minister may stipulate furnish to the Minister: (a) information regarding the ownership of the land within the subject area; (b) information regarding the ownership of the coal within the subject area prior to 1st January, 1982; (c) an indemnity in a form approved by the Minister indemnifying the Crown and the Minister against any wrong payment effected as a result of incorrect information furnished by the lease holder; (d) information regarding the financial viability of the lease holder and operations within and associated with the subject area; and (e) information regarding shareholdings in the lease holder.	Not triggered	Austar have not been directed to do so within the audit period.	
46	Within a period of three (3) months from the date of this authority or a period of three (3) months from the date of service of the notice of renewal, or within such further time as the Director General may allow, the lease holder shall serve on each landholder within the subject area a notice in writing indicating that this authority has been granted or renewed and whether the authority includes the surface. The notice shall be	Not triggered	This is outside of the audit period	
47	Where an Inspector under the Mining Act 1992 is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder, the Inspector may serve on the lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease holder: (i) to cease operations within the subject area in contravention of that condition or Act; and (ii) to carry out within the specified time works necessary to rectify or remedy the situation. (b) The lease holder shall comply with the directions contained in any notice served pursuant to sub paragraph (a) of this condition. The Director General may confirm, vary or revoke any such direction. (c) A notice referred to in his condition may be served on the Colliery Manager.	Not triggered	No requests during the audit period	
48	The lease holder shall indemnify and keep indemnified the Crown from and against all actions suits and claims and demands of whatsoever nature and all costs charges and expense which may be brought against the lease holder or which the lease holder may incur respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the lease holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this authority shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease which the lease holder may be licensed or compelled to do hereunder.	Not triggered	No action/suit/claim/demand has been made against Austar in relation to any damage/injury to person/property as a result of the exercise of rights	
49	The lease holder shall save harmless the Crown from payment of compensation and from and against all claims, actions, suits or demands whatsoever in the event of any damage resulting from mining operations under or near the subject area.	Not triggered	No action/suit/claim/demand has been made against Austar in relation to any damage/injury to person/property as a result of the exercise of rights	
50	(a) Where the lease holder desires to commence prospecting operations in the subject area the lease holder shall notify the Director General in writing and shall comply with such additional conditions as the Minister may impose including any condition requiring the lodgement of an additional bond or other form of security for rehabilitation of the area affected by such operations. (b) Where the lease holder notifies the Director General pursuant to sub paragraph (a) of this condition the lease holder shall furnish with that notification details of the type of prospecting methods that would be adopted and the extent and location of the area that would be affected by them.	Not triggered	No prospecting in the ML during the audit period	
51	(a) The joint security of \$5,760,000.00 required to be lodged with the Minister by the Lease holder for the purpose of ensuring the fulfilment by the leaseholder of its obligations under DSL 89 (Act 1901), MPL 217 (Act 1906), MPL 23 (Act 1906), MPL 233 (Act 1906), MPL 269 (Act 1906), MPL 1364 (Act 1906), MPL 204 (Act 1906), MPL 324 (Act 1906), CCL 752 (Act 1973), ML 1157 (Act 11906), ML 1283 (Act 1906), ML 1345 (Act 1906), ML 1347 (Act 1906), ML 1388 (Act 1906), CML 2 (Act 1992) and PLL 150 (Act 1906) includes the obligations of this lease. In the event that the lease holder fails to fulfill any of the lease holder's obligations under these authorities the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purposes of the clause a lease holder shall be deemed to have failed to fulfill the lease holder's obligations under these authorities, if the lease holder fails to comply with any condition or provision of these authorities, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision of these authorities or of any provision of the Act or regulations made thereunder. (b) The lease holder must provide the security required by sub-clause (a) hereof in one of the following forms:- (i) cash, or (ii) a security certificate in such form and given by such surety as may from time to time be approved by the Minister. (c) The Minister may at any time, vary the amount of security required in accordance with this condition.	Compliant	RCE is submitted with the MOP.  Latest signed RCE is 26/6/2019.  Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.	
54	The lease holder shall during the term of this authority pay to the Minister royalty at the additional rate as prescribed by the Regulations for coal recovered by open cut mining methods from the area.	Not triggered	Austar is an underground mine therefore not applicable	

Annexure A1



Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
1	The leaseholder shall proceed with rehabilitation works at the Pelton Site (Coal Preparation Plant and Open Cut Mining Areas) and Aberdare Extended Site (Coal Washery Rejects Emplacement) in general accordance with those works documented in; ELLALONG/PELTON COLLIERY REHABILITATION PLAN SOUTHLAND COAL JUNE 1998 (b) Rehabilitation works documented in 1(a) above are to be varied in accordance with the variations specified in Annexure A-2. (c) Rehabilitation works as documented in 1(a) above and as may be varied in 1(b) above are to be integrated and documented in the Mining Operations Plan referred to in 2 under.	Not triggered	Lease transfer prior to the audit period	
2	Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for- (a) ongoing mining operations and environmental management; and (b) ongoing monitoring of the project. (2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement. (3) A plan must be lodged with the Director-General: (a) within 60 days of the date of lease transfer (b) subsequently as appropriate prior to the expiry of any current Plan; and (c) In accordance with any direction issued by the Director-General  (4) The Plan must present a schedule of proposed mine development for a period of three (3) years contain diagrams and documentation which identify: (a) area(s) proposed to be disturbed under the Plan; (b) mining and rehabilitation method(s) to be used and their sequence; (c) areas to be used for disposal of tailings/waste; (d) existing and proposed surface infrastructure; (e) progressive rehabilitation schedules; (f) areas of particular environmental sensitivity; (g) water management systems (including erosion and sediment controls); (h) proposed resource recovery; and (i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation. (5) The Plan when lodged will be reviewed by the Department of Mineral Resources. (6) The Director-General may within (2) months of the lodgement or a Plan, require modification and relodgement. (7). If a requirement in accordance with clause (6) is not issued within two months of the lodgement or a Plan, leaseholder may proceed with implementation of the Plan submitted. (8) During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlines in (5)- (7) above.	Not triggered	Lease transfer prior to the audit period	
3	(1) Within 12 months of the date of lease transfer and thereafter annually or, at such other times as maybe allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General, the EPAs Director (Northern Region) and the Cessnock City Council; General Manager.  (2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuring twelve months in terms of: -  (a) the accepted Mining Operations Plan; (b) developments consent requirements and conditions; (c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals; (d) any other statutory environmental requirements; (e) details of any variations to environmental approvals applicable to the lease area and • (f) where relevant progress towards final rehabilitation objectives.  (3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.  (4) The leaseholder shall, as and when directed by the Minister, cooperate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.	Not triggered	Lease transfer prior to the audit period	
4	A senior officer employed on site is to be nominated as the responsible and accountable person for all environmental and rehabilitation operating requirements pursuant to the tease, This officer is to have access to appropriately qualified environmental consultants, as required.	Not triggered	Lease transfer prior to the audit period	

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
5	(1) Immediate upon the transfer of the lease, the leaseholder shall conduct an assessment of environmental risk of the water management system(s) for the operating mine, coal washing plant and coal washery reject emplacement.  (2) Within 30 days of the date of lease transfer the leaseholder shall prepare and lodge with the Department of Mineral Resources a Water Management Plan which is to address;  (a) Risk assessment (in 5 (1) above), (b) Storage levels (at the time of reporting) and capacities, pumps, alarm settings and flow fines for contaminated waters, (c) Stability of clean water diversion structures, (d) Environmental monitoring of waters (e) Management responsibilities and inspections procedures. (f) Operator training in emergency response.	Not triggered	Lease transfer prior to the audit period	
6	The leaseholder shall prepare a rehabilitation schedule that lists all tasks required to be completed in the first 3 years after lease transfer, pursuant to Condition 1 above. The leaseholder shall let 80 per cent of the contracts necessary to complete this schedule within 6 months of registration of lease transfer, as provided in an Agreement made between the leaseholder and the Minister within twenty eight (28) days of the registration of the transfer of this lease.  (2) Progress of rehabilitation works as documented in the AEMR (3 (3) above) will be reviewed by the Department of Mineral Resources according to the agreed MOP sequence and completion criteria (2 (4) above). Should rehabilitation progress be deficient the Minister may, by written notice to the leaseholder, increase the Security Deposit, pursuant to the lease, each year up to \$2,000,000 by the end of the third year of the MOP.	Not triggered	Lease transfer prior to the audit period	
<b>Annexure A2</b>				
1	Within 6 months of registration of lease transfer, contracts of work for the sealing of the West Shaft and West Drift mine entries shall be substantially let, unless it can be demonstrated to the Director-General that they are required for water disposal or ventilation purposes. If such demonstration is accepted, the Director-General will issue extensions of time as appropriate, to this condition. The work, when done, is to be completed and maintained to final criteria satisfactory to the Department of Mineral Resources.	Not triggered	Lease transfer prior to the audit period	
2	The tailings ponds areas (1a, 1b, 1c) are to be cleaned out and kept for emergency use only until final rehabilitation is carried out according to final completion criteria satisfactory to the Department of Mineral Resources. The areas are not to be used to store acid water or acid forming materials except in the case of such emergency. In such event the water/material shall be treated as rapidly as is practical within sound	Not triggered	Lease transfer prior to the audit period	
3	The precipitate dam (area 9d) is to be mucked out and desilted. The desilted material is to be disposed of within open cut void areas.	Not triggered	Lease transfer prior to the audit period	
4	All pollution control dams (areas 9a, 9b 9g and 9i) are to be desilted and stabilised to maintain storage capacity.	Not triggered	Lease transfer prior to the audit period	
5	The Aberdare Extended area (6ha) is to be rehabilitated with capping material and maintained, with work to be carried out as scheduled (or earlier) in the Rehabilitation Plan. Earthworks are to commence by the end of the first quarter 1999 and are to be completed by 1 July 2000.	Not triggered	Lease transfer prior to the audit period	
6	Within 6 months of registration of lease transfer, contracts of work for rehabilitation of the South East rejects area (north of the Eastern Open Cut and adjacent to the railway) shall be substantially let, unless it can be demonstrated to the Director-General that the area is required to be used as a facility for storage of special product sized coal. If such demonstration is accepted, the Director-General will issue extensions of time as appropriate, to this condition. The work, when done, is to be completed and maintained to final criteria satisfactory to the Department of Mineral Resources.	Not triggered	Lease transfer prior to the audit period	



# Mineral Lease No 1388 (Act 1992)

Lease: Mineral Lease No 1388 (1992)  
 Holder: Austar coal Mine Pty Limited  
 CAN 111 910 822  
 Date of Lease: Mar-93  
 Expiry Date of: 02-Apr-38

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
0	ML 1388 Area: 15.12 Ha, Surface Exception: Whole 30.48m, Depth Restriction Whole 900, below AHD, Minerals: Coal, Method: Underground, Term 21 years, Expiry Date: 2/4/2038	Note		
1	(a) Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landowner a notice in writing indicating that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each land holder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice. (b) If there are 10 or more landowners, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.	Not Triggered	Lease granted outside of lease period	
2	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the minister.	Compliant	Austar currently have an approved MOP in place. No rehabilitation undertaken during audit period.	
3	(a) the lease holder must comply with an approved Mining Operations Plan in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting. (b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which: (i) identifies areas that will be disturbed (ii) details the staging of specific mining operations, mining purposes and prospecting; (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; (iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent or minimise harm to the environment; and (v) reflects the conditions of approval under: - the EP&A Act 1979; - the Protection of the Environment Operations Act 1997; - any other approvals relevant to the development including the conditions of this mining lease. (c) The MOP must be prepared in accordance with the ESG3: Mining operations Plan (MOP) Guidelines September 2013 published on the Departments website at <a href="http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines">www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines</a> (d) The lease holder may apply to the Minister to amend an approved MOP at any time. (e) It is not a breach of this condition if: (i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Work Health and Safety (Mines and Petroleum Sites) Act 2013 and Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 or the Work health and Safety Act 2011, and Work Health and Safety Regulation 2011. (ii) the minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. (f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must: (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and (iii) be prepared in accordance with any relevant annual reporting guidelines published in the Department's website at <a href="http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines">www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines</a>	Compliant	Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.  Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.	
4	(a) the lease holder must notify the Department upon becoming aware of any breaches of the conditions of this mining lease or breaches of the Mining Act or Regulations: (b) Notifications under condition 4(a) must be provided in the form specified on the Departments website within seven (7) days of the mining lease holder becoming aware of the breach.	Not triggered	No breaches of mining lease during audit period	
5	The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the POEO Act 1997.	Not triggered	No environmental incidents on mining lease during audit period.	
<b>Extraction Plan</b>				
6	Extraction Plan (a) In this condition: (i) <b>approved Extraction Plan</b> means a plan, being: A. an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the secretary; or B. I. a subsidence management plan relating to the mining operations subject to this lease: II. approved by the Secretary (ii) relevant development consent means a development consent or project approval issued under the Environmental Planning and Assessment Act 1979 relating to the mining operations subject to this lease. (b) The leaseholder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan. (c) The lease holder must ensure that the approved extraction plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease. (d) The lease holder must notify the Secretary within 48 hours of any: (i) incident caused by subsidence which has a potential to expose any person to health and safety risks; (ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or (iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing A. Built features B. Public Safety C. Subsidence Monitoring	Compliant	Extraction plan available on website  Extraction Plan for LWB4-B7 is the relevant EP for the audit period. The original Extraction plan for B4-B7 approved was by DPE on 20 September 2017 acknowledging that it had been prepared to the satisfaction of DRG.  EP was modified for the shortening of LW B4. Revised EP approved by DPIE on 12 Feb 2019. Approval letter sighted. Shortening of B5-B7 approved on 7 August 2019. Did not require an amendment to the EP due to impacts similar or less than the existing EP. Approval letter sighted.	
7	Resource Recovery. The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible.	Not triggered	Resource Recovery plan included in extraction plan.	

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
8	Group Security - The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future. The amount of the security deposit to be provided as a group security has been assessed by the minister as \$16,585.00	Compliant	RCE is submitted with the MOP. Latest signed RCE is 26/6/2019. Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.	
9	Cooperation Agreement The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). - access arrangements - operational Interaction Procedures - dispute resolution - information exchange - well location - timing of drilling - potential resource extraction conflicts; and - rehabilitation issues	Not triggered		
Note: after condition 9	<i>Exploration reports (Geological and geophysical)</i> the lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 59 of the Mining Regulation 2016. Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in NSW.	Compliant	One exploration report submitted for all mining leases. Evidence of 'Indexing Title DSL89 Group Report's. Anniversary period is April 4 to April 3. Reports covering: - April 4th, 2017 - April 3th 2018 (submitted May 4th 2017). - April 4th, 2018- April 3th 2019 (submitted 2 May 2019). - April 4th, 2019- April 3th 2020 (submitted May 4th 2015). Reports cover these requirements. There is a minor non - compliance as the reports are dated 30 days after the anniversary date, not 28 days.	
10	Special conditions: Note: the standard conditions apply to all mining leases. The DRG reserves the right to impose special conditions, based on individual circumstances, where appropriate. Mining Operations The lease holder must not suspend mining operations, as defined in the Act, over the area subject to this mining lease other than in accordance with the written consent of the Minister.	Note		

# Mineral Lease No 1550 (Act 1992)

Lease: Mineral Lease No 1550 (1992)  
 Holder: Austar coal Mine Pty Limited  
 CAN 111 910 822  
 Date of Lease: Jun-04  
 Expiry Date of 23-Jun-25

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
0	Lease granted 24 June 2004, expires 24 June 2025. 14.11 hectares, described and delineated in the plan Catalogue No. M26975. For the purpose of : the construction, maintenance and use (in or in connection with mining operations) of any drillhole or shaft for: ventilation, conveyance of electricity, drainage or conveyance of water, conveyance of materials; the construction, maintenance or use (in or in connection with mining operations) of any building; the generation and transmission of electricity for use in on in connection with mining operations.	Note		
2	(1) Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:- (a) ongoing mining operations and environmental management; and (b) ongoing monitoring of the project. (2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement. (3) A Plan must be lodged with the Director-General:- (a) prior to the commencement of operations; (b) subsequently as appropriate prior to the expiry of any current Plan; and (c) in accordance with any direction issued by the Director-General. (4) The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:- (a) area(s) proposed to be disturbed under the Plan; (b) mining and rehabilitation method(s) to be used and their sequence; (c) areas to be used for disposal of tailings/waste; (d) existing and proposed surface infrastructure; (e) progressive rehabilitation schedules; (f) areas of particular environmental sensitivity; (g) water management systems (including erosion and sediment controls); (h) proposed resource recovery; and (i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation (5) The Plan when lodged will be reviewed by the Department of Mineral Resources. (6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and lodgement. (7) If a requirement in accordance with clause (6) is not issued within two months of the lodgement of a Plan, lease holder may proceed with implementation of the Plan submitted subject to the lodgement of the required security deposit within the specified time. (8) During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlined in clauses (5)- (7) above.	compliant	Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.  Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.	
3	3 (1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General. (2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:- (a) the accepted Mining Operations Plan; (b) development consent requirements and conditions; (c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals; (d) any other statutory environmental requirements; (e) details of any variations to environmental approvals applicable to the lease area, and (f) where relevant, progress towards final rehabilitation objectives. (3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice. (4) The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.	compliant	The site annual reviews are prepared to meet this condition.  Annual reviews are prepared for the site for the period 1 July to 30 June.  All Annual Reviews for audit period are signed and dated prior to end of September. Also sighted submission confirmation of submission for each year.	
14	Operations shall be conducted in such a manner as not to cause any danger to persons or stock and the lease holder shall provide and maintain adequate protection to the satisfaction of the Minister around each shaft or excavation opened up or used by the lease holder.	Compliant	All shafts are fenced and secured.	
15	The lease holder shall comply with any direction, given or which may be given by the Inspector regarding the dumping, depositing or removal of material extracted as well as the stabilisation and revegetation of any dumps of coal, minerals, mine residues, tailings or overburden situated on the subject area or the associated colliery holding.	Not triggered	None received during audit period.	
16	The lease holder shall comply with any direction given or which may be given by the Minister regarding the spraying of coal dumps on the subject area.	Not triggered	None received during audit period. Site in care and maintenance. No coal dumps on site	
17	The lease holder shall take such precautions as are necessary to abate any dust nuisance.	Compliant	Site operates in accordance with the approved AQGHGMP. Air quality monitoring is undertaken.	
18	The lease holder shall not interfere in any way with any fences on or adjacent to the subject area unless with the prior written approval of the owner thereof or the Minister and subject to such conditions as the Minister may stipulate.	Not triggered	No interference during audit period	
19	The lease holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.	Not triggered	No instructions received during audit period	
20	If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines.	Not triggered	No instructions received during audit period	
21	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister any lands within the subject area which may have been disturbed by the lease holder.	Not triggered	No instructions received during audit period	
22	Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.	Not triggered	Site in care and maintenance.	
23	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the lease holder.	Not triggered	No instructions received during audit period	
24	The lease holder shall take all precautions against causing outbreak of fire on the subject area	Compliant	Bushfire management plan in place including APZs. Actions in plan to monitor for catastrophic days, no hot work on catastrophic days. Water cart available for slashing operations. Firebreaks are monitored quarterly and maintained as required. BMP documents actions.	
25	The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment.	Compliant	As verified by site inspections there was no evidence of significant dust, erosion or sedimentation. There were no incidents relating to this ML during the audit period.	
26	The lease holder shall monitor noise and vibration and institute controls, generally in accordance with the recommendations of Australian Standard AS-2187-1993 and ANZEC Guidelines. (a) Ground Vibration The lease holder shall design all blasts on the basis that the ground vibration peak particle velocity generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by the lease holder, the holder of an authority under the	Compliant	Site operates in accordance with the approved AQGHGMP and NVMP.	
27	If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna within the subject area.	Not triggered	No clearance or disturbance of vegetation during the MOP term.	
29	The lease holder shall maintain an arboreal screen to the satisfaction of the Minister within such parts of the subject area as may be specified by the Minister and shall plant such trees or shrubs as may be required by the Minister to preserve the arboreal screen in a condition satisfactory to the Minister.	Not triggered	No directions provided by the Minister during the audit period.	
30	The lease holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the lease holder shall observe and perform any instructions given or which may be given by the Minister with a view to minimising or preventing soil erosion.	Compliant	Site visit confirmed no areas of significant erosion or sedimentation	
31	The lease holder shall pay to Cessnock City Council, Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the lease holder to any road adjoining or traversing the surface or the excepted surface, as the case may be of the subject area.  PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority as the case may be from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in settlement of a claim for compensation for the same damage.	Not triggered	There was no damage to roads or surfaces during the audit period.	

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
32	In the event of operations being conducted on the surface of any road, track or firetrail traversing the subject area or in the event of such operations causing damage to or interference with any such road, track or firetrail the lease holder, at his own expense, shall if directed to do so by the Minister provide to the satisfaction of the Minister an alternate road, track or firetrail in a position as required by the Minister and shall allow free and uninterrupted access along such alternate road, track or firetrail and, if required to do so by the Minister, the lease holder shall upon completion of operations rehabilitate the surface of the original road, track or firetrail to a condition satisfactory to the Minister.	Not triggered	No directions provided by the Minister during the audit period.	
33	(a) Operations shall be carried out in such a way as not to cause any pollution of the Hunter River Catchment Area, Ellalong Lagoon and Quorrobolong Creek. (b) If the lease holder is using or about to use any process which in the opinion of the Minister is likely to cause contamination of the waters of the said Catchment Area the lease holder shall refrain from using or cease using as the case may require such process within twenty four (24) hours of the receipt by the lease holder of a notice in writing under the hand of the Minister requiring the lease holder to do so. (c) The lease holder shall comply with any regulations now in force or hereafter to be in force for the protection from pollution of the said Catchment Area.	compliant	As verified by site inspections there was no evidence of significant dust, erosion or sedimentation. There was no significant evidence of hydrocarbon staining etc. During the audit period there have been no reportable incidents that may have caused pollution to waterways within this ML.	
41	The lease holder shall as far as is practicable so conduct operations as not to interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area and shall comply with any direction given or which may be given by the Minister in this regard.	Compliant	No impacts to transmission lines or pipelines during the audit period. Astar implement the built features management plan.	
43	The lease holder shall not knowingly destroy, deface or damage any aboriginal place or relic within the subject area except in accordance with an authority issued under the National Parks and Wildlife Act, 1974, and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.	Compliant	Heritage management works are detailed in the Annual Reviews for the audit period. An approved ACHMP is in place.	
45	The lease holder shall if directed by the Minister and within such time as the Minister may stipulate furnish to the Minister: (a) information regarding the ownership of the land within the subject area; (b) information regarding the ownership of the coal within the subject area prior to 1st January, 1962; (c) an indemnity in a form approved by the Minister indemnifying the Crown and the Minister against any wrong payment effected as a result of incorrect information furnished by the lease holder; (d) information regarding the financial viability of the lease holder and operations within and associated with the subject area; and (e) information regarding shareholdings in the lease holder.	Not triggered	No such directions received by the Minister in the audit period.	
46	Within a period of three (3) months from the date of this authority or a period of three (3) months from the date of service of the notice of renewal, or within such further time as the Director General may allow, the lease holder shall serve on each landholder within the subject area a notice in writing indicating that this authority has been granted or renewed and whether the authority includes the surface. The notice shall be accompanied by an adequate plan and description of the subject area.  If there are ten (10) or more landholders affected the lease holder may serve the notice by publication in a newspaper circulating in the region where the subject area is situated. The notice shall indicate that this authority has been granted or renewed, state whether the authority includes the surface and shall contain an adequate plan and description of the subject area.	Not triggered	Outside of audit period.	
47	(a) Where an Inspector under the Mining Act 1992 is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder, the Inspector may serve on the lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease holder: (i) to cease operations within the subject area in contravention of that condition or Act; and (ii) to carry out within the specified time works necessary to rectify or remedy the situation. (b) The lease holder shall comply with the directions contained in any notice served pursuant to sub paragraph (a) of this condition. The Director General may confirm, vary or revoke any such direction. (c) A notice referred to in his condition may be served on the Colliery Manager.	Not triggered	No such directions received by the Inspector in the audit period.	
48	The lease holder shall indemnify and keep indemnified the Crown from and against all actions suits and claims and demands of whatsoever nature and all costs charges and expense which may be brought against the lease holder or which the lease holder may incur respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the lease holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this authority shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do hereunder.	Not triggered	No action/suit/claim/demand has been made against Astar in relation to any damage/injury to person/property as a result of the exercise of rights	
49	The lease holder shall save harmless the Crown from payment of compensation and from and against all claims, actions, suits or demands whatsoever in the event of any damage resulting from mining operations under or near the subject area.	Not triggered	No action/suit/claim/demand has been made against Astar in relation to any damage/injury to person/property as a result of the exercise of rights	
51	Joint Security (extended) The joint security of \$5,760,000 lodged with the Minister by the lease holder for the purpose of ensuring the fulfillment by the lease holder of its obligations under DSL 89 (Act 1901), MPL 217 (Act 1906), MPL 23 (Act 1906), MPL 233 (Act 1906), MPL 269 (Act 1906), MPL 1364 (Act 1906), MPL 204 (Act 1906), MPL 324 (Act 1973), ML 1283 (C&S Act 1906), CCL 728 (Act 1973), CCL 752 (Act 1973), ML 1157 (C&S Act 1906), ML 1345 (Act 1992), ML 1347 (Act 1992), ML 1388 (Act 1992), CML 2 (Act 1992) and PLL 150 (Act 1906) is extended to apply to this lease.	Compliant	RCE is submitted with the MOP. Latest signed RCE is 26/6/2019. Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.	

# Mineral Lease No 1661 (Act 1992)

Lease: Mineral Lease No 1661 (1992)  
 Holder: Austar coal Mine Pty Limited  
 CAN 111 910 822  
 Date of Lease: Nov-11  
 Expiry Date of: 22-Nov-32

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
0	22 November 2011, expires 22 November 2032. 469.3ha, shown on Plan M27413 for the purposes of prospecting and mining for coal.	Note		
1	(a) Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. (b) If there are ten or more landholders affected, the lease holder may serve the notice  by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.	Not triggered	Outside of audit period	
2	(a) The lease holder 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 any activities under this lease. (b) For the purposes of this condition:  (i) environment means components of the earth, including: (A) land, air and water, and (B) any layer of the atmosphere, and  (C) any organic or inorganic matter and any living organism, and  (D) human-made or modified structures and areas,  and includes interacting natural ecosystems that include components referred to in paragraphs (A)-(C). (ii) harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, contributes to the extinction or degradation of any threatened species, populations or ecological communities and their habitats and causes impacts to places, objects and features of significance to Aboriginal people.	Compliant	Austar holds EPL 416 which outlines environmental monitoring requirements. Site operates under a suite of environmental management plans which detail specific management measures to protect the environment.	
3	Mining Operations Plan (a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General. (b) The MOP must: (i) identify areas that will be disturbed by mining operations; (ii) detail the staging of specific mining operations; (iii) identify how the mine will be managed to allow mine closure; (iv) identify how mining operations will be carried out in order to prevent and or minimise harm to the environment; (v) reflect the conditions of approval under: • the Environmental Planning and Assessment Act 1979 • the Protection of the Environment Operations Act 1997 • and any other approvals relevant to the development including the conditions of this lease; and • have regard to any relevant guidelines adopted by the Director-General. (c) The leaseholder may apply to the Director-General to amend an approved MOP at anytime. (d) It is not a breach of this condition if: (i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997, Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Occupational Health and Safety Act 2000; and (ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. (e) A MOP ceases to have effect 7 years after date of approval or other such period as identified by the Director-General.	Compliant	Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.  Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.	
4	(a) The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General. (b) The EMR must: (i) report against compliance with the MOP; (ii) report on progress in respect of rehabilitation completion criteria; (iii) report on the extent of compliance with regulatory requirements; and (iv) have regard to any relevant guidelines adopted by the Director-General;	Compliant	The site annual reviews are prepared to meet this condition.  Annual reviews are prepared for the site for the period 1 July to 30 June.  All Annual Reviews for audit period are signed and dated prior to end of September. Also sighted submission confirmation of submission for each year.	
5	5. Environmental Incident Report The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the Protection of the Environment Operations Act 1997.  Definitions Environmental incident notifications and reports means any notifications and reports required to be provided to relevant authorities under Part 5.7 or Part 5.7A of the Protection of the Environment Operations Act 1997.	Compliant	Incident reporting undertaken as required. Evidence of incident reporting and submission to agencies sighted, Refer to consents and EPL.	
6	Additional environmental reports may be required from time to time as directed in writing by the Director-General and must be lodged as instructed.	Not triggered	No additional reports requested during audit period	
7	Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General.	Not triggered	No rehabilitation in the ML undertaken during audit period	

Condition Number	Condition	Compliance Status (C/OI/NC/NA)	Evidence	Recommended Action
8	(a) The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface. (b) Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the Applications for Subsidence Management Approvals guidelines (EDG17) (c) The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the Coal Mine Health & Safety Act 2002, or the document New Subsidence Management Plan Approval Process- Transitional Provisions (EDP09). (d) Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for Subsidence Management Approvals. (e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 3 and will be subject to the Environmental Management Report process as set out under Condition 4. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document New Approval Process for Management of Coal Mining Subsidence - Policy.	Compliant	Extraction plan available on website  Extraction Plan for LWB4-B7 is the relevant EP for the audit period. The original Extraction plan for B4-B7 approved was by DPE on 20 September 2017 acknowledging that it had been prepared to the satisfaction of DRG.  EP was modified for the shortening of LW B4. Revised EP approved by DPPE on 12 Feb 2019. Approval letter sighted.  Shortening of B5-B7 approved on 7 August 2019. Did not require an amendment to the EP due to impacts similar or less than the existing EP. Approval letter sighted.	
11	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be notified in writing to the Department and filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Compliant	Site inspection confirmed all shafts and excavations fenced and secured. Austar have a public safety plan in place which forms part of the extraction plan	
12	Prospecting operations must be carried out in a manner that does not cause or aggravate air pollution, water (including groundwater) pollution, soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan.	Not triggered	No prospecting during the audit period	
13	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions stipulated.	Compliant	No impacts to transmission lines or pipelines during the audit period. Austar implement the built features management plan.	
14	(a) The lease holder must pay to the relevant roads authority in control of the road or track the reasonable costs incurred by the roads authority in making good any damage to roads or tracks caused by operations carried out under this lease less any amount paid or payable from the Mine Subsidence Compensation Fund. (b) During wet weather the use of any road or track must be restricted so as to prevent damage to the road or track. (c) Existing access tracks should be used for all operations where reasonably practicable. New access tracks must be kept to a minimum and be positioned in order to minimise damage to the land, watercourses or vegetation. (d) Temporary access tracks must be rehabilitated and revegetated to the satisfaction of the Director-General as soon as reasonably practicable after they are no longer required under this lease.	Not triggered	No damage to roads during the audit period	
17	(a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, notice in writing to the lease holder may be given requiring the holder to recover such minerals. (b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery. (c) The lease holder must, when requested by the Director-General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.	Not triggered	There was no notices issued during the audit period	
18	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.	Not triggered	No action/suit/claim/demand has been made against Austar in relation to any damage/injury to person/property as a result of the exercise of rights	
21	The single security given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under Dam Site Lease No. 89 (Act 1901), Mining Lease Nos. 1157 and 1283 (Act 1906), Mining Purposes Lease Nos. 23, 204, 217, 233, 269 and 1364 (Act 1906), Consolidated Coal lease Nos. 728 and 752 (Act 1973), Consolidated Mining Lease No.2 (Act 1992) and Mining Lease Nos. 1345, 1388 and 1550 (Act 1992) is extended to apply to this lease.	Compliant	RCE is submitted with the MOP.  Latest signed RCE is 26/6/2019.  Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.	
23	The holder of a mining lease may not suspend mining operations in the mining area other than in accordance with the consent of the Minister.	Compliant	Application for suspension of mining submitted in 11 March 2020.  Verbal from A/Manager Titles Assessment, Resources Operations on 23 March 2020 stating that application has been received and will be processed in due course. No approval has yet been received	
24	The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as: • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts and • rehabilitation issues.	Not triggered	No overlapping titles	



# Mineral Lease No 1666 (Act 1992)

Lease: Mineral Lease No 1666 (1992)  
 Holder: Austar coal Mine Pty Limited  
 Date of Lease: Jan-12  
 Expiry Date of 25-Jan-33

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
0	Dated 25 January 2012, expires 21 years thereafter. 34.13ha shown on Plan M27179, for the purpose of prospecting and mining for Coal.	Note		
<b>Notice to Landholders</b>				
1	Notice to Landholders (a) Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. (b) If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area	Not triggered	Outside of audit period	
2	(a) The lease holder 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 any activities under this lease. (b) For the purposes of this condition: (i) environment means components of the earth, including: (A) land, air and water, and (B) any layer of the atmosphere, and (C) any organic or inorganic matter and any living organism, and (D) human-made or modified structures and areas, and includes interacting natural ecosystems that include components referred to in paragraphs (A)-(C). (ii) harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, contributes to the extinction or degradation of any threatened species, populations or ecological communities and their habitats and causes impacts to places, objects and features of significance to Aboriginal people.	Compliant	Austar holds EPL 416 which outlines environmental monitoring requirements. Site operates under a suite of environmental management plans which detail specific management measures to protect the environment.	
4	(a) The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General. (b) The EMR must: (i) report against compliance with the MOP; (ii) report on progress in respect of rehabilitation completion criteria; (iii) report on the extent of compliance with regulatory requirements; and (iv) have regard to any relevant guidelines adopted by the Director-General;	Compliant	The site annual reviews are prepared to meet this condition.  Annual reviews are prepared for the site for the period 1 July to 30 June.  All Annual Reviews for audit period are signed and dated prior to end of September. Also sighted submission confirmation of submission for each year.	
<b>Environmental Incident Report</b>				
5	5. Environmental Incident Report  The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the Protection of the Environment Operations Act 1997.  Definitions  Environmental incident notifications and reports means any notifications and reports required to be provided to relevant authorities under Part 5.7 or Part 5.7A of the Protection of the Environment Operations Act 1997.	Compliant	Incident reporting undertaken as required. Evidence of incident reporting and submission to agencies sighted. Refer to consents and EPL.	
6	The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the POEO Act 1997.	Not triggered	No incidents on the ML area during the audit period.	
7	Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General.	Not triggered	No rehabilitation undertaken in the ML area during the audit period.	
<b>Subsidence Management</b>				
8	Subsidence Management (a) The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface. (b) Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the Applications for Subsidence Management Approvals guidelines (EDG17) (c) The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the Coal Mine Health & Safety Act 2002, or the document New Subsidence Management Plan Approval Process- Transitional Provisions (EDP09). (d) Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for Subsidence Management Approvals. (e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 3 and will be subject to the Environmental Management Report process as set out under Condition 4. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document New Approval Process for Management of Coal Mining Subsidence- Policy.	Compliant	Extraction plan available on website  Extraction Plan for LWB4-B7 is the relevant EP for the audit period. The original Extraction plan for B4-B7 approved was by DPE on 20 September 2017 acknowledging that it had been prepared to the satisfaction of DRG.  EP was modified for the shortening of LW B4. Revised EP approved by DPIE on 12 Feb 2019. Approval letter sighted. Shortening of B5-B7 approved on 7 August 2019. Did not require an amendment to the EP due to impacts similar or less than the existing EP. Approval letter sighted.	
<b>Safety</b>				
11	11. Safety Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be notified in writing to the Department and filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Compliant	Site inspection confirmed all shafts and excavations fenced and secured. Austar have a public safety plan in place which forms part of the extraction plan	
12	(a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General. (b) The MOP must: (i) identify areas that will be disturbed by mining operations; (ii) detail the staging of specific mining operations; (iii) identify how the mine will be managed to allow mine closure; (iv) identify how mining operations will be carried out in order to prevent and/or minimise harm to the environment; (v) reflect the conditions of approval under: • the Environmental Planning and Assessment Act 1979 • the Protection of the Environment Operations Act 1997 • and any other approvals relevant to the development including the conditions of this lease; and • have regard to any relevant guidelines adopted by the Director-General. (c) The leaseholder may apply to the Director-General to amend an approved MOP at any time. (d) It is not a breach of this condition if: (i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997, Mine Health and Safety Act 2004, Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007, Coal Mine Health and Safety Regulation 2006 or the Occupational Health and Safety Act 2000; and (ii) the Director-General had been notified in writing of the order or direction prior to the operations constituting the breach being carried out. (e) A MOP ceases to have effect 7 years after date of approval or other such period as identified by the Director-General.	Compliant	Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.  Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.	
13	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions stipulated.	Compliant	No impacts to transmission lines or pipelines during the audit period. Austar implement the built features management plan.	
14	(a) The lease holder must pay to the relevant roads authority in control of the road or track the reasonable costs incurred by the roads authority in making good any damage to roads or tracks caused by operations carried out under this lease less any amount paid or payable from the Mine Subsidence Compensation Fund. (b) During wet weather the use of any road or track must be restricted so as to prevent damage to the road or track. (c) Existing access tracks should be used for all operations where reasonably practicable. New access tracks must be kept to a minimum and be positioned in order to minimise damage to the land, watercourses or vegetation. (d) Temporary access tracks must be rehabilitated and revegetated to the satisfaction of the Director-General as soon as reasonably practicable after they are no longer required under this lease.	Not triggered	No damage to roads during the audit period	



Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
<b>Resource Recovery</b>				
17	Resource Recovery (a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, notice in writing to the lease holder may be given requiring the holder to recover such minerals. (b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery. (c) The lease holder must, when requested by the Director-General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.	Not triggered	No notices were received during the audit period	
18	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.	Not triggered	No action/suit/claim/demand has been made against Austar in relation to any damage/injury to person/property as a result of the exercise of rights	
21	The single security given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under Dam Site Lease No. 89 (Act 1901), Mining Lease Nos. 1157 and 1283 (Act 1906), Mining Purposes Lease Nos. 23, 204, 217, 233, 269 and 1364 (Act 1906), Consolidated Coal lease Nos. 728 and 752 (Act 1973), Consolidated Mining Lease No.2 (Act 1992) and Mining Lease Nos. 1345, 1388 and 1550 (Act 1992) is extended to apply to this lease.	Compliant	RCE is submitted with the MOP. Latest signed RCE is 26/6/2019. Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.	
23	The holder of a mining lease may not suspend mining operations in the mining area other than in accordance with the consent of the Minister.	Compliant	Application for suspension of mining submitted in 11 March 2020. Verbal from A/Manager Titles Assessment, Resources Operations on 23 March 2020 stating that application has been received and will be processed in due course. <b>No approval has yet been received</b>	
24	The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as: • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts and • rehabilitation issues. Note: Exploration Reports (Geological and Geophysical) The lease holder must lodge reports to the satisfaction of the Director-General in accordance with section 163C of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010. Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales (Department of Industry and Investment, 2010).	Not triggered	No overlapping tenure	

# Mineral Lease No 1677 (Act 1992)

Lease: Mineral Lease No 1677 (1992)  
 Holder: Austar coal Mine Pty Limited  
 CAN 111 910 822  
 Date of Lease: Aug-12  
 Expiry Date of: 23-Aug-33

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
0	Dated 23 August 2012 9.2ha shown on plan No M27178 for mining purposes.	Note		
<b>Notice to Landholders</b>				
1	Notice to Landholders (a) Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. (b) If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.	Not triggered	Outside of audit period	
2	(a) The lease holder 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 any activities under this lease. (b) For the purposes of this condition: (i) environment means components of the earth, including: (A) land, air and water, and (B) any layer of the atmosphere, and (C) any organic or inorganic matter and any living organism, and (D) human-made or modified structures and areas, and includes interacting natural ecosystems that include components referred to in paragraphs (A)-(C). (ii) harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, contributes to the extinction or degradation of any threatened species, populations or ecological communities and their habitats and causes impacts to places, objects and features of significance to Aboriginal people.	Compliant	Austar holds EPL 416 which outlines environmental monitoring requirements. Site operates under a suite of environmental management plans which detail specific management measures to protect the environment.	
3	(a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General. (b) The MOP must: (i) identify areas that will be disturbed by mining operations; (ii) detail the staging of specific mining operations; (iii) identify how the mine will be managed to allow mine closure; (iv) identify how mining operations will be carried out in order to prevent and or minimise harm to the environment; (v) reflect the conditions of approval under: • the Environmental Planning and Assessment Act 1979 • the Protection of the Environment Operations Act 1997 • and any other approvals relevant to the development including the conditions of this lease; and • have regard to any relevant guidelines adopted by the Director-General. (c) The leaseholder may apply to the Director-General to amend an approved MOP at anytime. (d) It is not a breach of this condition if: (i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997, Mine Health and Safety Act 2004/ Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Occupational Health and Safety Act 2000; and (ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.	Compliant	Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.  Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.	
4	The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the POEO Act 1997.	Not triggered	No incidents relating to this ML in the audit period	
5	(a) The lease holder must report any environmental incidents. The report must: (i) be prepared according to any relevant Departmental guidelines; (ii) be submitted within 24 hours of the environmental incident occurring; (b) For the purposes of this condition, environmental incident includes: (i) any incident causing or threatening material harm to the environment (ii) any breach of Conditions 1 to 9 and 11 to 24; (iii) any breach of environment protection legislation; or, (iv) a serious complaint from landholders or the public. (c) For the purposes of this condition, harm to the environment is material if: (i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or (ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, where loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.	Not triggered	No incidents relating to this ML in the audit period	
6	Additional environmental reports may be required from time to time as directed in writing by the Director-General and must be lodged as instructed.	Not triggered	No additional environmental reports were requested in audit period.	
7	Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General.	Not triggered	No rehabilitation undertaken during the audit period	

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
10	(a) Ground Vibration The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment, Climate Change and Water.  (b) Blast Overpressure The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment, Climate Change and Water.	Compliant	According to site communications, there was some limited minor blasting undertaken underground. Did not register on vibration monitors. Vibration monitoring is reported in annual reviews.	
11	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be notified in writing to the Department and filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Compliant	Site inspection confirmed all shafts and excavations fenced and secured. Austar have a public safety plan in place which forms part of the extraction plan	
12	Prospecting operations must be carried out in a manner that does not cause or aggravate air pollution, water (including groundwater) pollution, soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan.	Not triggered	No prospecting during the audit period	
13	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions stipulated.	Compliant	No impacts to transmission lines or pipelines during the audit period. Austar implement the built features management plan.	
14	(a) The lease holder must pay to the relevant roads authority in control of the road or track the reasonable costs incurred by the roads authority in making good any damage to roads or tracks caused by operations carried out under this lease less any amount paid or payable from the Mine Subsidence Compensation Fund. (b) During wet weather the use of any road or track must be restricted so as to prevent damage to the road or track. (c) Existing access tracks should be used for all operations where reasonably practicable. New access tracks must be kept to a minimum and be positioned in order to minimise damage to the land, watercourses or vegetation. (d) Temporary access tracks must be rehabilitated and revegetated to the satisfaction of the Director-General as soon as reasonably practicable after they are no longer required under this lease.	Not triggered	No damage to roads during the audit period	
15	The lease holder must not fell trees, strip bark or cut timber on any land subject of this lease without the consent of the landholder who is entitled to the use of the timber. (b) The lease holder must contact Forests NSW and obtain any required permit, licence or approval before taking timber from any Crown land within the lease area. <i>Note: Any clearing not authorised under the Act must comply with the requirements of the Native Vegetation Act 2003. Any clearing or taking of timber on Crown land is subject to the requirements of the Forestry Act 1916.</i>	Not triggered	No clearing was undertaken during the audit period	
18	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.	Not triggered	No action/suit/claim/demand has been made against Austar in relation to any damage/injury to person/property as a result of the exercise of rights	
21	The single security given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under Dam Site Lease No. 89 (Act 1901), Mining Lease Nos. 1157 and 1283 (Act 1906), Mining Purposes Lease Nos. 23, 204, 217, 233, 269 and 1364 (Act 1906), Consolidated Coal lease Nos. 728 and 752 (Act 1973), Consolidated Mining Lease No.2 (Act 1992) and Mining Lease Nos. 1345, 1388 and 1550 (Act 1992) is extended to apply to this lease.	Compliant	RCE is submitted with the MOP.  Latest signed RCE is 26/6/2019.  Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.	
24	The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as: • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts and • rehabilitation issues. <i>Note: Exploration Reports (Geological and Geophysical)</i> <i>The lease holder must lodge reports to the satisfaction of the Director-General in accordance with section 163C of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010.</i> <i>Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales (Department of Trade and Investment; Regional Infrastructure and Services 2010).</i>	Not triggered	No overlapping titles	

# Mining Purposes Lease No 1364 (1906)

Lease: Mining Purposes Lease No 1364 (1906)  
 Holder: Austar coal Mine Pty Limited  
 CAN 111 910 822  
 Date of Lease: Oct-68  
 Expiry Date of: 28-Oct-29

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
0	Instrument of Renewal Mining Purposes Lease No 1364 (ACT 1906) Holder: Austar Coal Mine Pty Limited (ACN 111 910 822) DATE OF LEASE: 28 October 1968 EXPIRY DATE OF LEASE: 28 October 2009 PERIOD OF RENEWAL UNTIL: 28 October 2029 AREA: 4527 square metres AS SHOWN BY PLAN NO M23180 SURFACE EXCEPTION: Nil DEPTH RESTRICTION: Whole to 15.24 metres PURPOSES: The construction, maintenance or use (in or in connection with mining operations) of: any road, railway, tramway, bridge or jetty.	Note		
<b>Notice to Landholders</b>				
1	1. Notice to Landholders  Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.  If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.	Not triggered	Outside of audit period	
<b>Environmental Harm</b>				
2	2. Environmental Harm The proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.	Compliant	Austar holds EPL 416 which outlines environmental monitoring requirements. Site operates under a suite of environmental management plans which detail specific management measures to protect the environment.	
<b>Mining Operations Plan</b>				
3	3. Mining Operations Plan (a) Mining operations must not be carried out otherwise than in accordance with: a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries. (b) The MOP must: i) identify areas that will be disturbed by mining operations; ii) detail the staging of specific mining operations; iii) identify how the mine will be managed to allow mine closure; iv) identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment; v) reflect the conditions of approval under: - the Environmental Planning and Assessment Act 1979 - the Protection of the Environment Operations Act 1997 - and any other approvals relevant to the development including the conditions of this lease; and vi) have regard to any relevant guidelines adopted by the Director-General. (c) The titleholder may apply to the Director-General to amend an approved MOP at any time. (d) It is not a breach of this condition if: i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997 or the Occupational Health and Safety Act 2000; and ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. (e) A MOP ceases to have affect 7 years after date of approval or other such period as identified by the Director-General. An approved amendment to the MOP under condition 5 does not constitute an approval for the purpose of this paragraph unless otherwise identified by the Director-General.	Compliant	Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.  Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.	
<b>Environment Management Reporting</b>				
4	Environment Management Reporting The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.	Compliant	The site annual reviews are prepared to meet this condition.  Annual reviews are prepared for the site for the period 1 July to 30 June.  All Annual Reviews for audit period are signed and dated prior to end of September. Also sighted submission confirmation of submission for each year.	
5	5. The EMR must: a) report against compliance with the MOP; b) report on progress in respect of rehabilitation completion criteria; c) report on the extent of compliance with regulatory requirements; and d) have regard to any relevant guidelines adopted by the Director-General;	Compliant	This is covered in the annual reviews	
6	Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.	Not triggered	Nil requested	
<b>Rehabilitation</b>				
7	Rehabilitation Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.	Not triggered	No rehabilitation undertaken during the audit period	
<b>Control of Operations</b>				
10	10. Control of Operations (a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:- (i) cease working the lease; or (ii) cease that part of the operation not complying with the Act or conditions; until in the opinion of the Environmental Officer the situation is rectified. (b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction. (c) A direction referred to in this condition may be served on the Mine Manager.	Not triggered	No directions received during the audit period	

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
<b>Blasting</b>				
15	<p>Blasting</p> <p>(a) Ground Vibration The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment and Climate Change.</p> <p>(b) Blast Overpressure The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment and Climate Change.</p>	Compliant	According to site communications, there was some limited minor blasting undertaken underground. Did not register on vibration monitors. Vibration monitoring is reported in annual reviews.	
<b>Safety</b>				
16	<p>16. Safety Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.</p>	Compliant	Site inspection confirmed all shafts and excavations fenced and secured. Austar have a public safety plan in place which forms part of the extraction plan	
<b>Prevention of Soil Erosion and Pollution</b>				
18	<p>18. Prevention of Soil Erosion and Pollution Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.</p>	Compliant	As verified by site inspections there was no evidence of significant dust, erosion or sedimentation. There was no significant evidence of hydrocarbon staining etc.	
<b>Transmission lines, Communication lines and Pipelines</b>				
19	<p>19. Transmission lines, Communication lines and Pipelines Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.</p>	Compliant	No impacts to transmission lines or pipelines during the audit period. Austar implement the built features management plan.	
<b>Fences, Gates</b>				
20	<p>20. Fences, Gates (a) Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate. (b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.</p>	Compliant	Site inspection confirmed that all fences and gates were in good order. Fences were locked and closed where required.	
<b>Roads and Tracks</b>				
21	<p>21. Roads and Tracks (a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate. (b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.</p>	Compliant	Roads are covered under the EP with Built Features Management Plans. No subsidence impacts on Sandy Creek road have been required to be repaired during the audit period.	
22	<p>Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Environment and Climate Change.</p>	Compliant	No tracks constructed during the audit period. Based on site inspection all site access tracks were in good condition. Access tracks on Austar land inspected quarterly and maintained for bushfire management.	
<b>Trees and Timber</b>				
23	<p>23. Trees and Timber (a) The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden. (b) The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992 must comply with the provisions of the Native Vegetation Act 2003. (c) The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.</p>	Compliant	No clearing undertaken during the audit period. Any works would be to maintain areas based on slashing for APZ fire zones. No removal of large trees.	
<b>Indemnity</b>				
26	<p>26. Indemnity The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.</p>	Not triggered	No action/suit/claim/demand has been made against Austar in relation to any damage/injury to person/property as a result of the exercise of rights	
<b>Security</b>				
28	<p>28 Security (a) The single security in the sum of \$14,420,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under Dam Site Lease 89 (Act 1901), Mineral Lease 1157 (Act 1906), Mineral Lease 1283 (Act 1906), Mining Purposes Lease 23 (Act 1906), Mining Purposes Lease 204 (Act 1906), Mining Purposes Lease 217 (Act 1906), Mining Purposes Lease 233 (Act 1906), Mining Purposes Lease 269 (Act 1906), Mining Purposes Lease 1364 (Act 1906), Private Lands Lease 150 (Act 1906), Consolidated Coal Lease 728 (Act 1973), Consolidated Coal Lease 752 (Act 1973), Mining Purposes Lease 324 (Act 1973), Consolidated Mining Lease 2 (Act 1992), Mining Lease 1345 (Act 1992), Mining Lease 1347 (Act 1992), Mining Lease 1388 (Act 1992) and Mining Lease 1550 (Act 1992). If the lease holder fails to fulfil any one or more of the obligations under this lease, then the security held may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of the lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder. (b) The lease holder must provide the security required by sub-clause (a) in one of the following forms: (i) cash, (ii) a security certificate in a form approved by the Minister and issued by an authorised deposit-taking institution</p>	Compliant	RCE is submitted with the MOP. Latest signed RCE is 26/6/2019. Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.	
<b>Cooperation Agreement</b>				
31	<p>31. Cooperation Agreement The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping petroleum title(s). The cooperation agreement should address but not be limited to issues such as: - access arrangements - operational interaction procedures dispute resolution - information exchange well location - timing of drilling - potential resource extraction conflicts and rehabilitation issues.</p>	Not triggered	No overlapping title	

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
32	32. Railway The lease holder shall construct and maintain the railway within the subject area in accordance with the specifications and requirements of Rail Corporation New South Wales (Railcorp), formerly known as the State Railway Authority of New South Wales.	Compliant	Railway will be maintained during care and maintenance.	

# Mining Purposes Lease No 204 (1906)

Lease: Mining Purposes Lease No 204 (1906)

Holder: Austar coal Mine Pty Limited

CAN 111 910 822

Date of Lease: Sep-15

Expiry Date of: 03-Feb-39

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
0	Land: The lease area embraces all land described in the attached lease plan titled M15875 and approved on 20 September 1915. Area: 1.2 hectares Surface Exception: Nil Depth Restriction: 15.24 metres Ancillary Mining Activities: Stockpiling or depositing of overburden, ore or tailings. Construction, maintenance or use of a road. Term ending: 3 February 2039	Note		
<b>Notice to Landholders</b>				
1	Notice to Landholders  (a) Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice. (b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.	Not triggered	Outside of audit period	
<b>Rehabilitation</b>				
2	Rehabilitation Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Compliant	Rehab is undertaken in accordance with the MOP. Site inspections verified rehab to MOP final land use plans	
<b>Mining Operation Plan and Annual Rehabilitation Report</b>				
3	Mining Operations Plan and Annual Rehabilitation Report (a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting. (b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which: (i) identifies areas that will be disturbed; (ii) details the staging of specific mining operations, mining purposes and prospecting; (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; (iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and (v) reflects the conditions of approval under: • the Environmental Planning and Assessment Act 1979; • the Protection of the Environment Operations Act 1997; and • any other approvals relevant to the development including the conditions of this mining lease. (c) The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at <a href="http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines">www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines</a> (d) The lease holder may apply to the Minister to amend an approved MOP at any time. (e) It is not a breach of this condition if: (i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Work Health and Safety (Mines and Petroleum Sites) Act 2013 and Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 or the Work Health and Safety Act 2011; and Work Health and Safety Regulation 2011 (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. (f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must: (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and (iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at <a href="http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines">www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines</a> Note: The Rehabilitation Report replaces the Annual Environmental Management Report.	Compliant	Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.  Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.	
4	(a) the lease holder must notify the Department upon becoming aware of any breaches of the conditions of this mining lease or breaches of the Mining Act or Regulations: (b) Notifications under condition 4(a) must be provided in the form specified on the Departments website within seven (7) days of the mining lease holder becoming aware of the breach.	Not triggered	No breaches during the audit period	
5	(a) the lease holder must notify the Department upon becoming aware of any breaches of the conditions of this mining lease or breaches of the Mining Act or Regulations: (b) Notifications under condition 4(a) must be provided in the form specified on the Departments website within seven (7) days of the mining lease holder becoming aware of the breach.	Not triggered	No breaches during the audit period	
<b>Group Security</b>				
8	Group Security The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future. The amount of the security deposit to be provided as a group security has been assessed by the Minister at \$16,585,000. The leases covered by the group security include: Dam Site Lease (Mining Purposes) 89 (Act 1901) Mineral Lease 1157 (C&S Act 1906) Mineral Lease 1283 (C&S Act 1906) Mining Purposes Lease 23 (Act 1906) Mining Purposes Lease 204 (Act 1906) Mining Purposes Lease 217 (Act 1906) Mining Purposes Lease 233 (Act 1906) Mining Purposes Lease 269 (Act 1906) Mining Purposes Lease 1364 (Act 1906) Consolidated Coal Lease 728 (Act 1973) Consolidated Coal Lease 752 (Act 1973) Consolidated Mining Lease 2 (Act 1992) Mining Lease 1345 (Act 1992) Mining Lease 1388 (Act 1992) Mining Lease 1550 (Act 1992) Mining Lease 1661 (Act 1992) Mining Lease 1666 (Act 1992) Mining Lease 1677 (Act 1992)	Compliant	RCE is submitted with the MOP.  Latest signed RCE is 26/6/2019.  Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.	
<b>Cooperation Agreement</b>				
9	Cooperation Agreement The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as: • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues.	Not triggered	No overlapping titles	
<b>Exploration Reporting</b>				



Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
Note	<p>Exploration Reporting  <i>Note: Exploration Reports (Geological and Geophysical)</i>  <i>The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 59 of the Mining Regulation 2016.</i>  <i>Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.</i></p> <p><b>SPECIAL CONDITIONS</b>  <i>Note: The standard conditions apply to all mining leases. The Division of Resources &amp; Energy (ORE) reserves the right to impose special conditions, based on individual circumstances, where appropriate.</i></p>	Compliant	<p>One exploration report submitted for all mining leases.</p> <p>Evidence of 'Indexing Title DSL89 Group Report's. Anniversary period is April 4 to April 3. Reports covering:</p> <ul style="list-style-type: none"> <li>- April 4th, 2017 - April 3th 2018 (submitted May 4th 2017).</li> <li>- April 4th, 2018- April 3th 2019 (submitted 2 May 2019).</li> <li>- April 4th, 2019- April 3th 2020 (submitted May 4th 2015).</li> </ul> <p>Reports cover these requirements. There is a minor non - compliance as the reports are dated 30 days after the anniversary date, not 28 days.</p>	

# Mining Purposes Lease No 217 (1906)

Lease: Mining Purposes Lease No 217 (1906)

Holder: Austar coal Mine Pty Limited

CAN 111 910 822

Date of Lease: Dec-15

Expiry Date of: 12-Apr-39

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
0	Land: The lease area embraces all land described in the attached lease plan titled M15900 approved on 07 December 1915 and attached lease plan titled M15901 approved on 07 December 1915. Area: 6298 square metres Surface Exception: Nil Depth Restriction: 15.24 metres Ancillary Mining Activities: The construction, maintenance or use (in or in connection with mining operations) of any road, railway, tramway, bridge or jetty. Term ending: 3 February 2039	Note		
<b>Notice to Landholders</b>				
1	Notice to Landholders (a) Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice. (b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.	Not triggered	Not within the audit period	
<b>Rehabilitation</b>				
2	Rehabilitation Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Not triggered	No rehabilitation during the audit period	
<b>Mining Operations Plan and Annual Rehabilitation Report</b>				
3	Mining Operations Plan and Annual Rehabilitation Report (a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting. (b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which: (i) identifies areas that will be disturbed; (ii) details the staging of specific mining operations, mining purposes and prospecting; (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; (iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and (v) reflects the conditions of approval under: • the Environmental Planning and Assessment Act 1979; • the Protection of the Environment Operations Act 1997; and • any other approvals relevant to the development including the conditions of this mining lease. (c) The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at <a href="http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines">www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines</a> (d) The lease holder may apply to the Minister to amend an approved MOP at any time. (e) It is not a breach of this condition if: (i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Work Health and Safety (Mines and Petroleum Sites) Act 2013 and Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 or the Work Health and Safety Act 2011; and Work Health and Safety Regulation 2011 (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. (f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must: (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and (iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at <a href="http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines">www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf/environmental-guidelines</a> Note: The Rehabilitation Report replaces the Annual Environmental Management Report	compliant	Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.  Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.	
<b>No-Compliance Reporting</b>				
4	Non-Compliance Reporting (a) The lease holder must notify the Department upon becoming aware of any breaches of the conditions of this mining lease or breaches of the Mining Act or Regulations; (b) Notifications under condition 4(a) must be provided in the form specified on the Department's website within seven (7) days of the mining lease holder becoming aware of the breach.	Not triggered	No breaches during the audit period	
<b>Environmental Incident Report</b>				
5	Environmental Incident Report The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the Protection of the Environment Operations Act 1997. Definitions Environmental incident notifications and reports means any notifications and reports required to be provided to relevant authorities under Part 5.7 or Part 5.7A of the Protection of the Environment Operations Act 1997.	Not triggered	No incidents during the audit period. Incident report examples cited during site inspection.	
8	The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future. The amount of the security deposit to be provided as a group security has been assessed by the Minister at \$16,585,000. The leases covered by the group security include: Dam Site Lease (Mining Purposes) 89 (Act 1901) Mineral Lease 1157 (C&S Act 1906) Mineral Lease 1283 (C&S Act 1906) Mining Purposes Lease 23 (Act 1906) Mining Purposes Lease 204 (Act 1906) Mining Purposes Lease 217 (Act 1906) Mining Purposes Lease 233 (Act 1906) Mining Purposes Lease 269 (Act 1906) Mining Purposes Lease 1364 (Act 1906) Consolidated Coal Lease 728 (Act 1973) Consolidated Coal Lease 752 (Act 1973) Consolidated Mining Lease 2 (Act 1992) Mining Lease 1345 (Act 1992) Mining Lease 1388 (Act 1992) Mining Lease 1550 (Act 1992) Mining Lease 1661 (Act 1992) Mining Lease 1666 (Act 1992) Mining Lease 1677 (Act 1992)	Compliant	RCE is submitted with the MOP.  Latest signed RCE is 26/6/2019.  Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.	
<b>Cooperation Agreement</b>				

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
9	<p>Cooperation Agreement</p> <p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> <li>• access arrangements</li> <li>• operational interaction procedures</li> <li>• dispute resolution</li> <li>• information exchange</li> <li>• well location</li> <li>• timing of drilling</li> <li>• potential resource extraction conflicts; and</li> <li>• rehabilitation issues.</li> </ul>	Not triggered	No overlapping titles	
<b>Exploration Reporting</b>				
Note	<p>Exploration Reporting</p> <p>Note: Exploration Reports (Geological and Geophysical) The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 59 of the Mining Regulation 2016.</p> <p>Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.</p> <p>SPECIAL CONDITIONS</p> <p>Note: The standard conditions apply to all mining leases. The Division of Resources &amp; Energy (DRE) reserves the right to impose special conditions, based on individual circumstances, where appropriate.</p>	Compliant	<p>One exploration report submitted for all mining leases.</p> <p>Evidence of 'Indexing Title DSL89 Group Report's. Anniversary period is April 4 to April 3. Reports covering:</p> <ul style="list-style-type: none"> <li>- April 4th, 2017 - April 3th 2018 (submitted May 4th 2017).</li> <li>- April 4th, 2018- April 3th 2019 (submitted 2 May 2019).</li> <li>- April 4th, 2019- April 3th 2020 (submitted May 4th 2015).</li> </ul> <p>Reports cover these requirements. There is a minor non - compliance as the reports are dated 30 days after the anniversary date, not 28 days.</p>	

# Mining Purposes Lease No 23 (1906)

Lease: Mining Purposes Lease No 23 (1906)

Holder: Austar coal Mine Pty Limited  
CAN 111 910 822

Date of Lease: May-09

Expiry Date of: 17-May-30

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
2	The proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.	Compliant	Austar holds EPL 416 which outlines environmental monitoring requirements. Site operates under a suite of environmental management plans which detail specific management measures to protect the environment.	
3	Mining operations must not be carried out otherwise than in accordance with: a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries. (b) The MOP must: i) identify areas that will be disturbed by mining operations; ii) detail the staging of specific mining operations; iii) identify how the mine will be managed to allow mine closure; iv) identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment; v) reflect the conditions of approval under: the Environmental Planning and Assessment Act 1979 the Protection of the Environment Operations Act 1997 and any other approvals relevant to the development including the conditions of this lease; and vi) have regard to any relevant guidelines adopted by the Director-General. (c) The titleholder may apply to the Director-General to amend an approved MOP at any time. (d) It is not a breach of this condition if: i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997 or the Occupational Health and Safety Act 2000; and ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. (e) A MOP ceases to have affect 7 years after date of approval or other such period as identified by the Director-General. An approved amendment to the MOP under condition 5 does not constitute an approval for the purpose of this paragraph unless otherwise identified by the Director-General.	Compliant	Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.  Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.	
<b>Non Compliance Report</b>				
4	(a) The lease holder must notify the Department upon becoming aware of any breaches of the conditions of this mining lease or breaches of the Mining Act or Regulations;  (b) Notifications under condition 4(a) must be provided in the form specified on the Department's website within seven (7) days of the mining lease holder becoming aware of the breach.	Not triggered	No breaches during the audit period	
<b>Environmental Incident Report</b>				
5	The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the Protection of the Environment Operations Act 1997. Definitions Environmental incident notifications and reports means any notifications and reports required to be provided to relevant authorities under Part 5.7 or Part 5.7A of the Protection of the Environment Operations Act 1997.	Not triggered	No incidents during audit period	
7	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.	Not triggered	No rehabilitation during audit period	
<b>Notice to Landholders</b>				
1	Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.	Not triggered	Outside of audit period	
<b>Control of Operations</b>				
10	(a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:- (i) cease working the lease; or (ii) cease that part of the operation not complying with the Act or conditions; until in the opinion of the Environmental Officer the situation is rectified. (b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction. (c) A direction referred to in this condition may be served on the Mine Manager.	Not triggered	No directions have been received.	
<b>Blasting</b>				
15	(a) Ground Vibration The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment and Climate Change. (b) Blast Overpressure The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment and Climate Change.	Compliant	According to site communications, there was some limited minor blasting undertaken underground. Did not register on vibration monitors. Vibration monitoring is reported in annual reviews.	
16	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Compliant	Site inspection confirmed all shafts and excavations fenced and secured. Austar have a public safety plan in place which forms part of the extraction plan	
<b>Prevention of Soil Erosion and Pollution</b>				

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
18	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	Compliant	Site inspection did not detect any areas of erosion or sedimentation. There were no areas of notable hydrocarbon staining. There were no dust or the air emissions noted. Environmental performance is reported in the AEMR.	
<b>Transmission Lines, Communication Lines and Pipelines</b>				
19	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.	Compliant	No impacts to transmission lines or pipelines during the audit period. Austar implement the built features management plan.	
<b>Fences, Gates</b>				
20	(a) Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate. (b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.	Compliant	Site inspection confirmed that all fences and gates were in good order. Fences were locked and closed where required.	
<b>Roads and Tracks</b>				
21	(a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate. (b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.	Compliant	Roads are covered under the EP with Built Features Management Plans. No subsidence impacts on Sandy Creek road have been required to be repaired during the audit period.	
22	Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Environment and Climate Change.	Compliant	No tracks constructed during the audit period. Based on site inspection all site access tracks were in good condition. Access tracks on Austar land inspected quarterly and maintained for bushfire management.	
<b>Trees and Timber</b>				
23	(a) The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden. (b) The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992 must comply with the provisions of the Native Vegetation Act 2003. (c) The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.	Compliant	No clearing undertaken during the audit period. Any works would be to maintain areas based on slashing for APZ fire zones. No removal of large trees.	
26	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.	Not triggered	No action/suit/claim/demand has been made against Austar in relation to any damage/injury to person/property as a result of the exercise of rights	

# Mining Purposes Lease No 233 (1906)

Lease: Mining Purposes Lease No 233 (1906)

Holder: Austar coal Mine Pty Limited  
CAN 111 910 822

Date of Lease

Expiry Date of 17-May-30

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
<b>Notice to Landholders</b>				
1	(a) Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice. (b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.	Not triggered	Outside of audit period	
2	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Compliant	Rehabilitated areas sighted during the site inspection were noted to be in accordance with specified post mining land use in the MOP plan 4 figures.  No rehab relinquished or requests for satisfaction of RR	
<b>Mining Operations Plan and Annual Rehabilitation Report</b>				
3	(a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting. (b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which: (i) identifies areas that will be disturbed; (ii) details the staging of specific mining operations, mining purposes and prospecting; (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; (iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and (v) reflects the conditions of approval under: • the Environmental Planning and Assessment Act 1979; • the Protection of the Environment Operations Act 1997; and • any other approvals relevant to the development including the conditions of this mining lease. (c) The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a> (d) The lease holder may apply to the Minister to amend an approved MOP at any time. (e) It is not a breach of this condition if: (i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Work Health and Safety Act 2011; and (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. (f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must: (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and (iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a> . Note: The Rehabilitation Report replaces the Annual Environmental Management Report.	Compliant	Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.  Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.  In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.	
<b>Non Compliance Reporting</b>				
4	(a) The lease holder must notify the Department upon becoming aware of any breaches of the conditions of this mining lease or breaches of the Mining Act or Regulations (b) Notifications under condition 4(a) must be provided in the form specified on the Department's website within seven days of the mining lease holder becoming aware of the breach.	Not triggered	No breaches during the audit period	
<b>Environmental Incident Report</b>				
5	Environmental Incident Report The leaseholder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the Protection of the Environment Operations Act 1997.	Not triggered	No incidents relating to this MPL in the audit period	
<b>Group Security</b>				
8	Group Security The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future. The amount of the security deposit to be provided as a group security has been assessed by the Minister at \$14,420,000. The leases covered by the group security include: Dam Site Lease (Mining Purposes) 89 (Act 1901), Mining Lease Nos. 1157 and 1283 (Act 1906), Mining Purposes Lease Nos. 23, 204, 217, 233, 269 and 1364 (Act 1906), Consolidated Coal Lease Nos. 728 and 752 (Act 1973), Consolidated Mining Lease No. 2 (Act 1992), Mining Lease Nos. 1345, 1388, 1550, 1661, 1666 and 1677 (Act 1992).	Compliant	RCE is submitted with the MOP.  Latest signed RCE is 26/6/2019.  Resources Regulator notice of variation of security letter dated 20 September 2019 sighted.	
<b>Cooperation Agreement</b>				
9	Cooperation Agreement The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as: • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues.	Not triggered	No overlapping titles	
<b>Land</b>				

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
Details	<p>Land: The lease area embraces all land described in the attached lease plan titled M16007 and approved on 19 April 1916.</p> <p>Area: 1.973 hectares</p> <p>Mining Purpose: The construction, maintenance or use (in or in connection with mining operations) of any road, railway, tramway, bridge or jetty.</p> <p>The removal, stockpiling, management or depositing of overburden, ore or tailings to the extent that it is associated with mineral extraction or mineral beneficiation.</p> <p>The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations.</p> <p>Surface Exception: Nil</p> <p>Depth Restriction: Whole 7.62 metres</p> <p>Term: 20 years from 1 August 2016</p> <p>Due expiry date: 1 August 2036</p>	Note		
<b>Exploration Reporting</b>				
	<p>Note: Exploration Reports (Geological and Geophysical)</p> <p>The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010.</p> <p>Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales (Department of Trade and Investment; Regional Infrastructure and Services 2010).</p>	Compliant	<p>One exploration report submitted for all mining leases.</p> <p>Evidence of 'Indexing Title DSL89 Group Report's. Anniversary period is April 4 to April 3. Reports covering:</p> <ul style="list-style-type: none"> <li>- April 4th, 2017 - April 3th 2018 (submitted May 4th 2017).</li> <li>- April 4th, 2018- April 3th 2019 (submitted 2 May 2019).</li> <li>- April 4th, 2019- April 3th 2020 (submitted May 4th 2015).</li> </ul> <p>Reports cover these requirements. There is a minor non - compliance as the reports are dated 30 days after the anniversary date, not 28 days.</p>	



# Mining Purposes Lease No 269 (1906)

Lease: Mining Purposes Lease No 269 (1906)

Holder: Austar coal Mine Pty Limited

CAN 111 910 822

Date of Lease: Dec-17

Expiry Date of: 07-Dec-18

Condition Number	Condition	Compliance Status (C/O/INC/NA)	Evidence	Recommended Action
14	Operations shall be conducted in such a manner as not to cause any danger to persons or stock and the lease holder shall provide and maintain adequate protection to the satisfaction of the Minister around each shaft or excavation opened up or used by the lease holder.	Compliant	Site inspection confirmed that all fences and gates were in good order. Fences were locked and closed where required. A public safety management plan is in place.	
15	The lease holder shall comply with any direction, given or which may be given by the Inspector regarding the dumping, depositing or removal of material extracted as well as the stabilisation and revegetation of any dumps of coal, minerals, mine residues, tailings or overburden situated on the subject area or the associated colliery holding.	Not triggered	No directions received during the audit period	
16	The lease holder shall comply with any direction given or which may be given by the Minister regarding the spraying of coal dumps on the subject area.	Not triggered	No directions received during the audit period	
17	The lease holder shall take such precautions as are necessary to abate any dust nuisance.	Compliant	The site operates in accordance with the approved AQGHGMP and monitors air quality. The site is currently in care and maintenance which reduces the potential for air emissions	
18	The lease holder shall not interfere in any way with any fences on or adjacent to the subject area unless with the prior written approval of the owner thereof or the Minister and subject to such conditions as the Minister may stipulate.	Compliant	No interference with fences during the audit period	
19	The lease holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.	Not triggered	No instructions received during the audit period	
<b>Mining Operations</b>				
2	<p>1. Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:-</p> <p>(a) ongoing mining operations and environmental management; and</p> <p>(b) ongoing monitoring of the project.</p> <p>2. The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement.</p> <p>3. A Plan must be lodged with the Director-General:-</p> <p>(a) prior to the commencement of operations;</p> <p>(b) subsequently as appropriate prior to the expiry of any current Plan; and</p> <p>(c) in accordance with any direction issued by the Director-General.</p> <p>4. The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:-</p> <p>(a) area(s) proposed to be disturbed under the Plan;</p> <p>(b) mining and rehabilitation method(s) to be used and their sequence;</p> <p>(c) areas to be used for disposal of tailings/waste;</p> <p>(d) existing and proposed surface infrastructure;</p> <p>(e) progressive rehabilitation schedules;</p> <p>(f) areas of particular environmental sensitivity;</p> <p>(g) water management systems (including erosion and sediment controls);</p> <p>(h) proposed resource recovery; and</p> <p>(i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation</p> <p>5. The Plan when lodged will be reviewed by the Department of Mineral Resources.</p> <p>(6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and relodgement.</p> <p>(7) If a requirement in accordance with clause (6) is not issued within two months of the lodgement of a Plan, lease holder may proceed with implementation of the Plan submitted subject to the lodgement of the required security deposit within the specified time.</p> <p>(8) During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlined in clauses (5), (7) above</p>	Compliant	<p>Austar currently operates under an approved MOP which covers the period of June 2019 to May 2026.</p> <p>Based on the site inspection and documentation viewed during the audit, operations are undertaken generally in accordance with the MOP.</p> <p>In March 2020, the site transitioned to care and maintenance, a Care and Maintenance MOP was submitted to Resources Regulator on 1 July 2020 but has yet to be approved.</p>	
20	If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines.	Not triggered	No direction from the minister received during the audit period	
21	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister any lands within the subject area which may have been disturbed by the lease holder.	Not triggered	No direction from the minister received during the audit period	
22	Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.	Not triggered	Site is currently in care and maintenance and operations may occur in the future	
23	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the lease holder.	Not triggered	No direction from the minister received during the audit period	
24	The lease holder shall take all precautions against causing outbreak of fire on the subject area.	Compliant	Bushfire management plan in place including APZs. Actions in plan to monitor for catastrophic days, no hot work on catastrophic days. Water cart available for slashing operations. Firebreaks are monitored quarterly and maintained as required. BMP documents actions	
25	The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment.	Compliant	As verified by site inspections there was no evidence of significant dust, erosion or sedimentation. There was no significant evidence of hydrocarbon staining etc. There were no incidents relating to this ML during the audit period.	
27	If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna within the subject area.	Not triggered	No directions received during the audit period	
28	The lease holder shall maintain an arboreal screen to the satisfaction of the Minister within such parts of the subject area as may be specified by the Minister and shall plant such trees or shrubs as may be required by the Minister to preserve the arboreal screen in a condition satisfactory to the Minister.	Compliant	There have been no direction from minister indicating not satisfied. No visual complaints	
3	<p>3 (1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General.</p> <p>(2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:-</p> <p>(a) the accepted Mining Operations Plan;</p> <p>(b) development consent requirements and conditions;</p> <p>(c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals;</p> <p>(d) any other statutory environmental requirements;</p> <p>(e) details of any variations to environmental approvals applicable to the lease area. and</p> <p>(f) where relevant, progress towards final rehabilitation objectives.</p> <p>(3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.</p> <p>(4) The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.</p>	compliant	<p>The site annual reviews are prepared to meet this condition.</p> <p>Annual reviews are prepared for the site for the period 1 July to 30 June.</p> <p>All Annual Reviews for audit period are signed and dated prior to end of September. Also sighted submission confirmation of submission for each year.</p>	
30	The lease holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the lease holder shall observe and perform any instructions given or which may be given by the Minister with a view to minimising or preventing soil erosion.	Compliant	Site inspection did not identify any areas of erosion or sedimentation	
31	<p>The lease holder shall pay to Cessnock Council, Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the lease holder to any road adjoining or traversing the surface or the excepted surface, as the case may be of the subject area.</p> <p>PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority as the case may be from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in settlement of a claim for compensation for the same damage.</p>	Not triggered	No damages to roads during the audit period	

# APPENDIX D

## Photographs



**Photo 1**      **Appropriate Waste Segregation at CHPP**



**Photo 2**      **Bins Labelled at CHPP**





Photo 3 Generally good hydrocarbon management with containers in appropriately bunded areas



Photo 4 Diesel fuel storage in appropriately bunded areas





Photo 5 Empty drum compound



Photo 6 Some empty drums at CHPP laydown not stored in empty drum area





**Photo 7** No evidence of significant dust during care and maintenance operations



**Photo 8** No evidence of significant dust during care and maintenance operations





**Photo 9** Success of cover and stability of rehab at West Pit Area



**Photo 10** Success of cover and stability of rehab at West Pit Area





**Photo 11** Success of cover and rehab at Aberdare REA



**Photo 12** Success of cover and rehab at Aberdare REA





**Photo 13** Location of Kitchener SIS discharge



**Photo 14** Kitchener SIS sediment dams





**Photo 15 Possible consideration of clean water catchment at Kitchener SIS to reduce catchment reporting to the sediment dams. Successful rehabilitated area evident**





**Photo 16** Implementation of Clean/Dirty Water Catchment at Pit Top following previous audit




**Photo 17** Pump at orange stain clean water drain – consider temporary bunding / spill management



# APPENDIX E

## Independent Audit Certification

Independent Audit Certification Form	
Development Name	Austar Coal Mine
Development Consent No.	PA 08_0111, DA 29/95
Description of Development	Underground Mining Operation
Development Address	Middle Road, Paxton, NSW 2325
Operator	Austar Coal Mine Pty Ltd
Operator Address	Middle Road, Paxton, NSW 2325
Title of Audit	Austar 2020 Independent Environmental Audit
<p><i>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</i></p> <p><i>The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2014 and Post Approval Guidelines – Independent Audits</i></p> <p><i>The findings of the audit are reported truthfully, accurately and completely;</i></p> <p><i>I have exercised due diligence and professional judgement in conducting the audit;</i></p> <p><i>I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;</i></p> <p><i>I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;</i></p> <p><i>I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);</i></p> <p><i>Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and</i></p> <p><i>I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</i></p> <p><i>Note.</i></p> <p><i>The Independent Audit is an ‘environmental audit’ for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</i></p> <p><i>The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).</i></p>	
Signature	
Name of Lead / Principal Auditor	Nathan Archer
Address	10 Kings Road, New Lambton NSW 2305, Australia
Email Address	narcher@slrconsulting.com
Auditor Certification (if relevant)	Certified Exemplar Global Lead Auditor (#133601)
Date:	21 December 2020



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Ms Carly McCormack  
Environment & Community Superintendent  
Austar Coal Mine Pty Ltd

By Email ONLY: [carly.mccormack@yancoal.com.au](mailto:carly.mccormack@yancoal.com.au)

21/07/2021

Dear Ms McCormack

**Austar Coal (MP08\_0111 and DA29/95)  
Independent Environmental Audit**

Reference is made to the revised Independent Environmental Audit (IEA) report and Response to Audit Recommendations (RAR ) for the Austar Coal Mine, prepared as required by Schedule 7 condition 7 of MP08\_0111, as modified and Schedule 5 condition 6 of DA29/95 (the approvals) and submitted to the Department of Planning, Industry and Environment (the Department) on 13 July 2021.

The Department considers that the revised IEA report generally satisfies the reporting requirements of the approvals and the Department's *Independent Audit Guidelines (2015)*. Please note that acceptance of this report is not endorsement of the compliance status of the project.

Non-compliances identified in the IEA have been assessed in accordance with the Department's Compliance Policy with the Department on this occasion, determining to record the breaches with no further enforcement action. However, please note that recording the breach does not preclude the Department from taking alternative enforcement action, should it become apparent that an alternative response is more appropriate.

Please include a status update for all actions provided in the RAR in the next Annual Review, until all actions are completed.

If you wish to discuss the matter further, please contact Ann Hagerthy, Senior Compliance Officer on 02 6575 3407 or email [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink that reads 'H Watters'.

Heidi Watters  
Team Leader Northern  
Compliance

As nominee of the Planning Secretary