

2023 INDEPENDENT ENVIRONMENTAL AUDIT

Austar Coal Mine



11 December 2023


REPORT

Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
0	Draft for Client	Jessica Robinson	Dianne Munro	Dianne Munro	30 November 2023
1	Final Report	Jessica Robinson	Dianne Munro	Dianne Munro	11 December 2023

Approval for issue

Dianne Munro



11 December 2023

This report was prepared by RPS within the terms of RPS' engagement with its client and in direct response to a scope of services. This report is supplied for the sole and specific purpose for use by RPS' client. The report does not account for any changes relating the subject matter of the report, or any legislative or regulatory changes that have occurred since the report was produced and that may affect the report. RPS does not accept any responsibility or liability for loss whatsoever to any third party caused by, related to or arising out of any use or reliance on the report.

Prepared by:

RPS

Dianne Munro
Senior Principal

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294

T +61 2 4940 4200
E Dianne.Munro@rpsgroup.com.au

Prepared for:

Yancoal Australia

Julie McNaughton
Environment & Community Senior Advisor

1 Middle Road
Paxton NSW 2325

T +61 417 076 012
E Julie.McNaughton@yancoal.com.au

Contents

LIMITATIONS OF REPORT	4
1 INTRODUCTION	5
1.1 BACKGROUND	5
1.2 ACTIVITIES WITHIN THE AUDIT PERIOD	6
1.3 REPORT STRUCTURE	7
2 SITE DESCRIPTION	8
2.1 DEVELOPMENT CONSENT	8
2.2 MANAGEMENT PLANS, PROGRAMS AND STRATEGIES	9
3 IEA REQUIREMENTS	11
3.1 DEVELOPMENT CONSENT	11
3.2 AUDIT GUIDELINES	12
3.3 AGENCY CONSULTATION	12
4 NON-COMPLIANCES AND RECOMMENDATIONS	14
5 CONTINUOUS IMPROVEMENT AND RECOMMENDATIONS	15

Tables

Table 1: Independent Environmental Audit Requirements	11
Table 2: Agency Requirements	12
Table 3: Identified Non-Compliances	14
Table 4: IEA Recommendations	15
Mining Regulation 2016 – Schedule 8A	95

Appendices

Appendix A Audit Itinerary	16
Appendix B Independent Audit Certification Form	17
Appendix C Compliance Tables	18
Appendix D Site Inspection Plates	114
Appendix E Regulatory Correspondence	115
Appendix F Audit Guidelines and Where Addressed	116

LIMITATIONS OF REPORT

In preparing this IEA report, RPS has assessed all activities appropriate and necessary to evaluate the environmental status of the site and operations undertaken within the audit period. RPS has addressed all technical matters which might reasonably be considered to be relevant to such an assessment conducted to standards which apply in NSW. Based on observations of the site, interviews with appropriate staff and a review of available documentation, it is RPS's opinion that the potential critical environmental issues associated with the site and operations are those discussed in this report. However, RPS can only advise on the basis of the information available to them and therefore cannot dismiss absolutely the possibility that parts of the site, or adjacent properties, may give rise to additional issues. The conclusions presented in this report are professional opinions based solely upon RPS's visual observations of the site and the immediate site vicinity, and review of available documentation, interviews and conversations with personnel knowledgeable about the site and other available information, as referenced in this report. These conclusions are intended exclusively for the purposes stated herein, at the site listed, and for the project indicated.

Opinions presented in this report apply to the site's conditions and features as they existed at the time of RPS' site inspections on 31 October – 1 November 2023, and those areas accessible. They necessarily cannot apply to conditions and features which RPS is unaware of and has not had the opportunity to evaluate.

This report does not, and does not purport to, give legal advice on the actual or potential environmental liabilities of any individual or organisation, or to draw conclusions as to whether any circumstances constitute a breach of relevant legislation.

1 INTRODUCTION

1.1 BACKGROUND

RPS AAP Consulting (RPS) was commissioned by Yancoal Australia Pty Ltd (Yancoal) to conduct an Independent Environmental Audit (IEA) of the Astar Coal Mine (Astar). This IEA includes an assessment of compliance against Development Consents DA 29/95 and PA 08_0111 and is the sixth IEA required.

Development Approval (DA) 29/95 approves the Ellalong Colliery Extension into Bellbird South and applies to all site areas with the exception of the Kitchener Surface Infrastructure Site. This consent also expired during the audit period with the only relevant conditions moving forward relevant to rehabilitation activities.

Project Approval (PA) 08_0111 approves the Stage 3 Expansion Project and covers most areas of the mine including the Kitchener Surface Infrastructure Site.

No mining was undertaken in the audit period. Astar has transitioned from 'care and maintenance' to closure.

This IEA consisted of a desktop review of documentation, interviews with key Yancoal staff and a site inspection of the remaining infrastructure including workshops, key chemical storage areas, waste storage areas, CHPP, key creek lines, dams, the pit top area, reject emplacement areas and key rehabilitation areas.

The general IEA Itinerary is presented in **Appendix A**.

The auditing period for this IEA is from 24 October 2020 (day after the previous site inspection) to 1 November 2023 (last day of site inspection (the IEA period)).

The IEA was conducted by Dianne Munro (Lead Auditor – Exemplar Global Certified Auditor 107622) (see **Appendix B** for the Independent Audit Certification Form) and Jessica Robinson (Audit Assistant) from RPS.

The audit team also consisted of the following specialists in accordance with DA 29/95 and PA 08_0111:

- Ian Richardson (RPS) – Air Quality Specialist;
- Steven Ditton (DgS) – Subsidence Specialist;
- Susan Shield (Engeny) – Surface and Groundwater Specialist;
- Dale Redwood (Muller Acoustics) – Acoustics Specialist; and

At the request of the Planning Secretary in a letter dated 30/05/2023, a rehabilitation specialist was also required for this audit:

- Clayton Richards (Minesoils) – Rehabilitation Specialist.

The IEA was conducted generally consistent with '*ISO 19011 - Guidelines for Auditing Management Systems*' and the '*Independent Audit Post Approval Requirements May 2020*' (Audit Guidelines) (DPE, 2020). Key documents reviewed during the IEA included:

- DA 29/95 (as modified);
- PA 08_0111 (as modified);
- Environment Impact Statements (EIS), as relevant;
- Environmental Management Plans (EMP);
- Environmental Protection Licence 416 (EPL); and;
- Mining Leases (ML).

The field inspection was conducted on 31 October and 1 November 2023 by Dianne Munro, Jessica Robinson and Clayton Richards. Observations from the site inspection and site interviews were noted in conjunction with evidence in **Appendix C** which includes compliance tables for each of DAs, EPL and MLs. Each table presents each condition, and describes evidence in support of the status (shown as compliant, not compliant or not triggered).

A high level of compliance was noted in this IEA and any issues were well understood by the auditees with actions being taken to address any non-compliances where practical. Significant planning actions are being taken to prepare for closure in relation to key higher risk activities including rehabilitation of reject emplacement areas in particular, waste management, water management, and rehabilitation in general.

No complaints or reportable incidents were received in the audit period.

This site component of the audit found a good level of housekeeping in consideration of the closure status of the operation and significant quantity of materials to be disposed or of recycled at the surface. These were orderly stored. Photos from the field inspection are shown in **Appendix D**.

The weather conditions at the time of the inspection at the Cessnock Airport Bureau of Meteorology (BoM) station (located 13 km to the north-east of Austar) consisted of west south-westerly winds up to 46 km/h and a maximum temperature of 32.5°C. 24.6 millimetres of rainfall occurred during the preceding week.

Opening and closeout meetings held with key Yancoal staff in attendance which generally included:

- Julie McNaughton (JM) – Yancoal, Environment and Community Senior Advisor;
- Carly McCormack (CM) – Yancoal, Environment and Community Superintendent;
- Damien Ryba (DR) – Yancoal, Environment and Community Coordinator;
- Barry Forth (BF) – Yancoal, CHPP Supervisor;
- Craig Reiss (CR) – Yancoal, Project Manager (Closure);
- Clayton Richards (CL) – Minesoils, Principal;
- Dianne Munro (DM) – RPS, Lead Auditor; and
- Jessica Robinson (JR) – RPS, Audit Assistant.

1.2 ACTIVITIES WITHIN THE AUDIT PERIOD

From the commencement of the audit period between 24 October 2020 to 25 February 2021, Austar was in the “care and maintenance” phase. On 26 February 2021, Austar announced the transition to “closure” phase and works have been centered around rehabilitation related activities, including undertaking a pre-feasibility study and a mine closure risk assessment, developing strategies and updating environmental management plans to support the closure process and closure early works activities.

No mining, processing or major earthworks were undertaken throughout the audit period.

Austar incorporates nine Closure Management Areas (CMA). CMAs have been allocated to aid the management and tracking of rehabilitation areas during the closure process. CMAs 1-8 incorporate surface lease areas. CMA 9 is the remaining Austar Mine owned lands and incorporates subsurface leases and minor infrastructure to support the underground including access tracks, powerlines and water pipelines.

Works within the audit period in each CMA includes:

CMA 1

- Recovery of underground equipment and preparing for storage or transfer to other sites or sale;
- Removal of demountable buildings and awnings;
- Decommissioning the conveyer to CHPP;
- Decommissioning of the drift drive and winder house; and
- Sealing of the drift.

CMA 2

- Reverse Osmosis (RO) plant switched off in May 2021; and
- Desilting of Precipitate Dam in 2021/2022.

CMA 3

REPORT

- Decommissioning of man and materials winder; and
- Sealed base of shaft.

CMA 4

- Removal/scraping of old stored equipment.

CMA 5

- Sealing of surface boreholes and base of shafts 3 and 4;
- Decommissioning vent fan, compressors and Nitrogen plant; and
- Removal of compressors and Nitrogen plant.

CMA 6 (Kitchener SIS area)

- Sealing of service borehole;
- Decommissioning up and downcast shafts; and
- Installing steel capping on both shafts.

CMA 7

- Upgrading of the clean water diversion channel.

CMAs 8

- Bellbird boreholes continued to operate, pumping water to underground workings as required

CMA 9

- General track and pipeline maintenance was undertaken as required.

1.3 REPORT STRUCTURE

This report is generally structured as follows:

- **Section 1** provides an introduction, describes the requirement for the IEA, activities conducted during the audit period and provides a guide to the structure of this report;
- **Section 2** provides a description and layout of the site and a summary of environmental approvals and management documents;
- **Section 3** outlines the requirements for this IEA, where each has been addressed in this report and details regulatory consultation;
- **Section 4** lists any non-compliances identified; and
- **Section 5** provides a list of recommendations for any identified non-compliances and continuous improvement.

2 SITE DESCRIPTION

2.1 DEVELOPMENT CONSENT

DA 29/95 for Austar Coal Mine allows the development described in the 'Environmental Impact Statement for Proposed Extension of Operations of Ellalong Colliery into Bellbird South' (EIS) (HLA Envirosciences Pty Ltd, 1995) as follows;

- The extension of the Greta Seam underground longwall mining operation into the adjoining Bellbird South Area, providing an additional life for the mine of up to 21 years;
- An additional annual production rate of up to 3 Mt of ROM coal; and
- The potential re-opening of Cessnock No.1 (Kalingo) shaft.

DA 29/95 has been modified on seven occasions as follows:

- MOD 1 – Stage 1 Mining dated 27 September 2006 which facilitates mining coal from panels A1 and A2, increasing the maximum height of coal seam extractions, construction and operating additional surface infrastructure and upgrading items of existing surface infrastructure;
- MOD 2 – A3 To A5 Mining Method Modification dated 05 June 2008 which facilitates the extraction of coal from longwalls A3 to A5 at a rate up to 3 million tonnes per annum;
- MOD 3 – Panel Modification dated 28 May 2009 which facilitates mining of longwalls A6 to A7;
- MOD 4 – LWA5a Modification dated 7 December 2010 which facilitates the mining of an additional longwall panel in the Stage 2 mining area;
- MOD 5 – LWA5a Modification dated 27 April 2012 which facilitates the extension of panel A5a by 127 metres;
- MOD 6 – LWs B1-B3 Modification dated 29 January 2016 which facilitates the transfer and processing of coal from three additional longwall panels (B1, B2 and B3); and
- MOD 7 – LWs B4-B7 Modification dated 25 August 2017 which facilitates the transfer and processing of coal from four additional longwall panels (B4, B5, B6 and B7) and the extension of the Bellbird South development consent area.

PA 08_0111 for the Austar Coal Mine allows the development described in the 'Austar Coal Mine Environmental Assessment' (EIS) (Umwelt, 2008) as follows:

- Extension of underground mining area from Stage 1 and Stage 2 operations into the area described as Stage 3 Coal Mine; and
- Construction and operation of a new Surface Infrastructure Site off Quorrobolong Road south of Kitchener.

PA 08_0111 has been modified on three occasions as follows:

- MOD 1 – Administrative dated 4 May 2010 which facilitates the amendment of a subsidence impact performance measures project approval condition;
- MOD 2 – Change LW Panel Orientation dated 13 March 2012 which facilitates reconfiguration of the Stage 3 mining area;
- MOD 3 – Extend LWs A7-A10 dated 17 December 2013 which facilitates the extension of the finishing positions of longwall panels A7, A8, A9 and A10.

Figure 1 shows the general layout of Austar as approved in PA 08_0111.

2.2 MANAGEMENT PLANS, PROGRAMS AND STRATEGIES

DA 29/95 and PA 08_0111 requires the preparation of a series of management plans. All currently approved management plans for the construction and operation (as relevant) phases were reviewed during this IEA, including the:

- 'Environment Management Strategy' (updated version lodged February 2023);
- 'Aboriginal Cultural Heritage Management Plan' (approved April 2023);
- 'Air Quality and Greenhouse Gas Management Plan' (updated version lodged February 2023);
- 'Historic Heritage Management Plan' (approved June 2021);
- 'Noise and Vibration Management Plan' (updated version lodged March 2023)
- 'Site Water Management Plan' (updated version lodged June 2023);
- 'Rehabilitation Management Plan' (updated version lodged September 2023);
- 'Landscape Management Plan – Kitchener SIS' (updated version lodged February 2023); and
- 'Pollution Incident Response Management Plan' (updated version lodged December 2022).

Most plans have been revised in the audit period and are with DPE for approval.

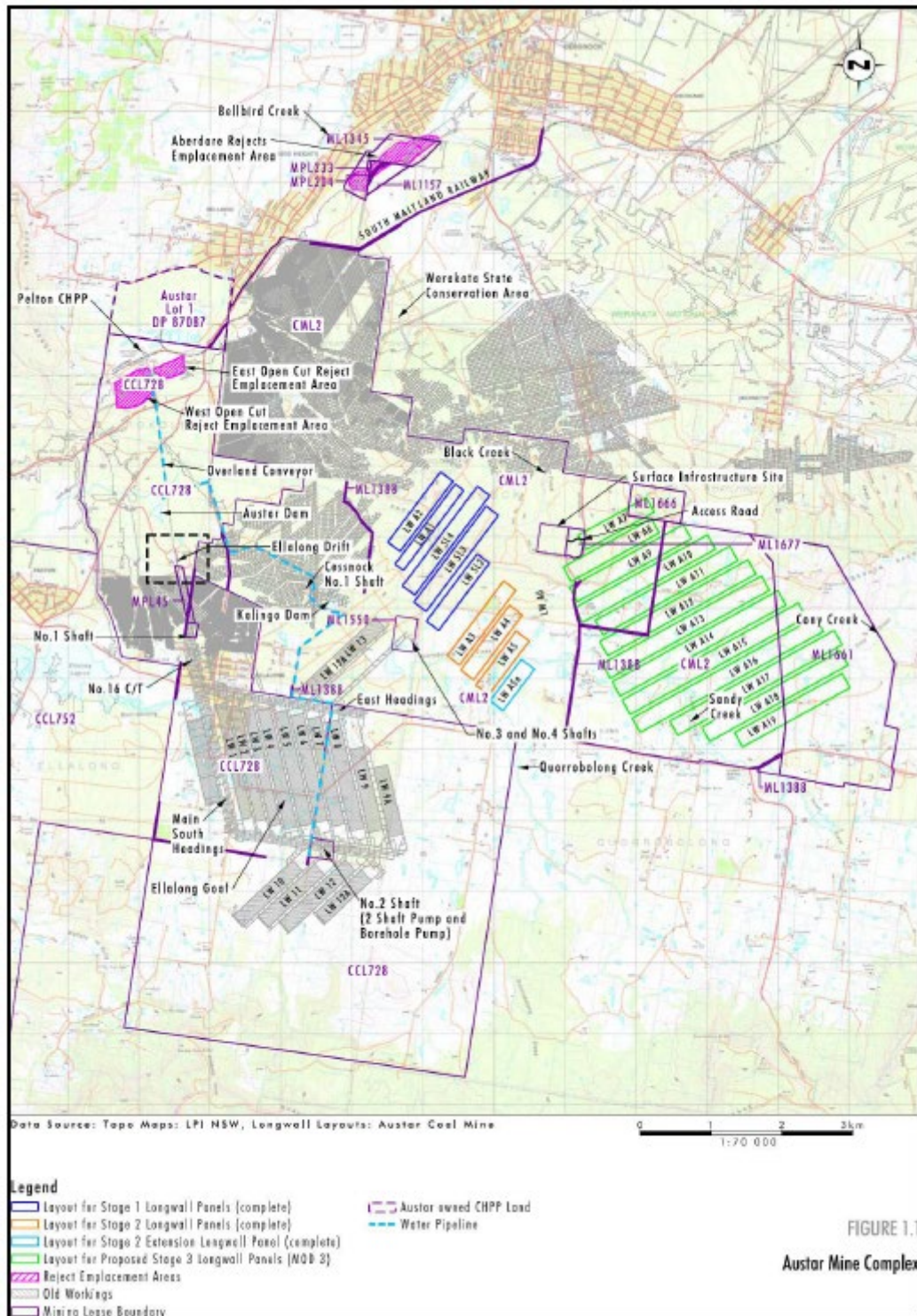


Figure 1 – Austar Mine Complex Layout

3 IEA REQUIREMENTS

3.1 DEVELOPMENT CONSENT

This IEA and subsequent report has been compiled pursuant to DA 29/95 and PA 08_0111 (as modified) and the DPE Audit Guidelines (DPE, 2020) (discussed in **Section 3.2**).

Requirements for independent auditing under Schedule 5, Condition 6 and 7 of DA 29/95 (as modified) and Schedule 7, Condition 7 and 8 of PA 08_0111 (as modified) are listed in **Table 1** which also lists where each is addressed in this document.

Table 1: Independent Environmental Audit Requirements

Description	Where Addressed
DA 29/95 Schedule 5 Condition 6 and 7	
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:	This IEA
a) be conducted by suitably qualified, experienced, and independent expert/s whose appointment has been endorsed by the Secretary;	Section 3.2 Appendix B Appendix F
b) include consultation with the relevant agencies and the CCC;	Section 3.3 Appendix E
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;	Appendix C
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;	Section 4 Appendix C
e) review the adequacy of strategies, plans or programs required under this consent; and, if necessary,	Appendix C
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	Section 5
g) be conducted and reported to the satisfaction of the Secretary.	This IEA
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.	Responsibility of Yancoal by 13/12/23
PA 08_0111 Schedule 7, Condition 7 and 8	
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:	This IEA
a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;	Section 3.2 Appendix B Appendix F
b) include consultation with the relevant agencies;	Section 3.3 Appendix E
c) assess the environmental performance of the mine complex and assess whether it is complying with the requirements in relevant project approvals and development	Section 4 Appendix C

Description	Where Addressed
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	Appendix C
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.	Section 5
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.	Responsibility of Yancoal by 13/12/23

3.2 AUDIT GUIDELINES

This IEA report has also been prepared in accordance with the Audit Guidelines (DPE, 2020). **Appendix F** lists key requirements and relevant sections of the Audit Guidelines, and indicates where each is addressed in this report.

3.3 AGENCY CONSULTATION

The following agencies were approached directly by RPS in September 2023 for input as part of the scoping phase of this IEA (see **Appendix E**).

- Austar Community Consultative Committee;
- Cessnock Council;
- DPE;
- EPA;
- Natural Resources Access Regulator; and
- Resources Regulator.

Where specific issues were raised during consultation, these are listed in **Table 2** along with a section on where each has been addressed in this IEA report.

Table 2: Agency Requirements

Regulator	Date of Response	Feedback	Where Addressed
Austar Community Consultative Committee	29/09/2023	I am not aware of any major concerns but will send this out to the CCC members for their comment. I will definitely have it back to you ahead of the deadline.	N/A
	20/10/2023	As indicated in my previous email, I have sent the information to the Committee members, requesting any comments or matters of concern within the scope of the audit and can confirm no issues have been raised. Thank you for the opportunity to comment.	
Cessnock Council	Request for engagement email sent 28/09/2023	No feedback received.	N/A
DPE	11/10/2023	In response to your request for consultation, DPE – Compliance considers the following matters to be of significance for the 2023 IEA: <ul style="list-style-type: none"> • Rehabilitation program, as outlined in the Rehabilitation Management Plan, has been progressively implemented, monitored and reported. 	Appendix C

REPORT

Regulator	Date of Response	Feedback	Where Addressed
		<ul style="list-style-type: none">Incident and non-compliance notification and reporting processes, outlined in the Environmental Management Strategy, has been followed.	
EPA	Request for engagement email sent 28/09/2023	No feedback received.	N/A
Natural Resources Access Regulator	Request for engagement email sent 28/09/2023	No feedback received.	N/A
Resources Regulator	Request for engagement email sent 28/09/2023	No feedback received.	N/A

4 NON-COMPLIANCES AND RECOMMENDATIONS

A summary of the four non-compliances against each condition of DA 29/95, PA 08_0111 and EPL416 is summarised in **Table 3**. Recommendations arising from the non-compliances are included in **Section 5**.

Appendix C provides a complete tabulated list of conditions of DA 29/95, PA 08_0111, EPL and key MLs with the compliance status, comments and evidence provided against each. No non-compliances against key MLs were identified.

Table 3: Identified Non-Compliances

Ref	Non-Compliance
DA 29/95 Sch 3 Cond 5	<ul style="list-style-type: none"> The 2022 – 2023 Annual Review reported an overflow at the Aberdare Extended Emplacement Area on 7 July 2022 due to heavy rainfall. Results demonstrated that the event did not result in material harm. Written incident reports were sent to the EPA and DPE on 13 July 2022 with no further actions required. No further actions are therefore required.
PA 08_0111 Sch 4 Cond 4	<ul style="list-style-type: none"> Monitoring for the July and August 2021 monitoring periods at gauge D9 was missed due to landowner denying access to property. Austar worked in conjunction with DPE to resolve the issue. The gauge was relocated and the updated AQGHGMP was lodged. No further action required.
PA 08_0111 Sch 4 Cond 8	<ul style="list-style-type: none"> Annual Review stated there were five overflows of the Kitchener SIS dams during the audit period due to heavy rainfall. No overflow resulted in material harm. Adequate reporting to relevant regulators occurred with no further regulatory requests made. No further action required.
PA 08_0111 Sch 4 Cond 9	<ul style="list-style-type: none"> No creek stability monitoring requirements for Black Creek are provided in the SWMP. However, stability monitoring for Black Creek commenced in 2023 to gather baseline data for rehabilitation. It is noted that groundwater monitoring bores AQD1073A and MB03A address water quality and Quorrobolong Creek. Mining has not progressed near Sandy Creek or Cony Creek. Recommend that creek stability monitoring requirements for Black Creek are included in the next revision of the SWMP. Updates to monitoring requirements for alluvial aquifers are included in the GWMP.

5 CONTINUOUS IMPROVEMENT AND RECOMMENDATIONS

Table 4 includes a consolidated list of continuous improvement recommendations from this IEA. These are recommendations for consideration only and are not mandatory to ensure compliance with conditions of consent.

Table 4: IEA Recommendations

<i>Ref</i>	<i>Recommendation</i>
DA 29/95 Sch 3 Cond 7	<ul style="list-style-type: none"> Recommended that the Site prepare closure water balance and include in relevant documentation. The Applicant advised this is in progress.
DA 29/95 Sch 3 Cond 9	<ul style="list-style-type: none"> Recommended that specific wording relating to 'surface water assessment criteria' (i.e. trigger values based on historic data or ANZECC water quality guidelines where historic data isn't available) is included in the next revision of the site water management plan. Recommended that evidence/a statement of why monitoring the impact of subsidence to farms dams is no longer necessary is included in the next revision of the site water management plan.
DA 29/95 Sch 3 Cond 10	<ul style="list-style-type: none"> Recommended that specific wording relating to 'ground water impact assessment criteria' (i.e. trigger values based on historic data or ANZECC water quality guidelines where historic data isn't available) is included in the next revision of the site water management plan.
DA 29/95 Sch 3 Cond 29	<ul style="list-style-type: none"> Recommend ongoing maintenance is required at Aberdare Emplacement Area to keep as a grassland (weed spraying and slashing of shrubs/trees regrowth. This is already occurring. Recommended to keep all weather track post decommissioning of surface infrastructure.
EPL	<ul style="list-style-type: none"> A1.1 - Recommend consideration of whether limits can be reduced or scheduled activities should be updated going forward.
EPL	<ul style="list-style-type: none"> U3.2 – continue to undertake monthly water monitoring, amelioration and other investigations for the Austar Clean Water Drainage Line during closure to ensure this identified higher risk is adequately managed.
EPL	<ul style="list-style-type: none"> U3.3 – Recommend to continue monitoring and proposed investigation works to ensure appropriately managed during closure



Appendix A Audit Itinerary

AUSTAR COAL MINE IEA

31 OCTOBER – 1 NOVEMBER 2023

SITE VISIT ITINERARY

Unit 2A, 45 Fitzroy Street
Carrington NSW 2294
T +61 2 4940 4200

Invitees

Name	Company	Title
Julie McNaughton (JM)	Yancoal Australia	Environment and Community Senior Advisor
Carly McCormack (CM)	Yancoal Australia	Environment and Community Superintendent
Damien Ryba (DR)	Yancoal Australia	Environment and Community Coordinator
Barry Forth (BF)	Yancoal Australia	CHPP Supervisor
Craig Reiss (CR)	Yancoal Australia	Closure Project Manager
Dianne Munro (DM)	RPS	Lead Auditor
Jessica Robinson (JR)	RPS	Assistant Auditor
Clayton Richards (CL)	Minesoils	Principal

Site Inspection Schedule

Day 1 – Tuesday, 31 October 2023		
Time	Task	Personnel
8:00 – 8:30 am	Arrival on Site <ul style="list-style-type: none"> Visitor induction and set up 	JM, DM, JR
8:30 – 9:00 am	Opening Meeting <ul style="list-style-type: none"> Introductions (JM) IEA scope and purpose (DM) Confidentiality arrangements (DM) IEA process and timing (DM) 	All
8:30 am – 12:30 pm	Compliance Review <ul style="list-style-type: none"> DA 29/95 and PA 08_0111 Individual Conditions Review EIS / MOP Consistency 	JM, CM, DM, JR
12:30 – 1:00 pm	Lunch Break	All
1:00 – 2:30 pm	General Site Inspection <ul style="list-style-type: none"> Workshop Chemical storage areas Waste storage Sewage treatment system Pit top area (general) Wash bay and CHPP Discussion with maintenance staff, others? 	JM, DM, JR
1:00 – 4:30 pm	Rehabilitation Site Inspection <ul style="list-style-type: none"> Review of rehabilitation areas and topsoil stockpiles Review of biodiversity offset areas 	CM, DR, DM, CL

Agenda

Day 1 – Tuesday, 31 October 2023

Time	Task	Personnel
4:30 – 5:30 pm	Compliance Review <ul style="list-style-type: none">• DA 29/95 and PA 08_0111 (cont.)• Mining Leases	JM, CM, DM, JR

Day 2 – Wednesday, 1 November 2023

Time	Task	Personnel
8:00 – 8.15 am	Day 2 Overview Meeting <ul style="list-style-type: none">• Confirm arrangements for Day 2	JM, CM, DM, JR
8:15 am – 12:00 pm	Compliance Review (cont.) <ul style="list-style-type: none">• Mining Leases• EPL• SMP and management plans Review	JM, CM, DM, JR
12:00 – 12.30 pm	Lunch Break	All
12:30 – 2:00 pm	Compliance Review (cont.)	JM, CM DM, JR
2:00 – 2:30 pm (TBC)	Closeout Preparation <ul style="list-style-type: none">• Auditor preparation for Closeout Meeting	JM, CM,DM, JR
2:30 – 3:00 pm (TBC)	Close out Meeting <ul style="list-style-type: none">• Overview of findings• Confirmation of outstanding documents• Confirmation IEA completion process	JM, CM, WF, CL, CR, BF DM, JR



Appendix B
Independent Audit
Certification Form

6. Appendices

Appendix A – Declaration of Independence Form Template

Declaration of Independence - Auditor

Project Name Astar Coal Mine 2023 Independent Environmental Audit

Consent Number DA 29/95 and PA 08_0111

Description of Project 2023 Independent Environmental Audit of Astar Coal Mine

Project Address 1 Middle Road, Paxton NSW 2325

Proponent Yancoal Australia Pty Ltd

Date 11 December 2023

I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an

approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and

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

Name of Proposed Auditor Dianne Munro

Signature 

Qualification Certified Auditor #107622, Environmental Management, Compliance, EMS, ISO14001:2015 Audit Exemplar Global

Company RPS AAP Consulting Pty Ltd



Appendix C Compliance Tables

DA 29/95

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
Schedule 2, Condition 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 Applicant has implemented reasonable and feasible measures to prevent/reduce the occurrence of material harm relevant to the site’s closure status.
Schedule 2, Condition 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 Envirosiences Pty Limited, dated August 1995 (August 1995 EIS); (b) modification application MOD-49-4-2006 and accompanying Statement of Environmental Effects, titled Austar 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 Austar Coal Mine Statement of Environmental Effects Section 96 Modification Stage 2 Longwall Panels A3-A5, prepared by Austar Coal Mine and dated September 2007 (September 2007 SEE); and (d) modification application DA 29/95 – MOD 3 and the accompanying Statement of Environmental Effects prepared by Austar 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;	Compliant	Viewed Austar Coal Mine website. Environmental Assessments (EA) provided on the Austar website. This DA applies to all areas of the Austar Coal Mine site apart from the Kitchener Surface Infrastructure Site. No operational works were completed in the audit period. Little closure detail in EAs. As such, works completed in the audit period (see summary in main audit report) have been generally completed in accordance with DA 29/95 and associated MOD documentation.

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	<p>(f) modification application DA 29/95 – MOD 5 and EA (MOD 5); (g) EA (MOD 6); and (h) EA (MOD 7). 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.</p>		
Schedule 2, Condition 2A	<p>The Applicant must carry out the development in accordance with the conditions of this consent. 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. If there is any inconsistency between the documents in condition 2, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail over all other documents to the extent of any inconsistency.</p>	Compliant	<p>Based on the findings of this audit and the site inspection, the Applicant has generally carried out the development in accordance with the conditions of this consent relevant to closure status. No longwall mining occurred in the audit period.</p>
Schedule 2, Condition 3	<p>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.</p>	Compliant	<p>No additional directions from the Secretary have been given additional to that presented in this table during the audit period (JM pers comms).</p>
Schedule 2, Condition 4	<p>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.</p>	Compliant	<p>No significant equipment or plant failure has occurred in the audit period (JM pers comms). Viewed Annual Reviews (2020 – 2021, 2021 – 2022 and 2022- 2023). Focus within audit period has been the decommissioning and removal of redundant mining equipment from site and preparation of equipment for sale or transfer (see Plates 15 and 18). Site inspection revealed systematic collation and sorting of underground and above ground infrastructure in preparation for ongoing closure activities (see Plate 2).</p>

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
Schedule 2, Condition 5	This consent lapses on 14 February 2022. <i>Note: This condition does not affect the operation of section 95 of the EP&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.</i>	Compliant	Viewed 'Lapsing of Consent' DPE letter dated 21/10/2021 acknowledging the lapse of consent. After 14 February 2022, only conditions relevant to rehabilitation continue to operate. Therefore within the audit period of 24 October 2020 to 1 November 2023: <ul style="list-style-type: none"> • Closure activities applies from 24 October 2020 to 13 February 2022; and • Rehabilitation only from 14 February 2022 to 1 November 2023. This includes the Kitchener SIS area which is approved under PA 08_0111 (see separate table). See figure and detailed activity description in main audit report.
Schedule 2, Condition 6	<i>Deleted</i>		
Schedule 2, Condition 7	<i>Deleted</i>		
Schedule 2, Condition 8	Unless the Applicant and the applicable authority agree otherwise the Applicant must: (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. <i>Note: This condition does not apply to any damage to public infrastructure subject to compensation payable under the Mine Subsidence Compensation Act 1961.</i>	Not Triggered	No impacts to public infrastructure or relocation of public infrastructure occurred during the audit period (JM pers comms).
Schedule 2, Condition 9	The Applicant must ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent	Compliant	<ul style="list-style-type: none"> • Environmental inductions form a part of the general induction process (JM pers comms).

Cond. no	Requirement/Condition	2023 Status	2023 Evidence		
	relevant to their respective activities.		<ul style="list-style-type: none"> Viewed Induction slides dated September 2022. Viewed Pegasus system – inductions contain presentations followed by an assessment and employees receive a certificate upon completion. Viewed Cardholder Competencies Report for 2023 stating inductions had been completed. Contains records of employees and contractors. 		
Schedule 3, Condition 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: <i>Table 1: Land subject to acquisition upon request</i></p> <table border="1"> <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: (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. <i>Notes:</i> <i>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.</i> <i>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</i></p>	Property A03a - Duff	Property A04a – Bukanmain Pty Limited	Not Triggered	<ul style="list-style-type: none"> No written requests were received requesting acquisition in the audit period (JM pers comms).
Property A03a - Duff	Property A04a – Bukanmain Pty Limited				

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	<i>longwalls A3 to A5.</i>		
Schedule 3, Condition 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</p> <p>(b) the landowner has agreed to the SA NSW purchasing the land under the <i>Mine Subsidence Compensation Act 1961</i>.</p>	Compliant	<p>No longwall mining occurred during the audit period (JM pers comms). Viewed MSEC letter dated 8 March 2021 recommending ceasing of ground monitoring as “ongoing subsidence effects are expected to be very small and similar to the order of natural ground movements and survey tolerance”. As such, no future subsidence is anticipated.</p>
Schedule 3, Condition 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;</p> <p>(b) integrate ongoing management of previously mined areas;</p> <p>(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"> • built structures; • farm dams; • watercourses; • groundwater; • terrestrial flora and fauna and ecology (including any threatened species and their 	Not Triggered	Viewed Previous Audit. Condition closed out in 2014 – 2017 audit period.

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	habitats); and <ul style="list-style-type: none"> Aboriginal cultural heritage; (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.		
Schedule 3, Condition 3A	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: <ul style="list-style-type: none"> (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; (d) include the following to the satisfaction of DRG: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> monitor subsidence effects and subsidence impacts on land; validate the subsidence predictions; and analyse the relationship between the subsidence effects and subsidence impacts of the proposed second workings and any 	Compliant	Ditton Geotechnical Services review: Last longwall extracted at mine was B6, which was finished in Feb 2020. Subsidence was deemed practically complete 12 months after LWB6 finished, based on last survey dated 10/02/21. Viewed Annual Review 2020/21. Viewed LWB4-B7 Extraction Plan (1 Feb 2019) & Appendices A-K. The Subsidence Monitoring Program incorporates all required plans pertaining to this condition. Engeny review: No Extraction Plans have been prepared or modified since Previous Audit.

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	<p>ensuing environmental consequences.</p> <p>(e) include a:</p> <ul style="list-style-type: none"> • 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>(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"> • detailed description of baseline data; • impact assessment criteria, including trigger levels for investigating any potentially adverse impacts; • program to undertake monitoring prior to during and after undermining; • program to validate predicted levels of impacts; 		

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	<ul style="list-style-type: none"> detailed description of remediation and rehabilitation measures to be implemented, should adverse impacts occur; and contingency plan to manage any unpredicted adverse impacts and their environmental consequences and to provide for adaptive management. <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>		
Schedule 3, Condition 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	No experts were commissioned by DPE in the audit period.
Schedule 3, Condition 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>	Not Triggered	Ditton Geotechnical Services review: No first workings were undertaken in the audit period.
Schedule 3, Condition 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>	Not Triggered	Ditton Geotechnical Services review: No subsidence impacts in audit period.

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	<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>		
Schedule 3, Condition 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>	Not Triggered	Ditton Geotechnical Services review: No underground mining occurred in the audit period.
Schedule 3, Condition 5	<p>Except as may be expressly provided by a EPA Environmental Protection Licence, or in accordance with section 120 of the <i>Protection of the Environment Operations Act 1997</i>, the Applicant must not discharge any water from the site.</p>	Not Compliant	<p>Engeny review: The 2022 – 2023 Annual Review reported an overflow at the Aberdare Extended Emplacement Area on 7 July 2022 due to heavy rainfall and flooding throughout Cessnock. Austar reported the event as per the PIRMP on 6 July 2022. Water samples were extracted for analysis. Results demonstrated that the event did not result in material harm. Written incident reports were sent to the EPA and DPE on 13 July 2022 with no further actions required. Water was discharged from site not in accordance with the POEO Act.</p>
Schedule 3, Condition 5A	<p>The Applicant must ensure that it has sufficient water supply for the development, and if necessary, adjust the scale of the development</p>	Compliant	<p>Engeny review: Water take and use is shown in Annual Reviews. The 2021-2022 Annual Review indicates that there was no water take during this period as site currently has limited</p>

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	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>		water demands. Austar holds licences that allow for the extraction of 770 ML of groundwater per year (WAL41504) and 10 ML of surface water from the Hunter Unregulated and Alluvial Water Source – Congewai Creek Management Zone (WAL19181). These licences could be utilised for water supply if required. Site confirmed that pumping from underground ceased in September 2021 and this system has been decommissioned.
Schedule 3, Condition 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	Review completed in previous audit period. The current version of the Site Water Management Plan (SWMP) is dated March 2022 and was approved by the DPE on 11/03/2022. Viewed DPE Approval letter contained in Appendix B of management plan. a) Section 6.1 b) Section 7 c) Section 8.1 d) Section 8.2 e) Section 9
Schedule 3, Condition 7	The Site Water Balance must: (a) include details of: <ul style="list-style-type: none"> • 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	Engeny review: An overview of Site Water Management is described in Section 6 of the SWMP. This overview includes descriptions of: <ul style="list-style-type: none"> • sources of water and water licences; • water use on site; • water management on site; • off-site water transfers or discharges (as per EPL416); • reporting procedures; and • descriptions of water management initiatives to minimise water use by recycling treated mine water. The SWMP states that a site water balance for the closed site will be developed during mine closure planning following the completion of surface water and groundwater assessments. Recommended that the Site prepare closure water balance and include in relevant documentation. The Applicant advised this is in progress.

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
Schedule 3, Condition 8	The Erosion and Sediment Control Plan must: <ul style="list-style-type: none"> (a) be consistent with the requirements of <i>Landcom's Managing Urban Stormwater: Soils and Construction</i> 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. 	Compliant	<p>Engeny review:</p> <p>The Austar Erosion and Sediment Control Plan is provided in Section 7 of the SWMP. Details of the Erosion and Sediment Control Plan include:</p> <ul style="list-style-type: none"> b) Activities that could cause soil erosion and generate sediment (Section 7.2). c) Measures to minimise soil erosion and the potential of sediment downstream (described in Section 7.2 and shown in Figure 9). d) The location, function and capacity of erosion and sediment control structures (Section 6 and Figure 9). e) Measure taken to maintain erosion and sediment control structures over time (Section 7.3). <p>The SWMP expressly states that erosion and sediment control measures (including the sizing of sediment basins and channels) have been developed with requirements detailed in Landcoms (2004) <i>Managing Urban Stormwater: Soils and Construction</i> (the Blue Book).</p> <p>RPS review:</p> <p>Environmental Inspection Reports dated July 2022 were viewed during site inspection. Viewed July 2022 Monthly Environment Inspection Action list. Viewed Intalex and actions within the monthly inspection report. Actions from the monthly inspections are contained within the system. Each action contains reference number, description, date, responsible person and status.</p>
Schedule 3, Condition 9	The Surface Water Monitoring Program must include: <ul style="list-style-type: none"> (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). 	Compliant	<p>Engeny review:</p> <p>The site Surface Water Monitoring Program is detailed in Section 8 of the SWMP. The Surface Water Monitoring Program includes:</p> <ul style="list-style-type: none"> b) a program to monitor surface water flows and quality (particularly in Black, Cony and Quorrobolong Creeks) and stream health (Section 8.1.4.1, Section 8.1.4.2, Section 8.1.4.3, Section 8.1.4.6, and Table 8-4). c) a program to monitor farm dams within the subsidence zone and impacts on other water users (Section 8.1.4.5 and Table 8-4). d) a program to monitor channel stability in Quorrobolong and Cony Creeks (Table 8-4). e) reporting procedures (Section 6.6 and Section 12). 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) (Section 12.2). <p>Water quality results for the locations listed in point (b) are provided in the annual review.</p> <p>Creek stability monitoring reports relevant to point (d) for 2021, 2022 and 2023 have</p>

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
			<p>been provided demonstrating compliance with this condition. Evidence has also been provided that the site is following up on actions required following inspections (as email correspondence).</p> <p>Recommended that specific wording relating to 'surface water assessment criteria' (i.e., trigger values based on historic data or ANZECC water quality guidelines where historic data isn't available) is included in the next revision of the site water management plan.</p> <p>It is assumed that is reasonable that monitoring of farm dams within the subsidence impact zone has ceased and that there will be no further subsidence impacts. It is recommended that evidence/a statement of why monitoring the impact of subsidence to farms dams is no longer necessary is included in the next revision of the site water management plan.</p> <p>Note the iron staining in the ephemeral creek line includes a commitment under EPL E2 condition and is covered satisfactorily in the Rehabilitation Management Plan (September 2023). No further recommendation in this regard (see Plate 7).</p>
Schedule 3, Condition 10	<p>The Groundwater Monitoring Program must include:</p> <ul style="list-style-type: none"> (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>	<p>Engeny review: The site Groundwater Monitoring Program is detailed in Section 8 of the SWMP, including:</p> <ul style="list-style-type: none"> b) a program to monitor the volume and quality of ground water seeping into the underground mine workings (Section 8.2.4, Section 8.2.8 and Table 8-4); (b1) A program to monitor impacts to groundwater dependent ecosystems and riparian vegetation (Section 8.2.5 and Section 8.2.6). c) A program to monitor groundwater levels and quality (Section 8.2.2, Section 8.2.4, Section 8.2.8 and Table 8-4). d) A protocol for the investigation, notification and mitigation of identified exceedances of the groundwater impact assessment criteria (Section 9.1 and Section 12.2). <p>Water quality results are provided in the annual review (Section 7.4).</p> <p>Recommended that specific wording relating to 'ground water assessment criteria' (i.e., trigger values based on historic data or ANZECC water quality guidelines where historic data isn't available) is included in the next revision of the site water management plan.</p>

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
Schedule 3, Condition 11	The Surface and Ground Water Response Plan must include: (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 landowners 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.	Compliant	Engeny review: Section 9 of the SWMP details the sites Surface and Groundwater Response Plan. The plan includes: a) The procedure 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 (Section 9, Table 9-1 and Section 12.2). b) measures to mitigate (entirety of SWMP), remediate and/or compensate (Section 9 and Table 8-4) 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 (Section 9.3)). c) disposal/neutralisation contingencies in the event that acid leachate problems emerge after the mine closes (Section 7.2.3 SWMP and Section 6.2.1.8 of the Rehabilitation Management Plan). Viewed containment pump at site inspection (see Plate 6).
Schedule 3, Condition 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	The Cessnock No.1 shaft has never been utilised (JM pers comms).
Schedule 3, Condition 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: <ul style="list-style-type: none"> • 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	Not Triggered	Addressed in Previous Audit report.

Cond. no	Requirement/Condition	2023 Status	2023 Evidence				
	<p>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 DPI-Water, 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>Schedule 3, Condition 13</p>	<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. <i>Table 2: Noise impact assessment criteria dB(A)</i></p> <table border="1" data-bbox="360 807 869 874"> <thead> <tr> <th data-bbox="360 807 600 850">Day/Evening/Night LAeq(15 minute)</th> <th data-bbox="600 807 869 850">Land</th> </tr> </thead> <tbody> <tr> <td data-bbox="360 850 600 874">35</td> <td data-bbox="600 850 869 874">All privately owned land</td> </tr> </tbody> </table> <p><i>Notes:</i> 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 LAeq(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. b) The noise emission limits identified in the</p>	Day/Evening/Night LAeq(15 minute)	Land	35	All privately owned land	<p>Compliant</p>	<p>Muller Acoustics review: A review of Annual Reviews for 2020/21, 2021/22 and 2022/23, and EPL monitoring data identified that there have been no exceedances of this criteria during the audit period. No complaints have been received during the audit period. A review of quarterly noise monitoring reports identified that noise monitoring is generally undertaken in accordance with noise monitoring methodology in Section 5 of the approved NVMP. It is noted that site activities generally occur during the day period only. Monitoring undertaken during the night period in accordance with the approved NVMP. Further information provided by Austar identified that works are not typically undertaken at the Kalingo Infrastructure Area, with activities generally restricted to low noise generating activities such as tube bundle inspections and equipment inspections. Plant and equipment operating during the day. Evening and night, including ventilation fan, compressors and nitrogen plant have been demonstrated to comply with the noise limits through quarterly compliance noise monitoring. From October 2022, works have been undertaken to decommission the ventilation fan, pull cables and remove the nitrogen plant. Noise modelling has been undertaken (sighted spreadsheet "E220463_ModelResults_C11.0.xlsx"), which indicated potential exceedances at three receiver locations. Negotiated agreements have been entered into with receivers and monitoring undertaken (sighted email correspondence from noise consultant "Noise Monitoring 17th October"), which demonstrated that noise levels did not exceed noise limits at any residence. It is noted that NVMP Version 3 (dated February 2023), submitted to DPE, has been</p>
Day/Evening/Night LAeq(15 minute)	Land						
35	All privately owned land						

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	<p><i>above table apply under meteorological conditions of:</i></p> <ul style="list-style-type: none"> <i>wind speeds of up to 3 m/s at 10 metres above ground level; or</i> <i>temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.</i> <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>		sighted, which has amended the monitoring program to include monitoring from the night period to the period(s) when site activities are occurring.
Schedule 3, Condition 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>Muller Acoustics review:</p> <p>Since transitioning to care and maintenance and closure, Austar has continued with the noise monitoring program in accordance with the NVMP and EPL Noise PRP requirements.</p> <p>a) Section 6 of the NVMP describes the noise management measures to drive continual improvement including the CHPP Noise PRP and noise control works.</p> <p>b) The Annual Reviews detail the Environmental Performance, including a summary of management measures proposed and implemented. Noise management is undertaken in accordance with the NVMP.</p> <p>c) Noise management, including the status of the CHPP Noise PRP and environmental performance is reported in the Annual Review.</p> <p>It is reiterated that the site has transitioned to care and maintenance and closure, with a cessation of mining and the decommissioning of several processes.</p> <p>Notwithstanding, the site continues to undertake due diligence noise assessments to consider potential impacts of closure execution activities and implement appropriate management measures.</p>
Schedule 3, Condition 15	<p>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</p>	Compliant	<p>Muller Acoustics review:</p> <p><u>Preparation</u></p> <p>Section 5.1 of the NVMP describes the Noise Monitoring Program, including methodology and frequency of assessment, to evaluate compliance with the impact assessment criteria.</p> <p><u>Implementation</u></p> <p>Sighted noise monitoring reports demonstrating implementation of the Noise Monitoring Program.</p> <p>Confirmed that the results of the noise monitoring summarised in the Annual</p>

Cond. no	Requirement/Condition	2023 Status	2023 Evidence															
	Secretary.		<p>Reviews.</p> <p><u>Recommendations</u></p> <p>It is recommended that to demonstrate compliance with the noise impact criteria, the noise monitoring methodology in the NVMP is updated to ensure that routine noise monitoring is undertaken during the period(s) with the greatest potential for noise emissions.</p> <p>It is noted that NVMP Version 3 (dated February 2023), submitted to DPE, has been sighted, which adequately addresses noise monitoring during the period(s) during which site activities are occurring.</p>															
Schedule 3, Condition 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>Muller Acoustics review:</p> <p>Section 5.3 of the NVMP describes the Vibration Monitoring Program to evaluate compliance with the vibration criteria.</p> <p>Vibration monitoring is undertaken using a vibration monitor with external triaxial geophone, set to record a waveform once vibration levels exceed the trigger level. A review of the 2020/21 Annual Review demonstrated that no vibration events were recorded during the reporting period.</p> <p>Confirmed with Aустar personnel that as Aустar is in closure, no vibration or blast monitoring is currently undertaken and vibration monitors were removed from service on 18 June 2021.</p>															
Schedule 3, Condition 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/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>30 µg/m³</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 < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>50 µg/m³</td> </tr> </tbody> </table> <p><i>Table 5: Long term impact assessment criteria</i></p>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³	Compliant	<p>Viewed Air Quality and Greenhouse Gas Management Plan dated October 2021. Section 5 states that dust emissions are monitored as per requirements in both PA 08_011 and DA 29/95.</p> <p>Viewed Annual Review 2022 – 2023. No exceedances of the values listed in associated tables within the conditions as per Table 6.4 and Table 6.5 in the AQGGMP within the audit period.</p>
Pollutant	Averaging period	Criterion																
Total suspended particulate (TSP) matter	Annual	90 µg/m ³																
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³																
Pollutant	Averaging period	Criterion																
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³																

Cond. no	Requirement/Condition	2023 Status	2023 Evidence								
	<p><i>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/m²/month</td> <td>4 g/m²/month</td> </tr> </tbody> </table> <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>	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month		
Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level								
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month								
Schedule 3, Condition 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>a) Viewed Table 10 in Air Quality and Greenhouse Gas Management Plan (AQGHGMP) dated October 2021. Air pollution is monitored at varying from every six days to monthly depending on the monitoring method. Table 5 in the AQGHGMP details exceedance values on privately-owned land.</p> <p>b) Viewed Complaints Registers. There were no complaints in relation to dust or odour within the audit period. Viewed Annual Reviews within the audit period. Spontaneous combustion is reported on in Table 6.1 'Environmental Summary'. Viewed Austar Coal Mine 2023 IEA Opening Meeting presentation dated 31 October 2023. Updated AQGGMP currently awaiting approval from DPE and was lodged 22 February 2023.</p>								
Schedule 3, Condition 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>	Compliant	<p>Viewed Air Quality and Greenhouse Gas Management Plan dated October 2021. The updated plan was approved by the DPE on 26 October 2021 as per Appendix B of the Plan.</p> <p>The Air Quality monitoring program is outlined in Section 7 of the AQGHGMP. The forms and frequency of air quality monitoring are outlined in Table 10. PM10 HVAS occurs every 6 days, Depositional Dust Gauges to occur monthly and TEOM and Meteorological States require continuous monitoring.</p> <p>Air quality monitoring results are located in Section 6.3 of the Annual Reviews. No exceedances have occurred in the audit period.</p>								
Schedule 3, Condition 20	<p>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.</p>	Compliant	<p>Viewed Air Quality and Greenhouse Gas Management Plan dated October 2021.</p> <p>Viewed DPE approval letter dated 26 October 2021.</p> <p>Section 7.2.4 states that "a continuous weather recording station located at the CHPP site to record meteorological data" is utilised and "representative of the area subject to potential dust emissions". It also states that "the weather station is maintained and operated in accordance with Approved methods for the sampling and analysis of air pollutants in NSW (DEC, 2007) and AS 3580.14:2014."</p>								

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
Schedule 3, Condition 21	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: (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; (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 (c) commence use of emplacement areas 1, 3 and 4 only after consultation with the Council and approval by the DRG.	Not Triggered	No reject emplacement occurred in the audit period (JM pers comms). a) to (c) is not triggered due to REAs 1, 3 and 4 not being constructed and are not currently in use (JM pers comms).
Schedule 3, Condition 22	The Applicant must: (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 (b) salvage all useable soil and vegetative materials for reuse in controlling erosion and/or site rehabilitation.	Compliant	Minesoils review: a) No construction during audit period. Diversion bank repair project undertaken along Aberdare REA included floristics assessment prior to works, indicating 'reasonable measures' to protect vegetation (see Plate 8). No other vegetation clearing works noted. b) Previous salvage of soil resources noted in various stockpiles including Kitchener SIS where topsoil and subsoil materials stockpiled separately and well protected from erosion via ground cover. Future Harvest is currently collecting seed for use in rehabilitation.
Schedule 3, Condition 23	The Applicant must: (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 Cony Creeks in the area of longwalls A3 to A5a with particular reference to River Flat Eucalypt Forest EEC; and	Not Triggered	REAS were not disturbed during the audit period (JM pers comms).

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	(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.		
Schedule 3, Condition 24	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.	Not Triggered	Timeframe addressed in previous audits. No REA activity in audit period (JM pers comms).
Schedule 3, Condition 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:</p> <ul style="list-style-type: none"> • 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>The Applicant must implement the approved plan as approved from time to time by the</p>	Compliant	<p>The most recent version of the Aboriginal Cultural Management Plan (ACHMP) prepared by Umwelt is dated January 2023. Viewed DPE approval letter dated 26/04/2023 in Appendix 2 of the Plan.</p> <p>a) Consultation detailed in Section 3 and Appendix 1 of the Plan.</p> <p>b) Sections 3 and 5 of this Plan detail compliance to the respective sub conditions.</p> <ul style="list-style-type: none"> • Heritage monitoring is addressed Annual Reviews. • Actions and observations relating to Aboriginal Heritage are contained in Table 6.1 in Annual Reviews. • Aboriginal Cultural Heritage due diligence surveys were conducted throughout the audit period. In the 2021-2022 Annual Review, the discovery of a pink silcrete broken flake associated with a recorded scatter AHIMS site #37-6-3075 was made. To avoid impacts to AHIMS site #37-6-3075 the borehole location and its access were relocated. • Viewed GDP2207 site investigations 2022 demonstrated that fencing was utilized. Due diligence for the Geotech jobs. All covered under work permits. Sites were avoided. • Viewed complaints registers. No incidents or complaints relating to Aboriginal Heritage occurred within the audit period.

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	Secretary.		
Schedule 3, Condition 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;</p> <p>(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</p> <p>(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><i>Note: 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.</i></p>	Compliant	<p>The latest approved Historic Heritage Management Plan is dated April 2021 and was approved by DPE on 30/06/2021 as per approval letter contained in Appendix B of the Plan.</p> <p>a) Not triggered b) Not triggered c) Section 4.2.3 of the HHMP refers to the Ring-Barked Tree referenced in the April 2006 SEE. GPS coordinates of the tree have not been provided and incorporates an approximate location. No disturbance activities are currently proposed within this vicinity, and thus general management strategies within Section 4.6 of the Plan apply to protect the tree.</p> <p>Surveys conducted within the approximate location have not resulted in finding the tree (CM pers comms).</p>
Schedule 3, Condition 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</p> <p>(b) provide a Type BA intersection at the nominated entry to the Cessnock No 1 Colliery site. The intersection type and location must be</p>	Not Triggered	<p>a) No mining operations have occurred in REA areas 3 and 4 during the audit period (JM pers comms).</p> <p>b) No works have been undertaken (JM pers comms).</p>

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	determined in conjunction with Council and constructed prior to commencement of operations at the Cessnock No 1 Colliery site.		
Schedule 3, Condition 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 (GHD March 2007):</p> <ul style="list-style-type: none"> • Cessnock Road, Kearsley; • Neath Road, Neath; and • Mitchell Avenue, Weston, <p>in consultation with the South Maitland Railway, and to the satisfaction of the Council and the RMS.</p>	Not Triggered	Not applicable to this audit period. Compliance established in previous audits.
Schedule 3, Condition 28	<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> <p><i>Table 6: Rehabilitation Objectives</i></p>	Compliant	<p>Minesoils review:</p> <p>Technically this condition is 'Not Triggered' but evidence on site indicates a detailed rehabilitation strategy is being developed and will be implemented over the next 3 to 5 years.</p> <p>Site is currently in Pre-feasibility stage and entering feasibility studies in 2024 and execution (bulk earthworks) are scheduled for 2026.</p> <p>As per the Annual Reviews, two rehabilitation activities were undertaken, and in accordance with Table 6 objectives.</p> <p>Refer to observations in Condition 29 for details.</p>

Cond. no	Requirement/Condition	2023 Status	2023 Evidence																								
	<table border="1"> <thead> <tr> <th data-bbox="360 252 533 276">Feature</th> <th data-bbox="533 252 871 276">Objective</th> </tr> </thead> <tbody> <tr> <td data-bbox="360 276 533 339">All areas affected by the development</td> <td data-bbox="533 276 871 339"> <ul style="list-style-type: none"> • Safe • Hydraulically and geotechnically stable • Non-polluting • Fit for the intended post-mining land use(s) </td> </tr> <tr> <td data-bbox="360 339 533 387">Areas proposed for native ecosystem re-establishment</td> <td data-bbox="533 339 871 387"> <ul style="list-style-type: none"> • Establish self-sustaining ecosystems comprising flora species selected to re-establish and complement local and regional biodiversity </td> </tr> <tr> <td data-bbox="360 387 533 475">Areas proposed for agricultural or pastoral use Other areas affected by the development</td> <td data-bbox="533 387 871 475"> <ul style="list-style-type: none"> • Nominated land capability classification is achieved and is self-sustaining • 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) </td> </tr> <tr> <td data-bbox="360 475 533 539">Surface infrastructure of the development</td> <td data-bbox="533 475 871 539"> <ul style="list-style-type: none"> • 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 </td> </tr> <tr> <td data-bbox="360 539 533 563">Portals and vent shafts of the development</td> <td data-bbox="533 539 871 563"> <ul style="list-style-type: none"> • To be decommissioned and made safe and stable </td> </tr> <tr> <td data-bbox="360 563 533 659">Built features damaged by mining operations</td> <td data-bbox="533 563 871 659"> <ul style="list-style-type: none"> • Repair/restore/replace to pre-mining condition or equivalent unless the <ul style="list-style-type: none"> o owner agrees otherwise, or o damage is fully restored, repaired or compensated for under the <i>Mine Subsidence Compensation Act 1961</i> </td> </tr> <tr> <td data-bbox="360 659 533 730">Final landforms</td> <td data-bbox="533 659 871 730"> <ul style="list-style-type: none"> • Consistent with surrounding topography to minimise visual impacts • Incorporate relief patterns and design principles consistent with natural drainage </td> </tr> <tr> <td data-bbox="360 730 533 786">All watercourses subject to mine-water discharges and/or subsidence impacts from the development</td> <td data-bbox="533 730 871 786"> <ul style="list-style-type: none"> • Hydraulically and geomorphologically stable • Aquatic ecology and riparian vegetation that is the same or better than prior to mining </td> </tr> <tr> <td data-bbox="360 786 533 818">Water quality</td> <td data-bbox="533 786 871 818"> <ul style="list-style-type: none"> • Surface water retained on site is fit for the intended post mining land use(s) </td> </tr> <tr> <td data-bbox="360 818 533 850">Cliffs, minor cliffs and steep slopes</td> <td data-bbox="533 818 871 850"> <ul style="list-style-type: none"> • No additional risk to public safety compared to prior to mining </td> </tr> <tr> <td data-bbox="360 850 533 898">Community</td> <td data-bbox="533 850 871 898"> <ul style="list-style-type: none"> • Ensure public safety • Minimise adverse socio-economic effects associated with mine closure </td> </tr> </tbody> </table> <p data-bbox="360 938 887 1193"><i>Note: These rehabilitation objectives apply to all subsidence impacts and environmental consequences caused by the development and to all surface infrastructure components of the development. Where remediation of watercourses is likely to cause environmental consequences greater than those that require rehabilitation, alternative equivalent works may be undertaken within the affected watercourse.</i></p>	Feature	Objective	All areas affected by the development	<ul style="list-style-type: none"> • Safe • Hydraulically and geotechnically stable • Non-polluting • Fit for the intended post-mining land use(s) 	Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none"> • Establish self-sustaining ecosystems comprising flora species selected to re-establish and complement local and regional biodiversity 	Areas proposed for agricultural or pastoral use Other areas affected by the development	<ul style="list-style-type: none"> • Nominated land capability classification is achieved and is self-sustaining • 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) 	Surface infrastructure of the development	<ul style="list-style-type: none"> • 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 	Portals and vent shafts of the development	<ul style="list-style-type: none"> • To be decommissioned and made safe and stable 	Built features damaged by mining operations	<ul style="list-style-type: none"> • Repair/restore/replace to pre-mining condition or equivalent unless the <ul style="list-style-type: none"> o owner agrees otherwise, or o damage is fully restored, repaired or compensated for under the <i>Mine Subsidence Compensation Act 1961</i> 	Final landforms	<ul style="list-style-type: none"> • Consistent with surrounding topography to minimise visual impacts • Incorporate relief patterns and design principles consistent with natural drainage 	All watercourses subject to mine-water discharges and/or subsidence impacts from the development	<ul style="list-style-type: none"> • Hydraulically and geomorphologically stable • Aquatic ecology and riparian vegetation that is the same or better than prior to mining 	Water quality	<ul style="list-style-type: none"> • Surface water retained on site is fit for the intended post mining land use(s) 	Cliffs, minor cliffs and steep slopes	<ul style="list-style-type: none"> • No additional risk to public safety compared to prior to mining 	Community	<ul style="list-style-type: none"> • Ensure public safety • Minimise adverse socio-economic effects associated with mine closure 		
Feature	Objective																										
All areas affected by the development	<ul style="list-style-type: none"> • Safe • Hydraulically and geotechnically stable • Non-polluting • Fit for the intended post-mining land use(s) 																										
Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none"> • Establish self-sustaining ecosystems comprising flora species selected to re-establish and complement local and regional biodiversity 																										
Areas proposed for agricultural or pastoral use Other areas affected by the development	<ul style="list-style-type: none"> • Nominated land capability classification is achieved and is self-sustaining • 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) 																										
Surface infrastructure of the development	<ul style="list-style-type: none"> • 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 																										
Portals and vent shafts of the development	<ul style="list-style-type: none"> • To be decommissioned and made safe and stable 																										
Built features damaged by mining operations	<ul style="list-style-type: none"> • Repair/restore/replace to pre-mining condition or equivalent unless the <ul style="list-style-type: none"> o owner agrees otherwise, or o damage is fully restored, repaired or compensated for under the <i>Mine Subsidence Compensation Act 1961</i> 																										
Final landforms	<ul style="list-style-type: none"> • Consistent with surrounding topography to minimise visual impacts • Incorporate relief patterns and design principles consistent with natural drainage 																										
All watercourses subject to mine-water discharges and/or subsidence impacts from the development	<ul style="list-style-type: none"> • Hydraulically and geomorphologically stable • Aquatic ecology and riparian vegetation that is the same or better than prior to mining 																										
Water quality	<ul style="list-style-type: none"> • Surface water retained on site is fit for the intended post mining land use(s) 																										
Cliffs, minor cliffs and steep slopes	<ul style="list-style-type: none"> • No additional risk to public safety compared to prior to mining 																										
Community	<ul style="list-style-type: none"> • Ensure public safety • Minimise adverse socio-economic effects associated with mine closure 																										
Schedule 3, Condition 29	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	Compliant	Minesoils review: Rehabilitation area at Aberdare REA consisted of grassland rehabilitated area and unshaped 'pit' areas, which still require final shaping with additional material. The grassland areas are well covered and stable. Recommend ongoing maintenance is required to keep as a grassland (weed																								

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	<p>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><i>Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development.</i></p>		<p>spraying and slashing of shrubs/trees regrowth, see Plate 9).</p> <p>Rehabilitation at Bellbird is again grassland and appears well covered and stable (see Plate 10). Recommended to keep all weather track post decommissioning of surface infrastructure.</p> <p>Clean water diversion drain at Aberdare REA was recently upgraded/repared following breach in 2022 flood event. This is awaiting hydroseeding but appears stable (see Plate 13).</p> <p>Subsidence area was travelled over and no concerns regarding required repairs as depth of cover was high and subsidence was minimal at surface.</p>
Schedule 4, Condition 1	<p>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.</p>	Not Triggered	Both properties had been purchased prior to the audit period as per previous audit.
Schedule 4, Condition 2	<p>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 <i>Mining Act 1992</i> and the <i>Mine Subsidence Compensation Act 1961</i>.</p>	Not Triggered	Not triggered during the audit period as no subsidence is occurring (JM pers comms).
Schedule 4, Condition 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:</p> <ul style="list-style-type: none"> 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, 	Not Triggered	Land not acquired during the audit period as per previous audit.

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	<p>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:</p> <ul style="list-style-type: none"> • 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>(c) reasonable compensation for any disturbance caused by the land acquisition process.</p> <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>		

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
Schedule 4, Condition 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 as per previous audit.
Schedule 4, Condition 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 as per previous audit.
Schedule 5, Condition 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"> • keep the local community and relevant agencies informed about the operation and environmental performance of the development; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the development; • respond to any non-compliance; • manage any cumulative impacts; • respond to emergencies; <p>(e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the</p>	Compliant	<p>The updated Environmental Management Strategy (EMS) is dated May 2021. Viewed DPE letter of approval dated 18/08/2021.</p> <p>a) Strategic context is detailed in Section 3 of the Strategy</p> <p>b) Statutory requirements are stated in Section 5 and Appendix A of the Strategy</p> <p>c) Section 8 of the Strategy states monitoring of environmental performance is located in the relevant management plans</p> <p>d) Procedures pertaining to the relevant sub conditions are detailed in Section 12.</p> <p>e) Details on roles and responsibilities are in Section 11.</p> <p>f) All relevant management plans and strategies are listed on Section 3 of the Strategy and are all uploaded on the website.</p>

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	development; and (f) include: references to any strategies, plans and programs approved under the conditions of this consent; and a clear plan depicting all the monitoring to be carried out under the conditions of this consent. The Applicant must implement the approved strategy as approved from time to time by the Secretary.		
Schedule 5, Condition 2	The Applicant may consolidate the various monitoring requirements of this consent into a single Environmental Monitoring Program for the development.	Compliant	Viewed updated Environmental Management Strategy dated May 2021. The Environmental Monitoring Programs are addressed within section 8 of the EMS, stating that monitoring programs are located in relevant plans.
Schedule 5, Condition 3	<i>Deleted</i>		
Schedule 5, Condition 4	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: (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.	Compliant	Viewed Annual Reviews. No exceedances to consent limits or performance criteria have occurred during the audit period.
Schedule 5, Condition 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	Viewed Annual Reviews. Annual Reviews, (aside from 2022 – 2023, which was lodged on 30 September and currently with the DPE, JM pers comms) are currently on website. Details on environmental performance is in located in Table 6.1 within Annual Reviews. Environmental Monitoring updates are also provided in the CCC Meeting Minutes located on the Austar website, in which meetings occur every six months.

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
Schedule 5, Condition 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:</p> <ul style="list-style-type: none"> • 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>(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>	Compliant	<p>Viewed Annual Reviews.</p> <p>Annual reviews cover the period 1 July to 30 June 2022.</p> <p>Annual reviews contain signed letters from DPE expressing approval.</p> <p>2020 – 2021 Annual review submitted 29 September 2021.</p> <p>2021 – 2022 Annual Review submitted 26 September 2022.</p> <p>2022 – 2023 Annual Review submitted 20 September 2023.</p> <p>a) Section 4 of Annual Reviews outline activities undertaken within the audit period. Section 12 outlines activities to be undertaken during the following year.</p> <p>b) Table 6.1 within the Annual Review outlines environmental performance results pertaining to each relevant environmental performance or management aspect.</p> <p>c) Non compliances are stated in Table 1.2 of Annual Reviews. Follow up actions are detailed in Section 11 of the Annual reviews.</p> <p>d) Previous and current monitoring results are present throughout the Annual Reviews. Trends and key management implications are outlined in Table 6.1.</p> <p>e) Predicted and actual impacts are detailed in Table 6.1 along with investigation of impacts</p> <p>f) Improvements are suggested in Table 6.1 and where relevant throughout the Annual Reviews.</p>
Schedule 5, Condition 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>	Compliant	<p>All previous audits (2008, 2011, 2014, 2017 and 2020) Independent Environmental Audits are available on the website.</p> <p>a) The previous audit (2020) was undertaken by SLR Consulting, endorsed by the DPE. Viewed DPE approval letter dated 14/09/2020.</p> <p>b) Table 1.8 outlines regulator consultation.</p> <p>c) The 2020 IEA assessed compliance with relevant approvals and the EPL.</p>

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	<p>(a) be conducted by suitably qualified, experienced, and independent expert/s whose appointment has been endorsed by the Secretary;</p> <p>(b) include consultation with the relevant agencies and the CCC;</p> <p>(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;</p> <p>(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;</p> <p>(e) review the adequacy of strategies, plans or programs required under this consent; and, if necessary,</p> <p>(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</p> <p>(g) be conducted and reported to the satisfaction of the Secretary.</p> <p><i>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.</i></p>		<p>d) Compliance was assessed against standard and performance standards relevant strategies, programs and plans as listed in Section 3 of the audit report.</p> <p>e) Adequacy of plans and programs are stated in Table 9 of the audit report.</p> <p>f) Recommendations are stated in Section 6 and where relevant in the audit report.</p> <p>g) Viewed DPE letter dated 21/07/2021 stating the report satisfies the requirements of the Secretary.</p> <p>The audit team incorporated all required specialists within this condition.</p>
<p>Schedule 5, Condition 7</p>	<p>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.</p>	<p>Compliant</p>	<p>The previous IEA report was completed on 21 December 2020 and submitted to DPE on 22 December 2020 with response to recommendations contained in the audit report.</p> <p>Viewed Intelx. Audit actions contained within the system. Examples of actions sighted below.</p> <ul style="list-style-type: none"> Action: Update AQGHGMP with NEPM guidelines to reflect compliance of 75% data capture. Response: dated approved on 26/10/21 and in the approved management plan. Action: Update Annual Review to include groundwater monitoring data from the past five years. Response: Groundwater data for the past five years is included within appendices of all Ars within the audit period.

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
			<ul style="list-style-type: none"> • Action: Review and update all management plans following the IEA. Response: Current status of updated management plans are as follows: <ul style="list-style-type: none"> - ACHMP: approved by DPE 26/04/2023 - HHMP: approved by DPE 30/06/2021 - SWMP: lodged with DPE 19/06/2023 - NVMP: lodged with DPE 15/03/2023 - Landscape MP: lodged with DPE 12/02/2023 - EMS: lodged with DPE 01/02/2023 - AQGHGMP: lodged with DPE 22/02/2023 - PIRMP: lodged with DPE 12/12/2022 - RMP: lodged with DPE 30/09/2023 • Action: Update Annual Review to include groundwater monitoring data from the past five years. Response: Groundwater data for the past five years is included within appendices of all Ars within the audit period. • Action: Potential leakage from pipelines – Austar to carry out a risk assessment considering potential failure nodes and the adequacy of current arrangement. Response: Environment and Community BBRA sufficiently covers the risk of potential leakage from pipelines.
Schedule 5, Condition 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 above;</p> <p>(c) the submission of an audit report under condition 6 above; and</p> <p>(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.</p> <p>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</p>	Compliant	<p>a) No exceedances occurred within the audit period.</p> <p>b) Viewed Annual Reviews. 2020 – 2021 and 2021 – 2022 include letter from the DPE stating satisfaction with ARs. 2022 – 2023 Annual Review currently awaiting DPE approval and thus does not include a DPE letter.</p> <p>c) Viewed Independent Environment letter to Planning dated 22 December 2020 containing responses to non-compliance and improvement recommendations. View response to Schedule 5, Condition 7 above.</p> <p>d) No modifications of this consent have occurred during the audit period. Viewed Management Plans. All management plans aside from the Noise and Vibration Management Plan have been updated and approved during the audit period for the care and maintenance phase.</p> <p>As of February 2021, Austar is transitioning into the closure phase. Management plans are being updated to reflect the closure phase (see response to Schedule 5, Condition 7).</p>

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	<p>for the approval of the Secretary. <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>		
Schedule 5, Condition 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. 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	<p>Viewed Management Plans. Management Plans incorporate the entire Austar Complex.</p> <p>Management Plans aside from the PIRMP and RMP were updated in the audit period to reflect the care and maintenance phase.</p> <p>All Management Plans aside from the ACHMP and HHMP have been updated in December 2022 onwards to reflect the closure phase. Updated plans are with the DPE for approval. (JM pers comms).</p>
Schedule 5, Condition 8B	<p>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</p>	Not Triggered	<p>Viewed Management Plans. Management Plans were combined in the previous audit period for the complex and incorporate both development consents.</p>

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
	approval relating to the Austar Mine Complex, including Project Approval 08_0111 for the Stage 3 mining area.		
Schedule 5, Condition 8C	Where consultation with any public authority is required by the conditions of this consent, the Applicant must: (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.	Compliant	Consultation for latest plans were conducted through the Major Projects portal (JM pers comms). The following documents were sighted in relation to consultation for the development of the Landscape Management Plan and Site Water Management Plan: <ul style="list-style-type: none"> Viewed NRAR – 29 November 2021 notification of consultation. Viewed Resources Regulator - 19 January 2021 notification of consultation. Council and Heritage Council were not consulted as the HHMP was not updated for the closure phase during the period (JM pers comms).
Schedule 5, Condition 9	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). <i>Notes:</i> <ul style="list-style-type: none"> 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. 	Compliant	Viewed Austar website on 4 October 2023 at 14:25 (https://www.austarcoalmine.com.au/page/community/community-consultative-committee/). Details of the Austar CCC including minutes, a list of community members and CCC annual reports are available. The Committee incorporates an independent chair and representation from the Council, community and Austar Coal Mine in accordance with the CCC Guidelines. Currently meeting once every six months.
Schedule 5, Condition 10	<i>Deleted</i>		

Cond. no	Requirement/Condition	2023 Status	2023 Evidence
Schedule 5, Condition 11	<i>Deleted</i>		
Schedule 5, Condition 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"> • the documents listed in condition 2 of Schedule 2; • all current statutory approvals for the development; • approved strategies, plans and programs required under the conditions of this consent; • 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; • a summary of the progress of the development; • contact details to enquire about the development or to make a complaint; • a complaints register, which is to be updated on a monthly basis; • minutes of CCC meetings; • the last five annual reviews; • any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit; • any other matter required by the Secretary; <p>and</p> <p>(b) keep this information up-to-date, to the satisfaction of the Secretary</p>	Compliant	<p>Viewed Austar website. The following are available on the Austar website:</p> <p>a)</p> <ul style="list-style-type: none"> • Documents listed in Schedule 2, Condition 2 • Current statutory approvals • Approved plans, programs and strategies • Monitoring results within the Annual Reviews • Progress within the Annual Reviews • Contact details • Community Complaints registers, updated on a monthly basis • A copy of CCC meeting minutes • The last five annual reviews (2022 – 2023 due outside of the audit period) • Copies of all previous IEAs and responses. <p>b) No requests from the Secretary to update the information has been made in the audit period (JM pers comms).</p>

PA 08_0111

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
Schedule 2, Condition 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	View response to Schedule 2, Condition 1 of DA 29/95.
Schedule 2, Condition 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> <ul style="list-style-type: none"> • The general layout of the project is shown in Appendix 2; • The statement of commitments is reproduced in Appendix 3. 	Compliant	The EA for DA 29/95 is located on the Austar website. The most recent EA is for MOD 3 dated October 2013. PA 08_0111 applies to the Kitchener Surface Infrastructure Site. No operational works were completed in the audit period. Little closure detail in EIS. As such, works completed in the audit period (see summary in main audit report) have been generally completed in accordance with PA 08_0111 and associated MOD documentation. The Project has been generally carried out in accordance with the EA and associated modifications, Statement of Commitments and Conditions of Approval.
Schedule 2, Condition 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.	Compliant	No inconsistencies noted during the audit period (JM pers comms).
Schedule 2, Condition 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.	Not Triggered	No directions from DG during audit period additional to that in this table (JM pers comms).
Schedule 2, Condition 5	Mining operations in Stage 3 may take place until 31 December 2030. 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	Not Triggered	Care and maintenance and closure phase within the audit period.

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	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.		
Schedule 2, Condition 6	The Proponent shall not extract more than 3.6 million tonnes of ROM coal a year from the Austar Mine Complex.	Not Triggered	Care and maintenance/transitioning to closure phase within the entire audit period. No mining operations have occurred (Annual Reviews, JM pers comms, see Plate 3).
Schedule 2, Condition 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.	Not Triggered	As stated in the Annual Reviews, no coal was mined or transported during the audit period.
Schedule 2, Condition 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. <i>Notes:</i> <ul style="list-style-type: none"> • 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	No construction occurred during the audit period.
Schedule 2, Condition 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	Viewed Annual Reviews. No demolition has occurred in the audit period. Only decommissioning works. In the 2021-2022 AR, the following demolition preparation works occurred: <ul style="list-style-type: none"> • Progression of demolition, HAZMAT and contamination studies; • Update of the Austar Work Permit process to include assessment of impacts to structures within heritage curtilages; • Commencement of Early Works Heritage Impact Assessment to accompany an application to relevant consent authority for the removal of non-heritage items at the Austar Pit Top and CHPP; and • Preparation of demolition scope of works by specialist demolition company.

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
			<p>In the 2022 – 2023 AR, the following demolition preparation works occurred:</p> <ul style="list-style-type: none"> • Demolition, HAZMAT and preliminary contamination studies have been completed; • Demolition scope of works completed by a specialist demolition company includes quantities, waste streams and proposed Environmental management plans and procedures; • A waste management strategy has been developed; and • Approvals Strategies have been prepared to identify the appropriate pathway for the demolition of non-heritage infrastructure at Austar.
Schedule 2, Condition 10	<p>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:</p> <p>(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; or</p> <p>(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.</p>	Not Triggered	See response to Schedule 2, Condition 8 of DA 29/95.
Schedule 2, Condition 11	<p>The Proponent shall ensure that all plant and equipment used at the site is:</p> <p>(a) maintained in a proper and efficient condition; and</p> <p>(b) operated in a proper and efficient manner.</p>	Compliant	See response to Schedule 2, Condition 4 in DA 29/95.
Schedule 2, Condition 12	<p>With the approval of the Director-General, the Proponent may submit any strategies, plans or programs required by this approval on a progressive basis.</p>	Compliant	<p>Viewed Austar Coal Mine 2023 Independent Environmental Audit Presentation dated 31 October 2023. The following management plans/strategies were updated during the audit period:</p> <ul style="list-style-type: none"> • Aboriginal Cultural Heritage Management Plan (updated January 2023, approved 26 April 2023) • Air Quality and Greenhouse Gas Management Plan (updated October 2021, closure revision lodged 22 February 2023) • Environmental Management Strategy (updated May 2021, closure revision lodged 1 February 2023) • Historic Heritage Management Plan (updated April 2021, approved 30 June 2021) • Landscape Management Plan (updated April 2021, closure revision lodged 21 February 2023) • Pollution Incident Response Management Plan (updated 12 December 2023)

Cond. No	Requirement/Condition	2023 Status	2023 Evidence								
			<ul style="list-style-type: none"> Rehabilitation Management Plan (closure revision updated and lodged September 2023, awaiting DPE approval) Site Water Management Plan (updated March 2022, closure revision lodged 19 June 2023) Noise and Vibration Plan (updated February 2023, closure revision lodged 15 March 2023) 								
Schedule 2, Condition 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	See response to Schedule 5, Condition 8B in DA 29/95.								
Schedule 3, Condition 1	<p>The Proponent shall ensure that the project does not cause any exceedance of the key performance measures in Table 1.</p> <table border="1"> <caption>Table 1: Subsidence Impact Performance Measures</caption> <thead> <tr> <th colspan="2">Water Resources and Flooding</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">Built Features</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>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).</p>	Water Resources and Flooding		Flooding	No significant increased risk on built features, unless the landowner agrees otherwise in writing.	Built Features		Built features	Safe, serviceable and repairable, unless the owner agrees otherwise in writing.	Not Triggered	Ditton Geotechnical Services review: Flooding – not triggered. Mining completed in 2015. Buildings – not triggered. Mining completed in 2015.
Water Resources and Flooding											
Flooding	No significant increased risk on built features, unless the landowner agrees otherwise in writing.										
Built Features											
Built features	Safe, serviceable and repairable, unless the owner agrees otherwise in writing.										
Schedule 3, Condition 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-</p>	Not Triggered	See response to Schedule 3, Condition 2 in DA 29/95.								

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	<p>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 otherwise.</p>		
Schedule 3, Condition 3	<p>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.</p>	Not Triggered	No operations occurred during the audit period.
Schedule 3, Condition 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"> • a coal resource recovery plan that demonstrates effective recovery of the 	Not Triggered	Ditton Geotechnical Services review: Not Triggered – Mining ceased in 2015. Viewed 2021/2022 Annual Review.

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	<p>available resource;</p> <ul style="list-style-type: none"> • 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 • a Subsidence Monitoring Program to: <ul style="list-style-type: none"> ○ validate the subsidence predictions; and ○ analyse the relationship between the subsidence effects and subsidence impacts of the Extraction Plan and any ensuing environmental consequences; <p>(e) include a:</p> <ul style="list-style-type: none"> • 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; • 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; • Land Management Plan, to manage the potential environmental consequences of second workings on steep slopes and land in general; • 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; • Built Features Management Plan, which has been prepared in consultation with the owner of the relevant feature, to 		

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	manage the potential environmental consequences of second workings on any built features; and (f) include a Public Safety Management Plan, which has been prepared in consultation with DRE, to ensure public safety in the mining area.		
Schedule 3, Condition 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	Viewed 2020 Previous Audit report. Compliance achieved in 2014 audit. No modifications or mining has occurred during the audit period.
Schedule 3, Condition 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	See response in Schedule 3 Condition 3B of DA 29/95.
Schedule 4, Condition 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:	Not Triggered	Not triggered as not occurring in audit period. a) Viewed 2020 Austar IEA. Shaft Construction Management Plan was approved on 15/6/2012 by DPE. b) Viewed Annual Reviews. There were five unlicensed discharges from the Kitchener SIS Sediment Dam during the audit period: one in 2020-2021 AR, three in 2021-2022 AR and one in the 2022-2023 AR. Details of procedure after incident are included in Annual Reviews. It is stated that it is unlikely material harm resulted from the any of the incidents.

Cond. No	Requirement/Condition	2023 Status	2023 Evidence						
	<ul style="list-style-type: none"> 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. <p><i>Note: 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.</i></p>								
<p>Schedule 4, Condition 2</p>	<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</p> <p>(b) any relevant EPL, for noise generated by all other components of the project.</p> <p><small>Table 2: Noise impact assessment criteria – Surface Infrastructure Site. dB(A)</small></p> <table border="1" data-bbox="398 1002 900 1086"> <thead> <tr> <th data-bbox="398 1018 555 1050">Day/Evening/Night <small>L_{Aeq}(15 minutes)</small></th> <th data-bbox="560 1018 705 1050">Night <small>L_A(1 minute)</small></th> <th data-bbox="710 1018 900 1050">Land</th> </tr> </thead> <tbody> <tr> <td data-bbox="398 1053 555 1086">35</td> <td data-bbox="560 1053 705 1086">45</td> <td data-bbox="710 1053 900 1086">All privately owned land</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> <i>The location of the Surface Infrastructure Site is shown in the figures in Appendix 2.</i> <i>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.</i> 	Day/Evening/Night <small>L_{Aeq}(15 minutes)</small>	Night <small>L_A(1 minute)</small>	Land	35	45	All privately owned land	<p>Compliant</p>	<p>Muller Acoustics review:</p> <p>A review of Annual Reviews for 2020/21, 2021/22 and 2022/23 identified that there have been no exceedances of the Kitchener SIS criteria during the audit period. It is noted that from Annual Reviews and Information provided by Austar Environmental Team, it is identified that site activities generally occur during day period only.</p> <p>To demonstrate compliance with the noise impact assessment criteria, noise monitoring should be undertaken during the period(s) when site activities are occurring (ie day period). Hence, it is considered that monitoring during the night period cannot effectively assess Austar’s noise emissions against the relevant noise impact assessment criteria.</p> <p>It is noted that noise modelling is undertaken to predict the potential for noise exceedances from site activities, and ad hoc noise monitoring is undertaken to verify the predicted noise levels.</p> <p><u>Recommendations</u></p> <p>It is recommended that to demonstrate compliance with the noise impact criteria, the noise monitoring methodology in the NVMP is updated to ensure that routine noise monitoring is undertaken during the period(s) with the greatest potential for noise emissions.</p> <p>It is noted that NVMP Version 3 (dated February 2023), submitted to DPE, has been sighted, which adequately addresses noise monitoring during the period(s) during which site activities are occurring.</p>
Day/Evening/Night <small>L_{Aeq}(15 minutes)</small>	Night <small>L_A(1 minute)</small>	Land							
35	45	All privately owned land							

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	<ul style="list-style-type: none"> <i>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.</i> <i>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 requirements of the Interim Construction Noise Guideline (DECCW 2009).</i> 		
Schedule 4, Condition 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"> a noise monitoring program providing for a combination of continuous and supplementary attended monitoring measures; a vibration monitoring program that is capable of recording ground vibrations on the surface emanating from underground mining activities; and 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. 	Compliant	<p>Muller Acoustics review: Noise Management Plan Document Number: ENV-002-02 Effective: June 2018 Approved by DPE on 1/8/2018.</p> <p>a) Letter from EPA confirming consultation included as Appendix B of the NVMP. b) Sections 5.1 and 5.2 of the NVMP describe the methodology for attended and unattended noise monitoring respectively. Section 5.3 of the NVMP describes the vibration monitoring program. Section 6 of the NVMP describes the Continuous improvement program.</p>

Cond. No	Requirement/Condition	2023 Status	2023 Evidence																							
Schedule 4, Condition 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</p> <p>(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/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>30 µg/m³</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 < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>50 µg/m³</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/m²/month</td> <td>4 g/m²/month</td> </tr> </tbody> </table> <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>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month	Not Compliant	<p>Viewed Air Quality and Greenhouse Gas Management Plan dated October 2021. The updated plan was approved by the DPE on 26 October 2021 as per Appendix B of the Plan.</p> <p>The Air Quality monitoring program is outlined in Section 7 of the AQGHGMP. The forms and frequency of air quality monitoring are outlined in Table 10. PM10 HVAS occurs every 6 days, Depositional Dust Gauges to occur monthly and TEOM and Meteorological States require continuous monitoring.</p> <p>Air quality monitoring results are located in Section 6.3 of the Annual Reviews. Viewed Annual Reviews. AR 2021 – 2022 presented two non-compliances in relation to dust monitoring due to landowner denying access to deposition D9 in July and August 2021.</p> <p>The first non-compliance occurred on 13 July 2021 and was reported to DPE on 13 August 2021. The contractor removed the gauge as requested by the landowner. The second non-compliance occurred on 3 September 2021 for the August reporting period and was reported to DPE on 23 September 2021. Whilst in consultation with DPE, Austar continued to report the missed reporting until D9 was reinstalled at Kitchener Public School and the updated AQGHGMP was lodged.</p> <p>No exceedances of dust values provisioned by the conditions occurred during the audit period.</p> <p>No monitoring was undertaken at site D9 over a two month period due to landowner denying access to property. This has since been resolved and monitoring resumed.</p>
Pollutant	Averaging period	Criterion																								
Total suspended particulate (TSP) matter	Annual	90 µg/m ³																								
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³																								
Pollutant	Averaging period	Criterion																								
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³																								
Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level																							
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month																							
Schedule 4, Condition 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</p> <p>(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	See response in Schedule 3 Condition 18 of DA 29/95.																							

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
Schedule 4, Condition 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"> • an air quality monitoring program providing for a combination of continuous monitors, high volume samplers and dust deposition gauges; • an energy savings action plan, including a feasibility study into the capture and beneficial utilisation of methane gas emissions from the project; and • a detailed continual improvement program for investigating, implementing and reporting on all reasonable and feasible measures to reduce dust generated by the mine complex. 	Compliant	<p>Viewed Air Quality and Greenhouse Gas Management Plan dated 2021. The plan was approved by the DPE on 26 October 2021 as per Appendix B of the Plan.</p> <p>a) In Section 2.2 of the Plan, it is stated that EPA have previously advised that they do not review management plans, and agreed that once the Plan was approved by the DPE a copy of the plan would be provided to the EPA.</p> <p>b) Contents specified in the condition can be found in the following sections:</p> <ul style="list-style-type: none"> • Air quality, meteorological and greenhouse gas monitoring program is detailed in Section 7. It incorporates high volume sampler methodology, dust deposition gauge methodology, continuous dust monitoring (TEOM) methodology and meteorological monitoring • Energy Savings Action Plan detailed in Section 6.2 and incorporates a feasibility study although is determined not to be technically feasible due to low methane concentrations. • Continual Improvement is detailed in Section 9. "The basis for continual improvement of air quality mitigation measures will be through the ongoing monitoring of dust impacts and the contingency response and adaptive management process".
Schedule 4, Condition 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>Details on Meteorological Monitoring is in Section 7.2.4 of the Air Quality and Greenhouse Gas Management Plan. It is disclosed that "the weather station is maintained and operated in accordance with Approved methods for the sampling and analysis of air pollutants in NSW (DEC, 2007) and AS 3580.14:2014 Methods for sampling and analysis of ambient air - Meteorological monitoring for ambient air quality monitoring applications."</p> <p>The location of the meteorological station is mapped in Figure 2 and is southwest of BW6.</p>
Schedule 4, Condition 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>	Not Compliant	<p>Engeny review:</p> <p>There have been five incidents (one between 2020 – 2021, three between 2021 – 2022, and one between 2022 – 2023) during the audit period relating to unlicensed discharge from the Kitchener SIS sediment dams.</p> <p>Overflow events that occurred during the 2021-2022 period are described in Section</p>

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
			<p>7.3.2 of the Annual Review, and overflow in 2022 – 2023 Annual Review is described in Section 7.3.4.</p> <p>All events were reported to the relevant authorities (as per EPL condition R2.1) with no further action required.</p>
<p>Schedule 4, Condition 9</p>	<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> <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"> • sources and security of water supply; • water use and management on site; • any off-site water transfers or discharges; and • measures to minimise water use by the project; <p>(ii) an Erosion and Sediment Control Plan;</p> <p>(iii) a Surface Water Monitoring Program, including programs to monitor:</p> <ul style="list-style-type: none"> • surface water flows and quality, stream health and channel stability in Black Creek, Cony Creek, Sandy Creek and Quorrobolong Creek; and • impacts on water users and water levels in farm dams; <p>(iv) a Ground Water Monitoring Program, including programs to monitor:</p> <ul style="list-style-type: none"> • groundwater volumes and quality seeping into the underground mine workings; • impacts on regional aquifers; 	<p>Not Compliant</p>	<p>Engeny review:</p> <p>The most recent version of the Site Water Management Plan (SWMP) is dated March 2022 and was approved by the DPE on 11/03/2022.</p> <p>The SWMP includes:</p> <ul style="list-style-type: none"> • (i) a site water balance which details sources and security of water supply, water use and management on site, any off-site water transfers or discharges and measures to minimise water use by the project (Section 6). • (ii) erosion and sediment control plan (Section 7), • (iii) a Surface Water Monitoring Program (Section 8) that includes: <ul style="list-style-type: none"> – programs to monitor surface water flows and quality, stream health and channel stability in Cony Creek (Section 8.1.4.2 and Table 8-4), Sandy Creek (Section 8.1.4 and Table 8-4) and Quorrobolong Creek (Section 8.1.4.1 and Table 8-4); – Impacts on water users and water levels in farm dams (Section 8.1.4.5 and Table 8-4). • (iv) a groundwater monitoring program (Section 8) including programs to monitor: <ul style="list-style-type: none"> – groundwater volumes and quality seeping into the underground mine workings (Section 8.2.4, Section 8.2.8 and Table 8-4); – impacts on regional aquifers (Section 8.2.5 and Table 8-4); – impacts on the groundwater supply of potentially affected landowners (Section 8.2.6); – impacts on the alluvial aquifers in (described in Section 8.2.5 and Table 8-4 with monitoring requirements for Bellbird South); and – impacts on groundwater dependent ecosystems and riparian vegetation (including the River-flat Eucalypt Forest EEC) (Section 8.2.5 and Section 8.2.6); and • A Surface and Ground Water Response Plan (Section 9), which describes the measures and/or procedures that would be implemented to: <ul style="list-style-type: none"> – respond to any exceedances of the relevant performance measures/criteria (Section 9, Table 9-1 and Section 12.2); – compensate landowners of privately-owned land whose water supply is adversely affected by the project (Section 9.3); and – mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation (Section 9 and Table 8-4).

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	<ul style="list-style-type: none"> • impacts on the groundwater supply of potentially affected landowners; • impacts on the alluvial aquifers in Black Creek, Cony Creek, Sandy Creek and Quorrobolong Creek; and • impacts on groundwater dependent ecosystems and riparian vegetation (including the River-flat Eucalypt Forest EEC); and <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"> • respond to any exceedances of the relevant performance measures/criteria; • compensate landowners of privately-owned land whose water supply is adversely affected by the project; and • mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation. <p><i>Note: The Department acknowledges that certain monitoring requirements under this plan may be subject to the granting of access on privately-owned land.</i></p>		<p>Water quality results for surface and groundwater are provided in the annual review.</p> <p>Creek stability monitoring reports relevant to Cony Creek and Quorrobolong Creek for 2021, 2022 and 2023 have been provided. Evidence has also been provided that the site is following up on actions required following inspections (as email correspondence). No monitoring for creek stability in Sandy Creek is required (detailed in Section 8.1.4 of the SWMP). Viewed stockpile and drains directing runoff to water pollution control ponds (see Plate 4).</p> <p>JM states that “as mining has not occurred during this audit period, there will be no mining impacts upon Black Creek. The LWA7 - LWA10 Extraction Plan specifically states that: <i>It should be noted that the Extraction Plan area does not extend to creeks or alluvial aquifers, therefore a Watercourse Management Plan is not included in the scope of this Extraction Plan. Subsequent Extraction Plans will include a Watercourse Management Plan where required.</i> Mining in Longwalls A7 and A8 occurred over a minor tributary of Black Creek. The approved extraction plan did not include consideration of impacts on Black Creek from Longwall mining. It is Austar’s opinion that there is negligible impact on Black Creek from Stage 3 underground mining activities. In addition, mining in Black Creek catchment ceased in 2015 and subsidence was deemed substantially complete prior to this audit period. Any potential impacts have not been realised in this area. Creek stability monitoring commenced in 2023 on Black Creek to gather background data prior to rehabilitation works at Kitchener Surface Infrastructure Site. Monitoring conducted in 2023 has not identified any mining related impacts to creek stability or ecological function. This monitoring will continue twice per year until sufficient baseline data has been gathered, rehabilitation has been completed, and monitoring demonstrates no impacts on creek stability or stream health in Black Creek”.</p> <p>No creek stability monitoring requirements for Black Creek are provided in the SWMP. Stability monitoring for Black Creek commenced in 2023 to gather baseline data for rehabilitation (JM pers comms).</p> <p>It is noted that groundwater monitoring bores AQD1073A and MB03A address water quality and Quorrobolong Creek. Mining has not progressed near Sandy Creek or Cony Creek (JM pers comms).</p> <p>Recommended that specific wording relating to ‘groundwater assessment criteria’ and ‘surface water assessment criteria’ (i.e., trigger values based on historic data or ANZECC water quality guidelines where historic data isn’t available) is included in the next revision of the site water management plan. Monitoring requirements to assess impacts on the alluvial aquifers in Black Creek should be considered in the next revision of SWMP.</p>

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
			<p>Recommend that creek stability monitoring requirements for Black Creek are included in the next revision of the SWMP. Updates to monitoring requirements for alluvial aquifers are included in the GWMP.</p>
<p>Schedule 4, Condition 10</p>	<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"> • salvage and management of Aboriginal sites within the Surface Infrastructure Site disturbance area; • monitoring and management of Aboriginal sites within the mining area; • 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; • 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 • ongoing consultation with and involvement of the Aboriginal 	<p>Compliant</p>	<p>See response to Schedule 3, Condition 24A of DA 29/95.</p>

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	<p>communities in the conservation and management of Aboriginal cultural heritage on the site.</p> <p>Note: The Proponent has committed to a \$100,000 contribution to Aboriginal projects to offset the potential impact on an axe grinding groove (see Appendix 3).</p>		
Schedule 4, Condition 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"> • monitoring and management of identified heritage sites within the mining area and other disturbance areas; • undertaking a Heritage Impact Assessment to the satisfaction of the Director-General, prior to recommencing any mining activities at the Cessnock No.1 Colliery surface facilities at Kalingo; • 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 • managing the discovery of any new heritage items during the project. 	Compliant	<p>The latest updated Historic Heritage Management Plan is dated April 2021.</p> <p>a) Section 1.4 states that “as updates to the plan are administrative in nature, consultation has been limited to submitting the revised plan to the DPE for approval and informing Cessnock City Council and Heritage NSW of the approved updates”. Section 4.1 states that the “HHMP has been prepared in consultation with Council and the Heritage Branch, and was submitted to the Director-General for approval prior to the commencement of second workings in Stage 3 and construction of the Surface Infrastructure Site”.</p> <p>b) Recommendations for further monitoring and management are included in Section 4.2.</p> <ul style="list-style-type: none"> • Heritage items identified are Item 1 Cony Creek Bridge, Quorrobolong Road and Item 23 Potential Homestead Site. The Ring-Barked Tree is identified as an area of potential disturbance. Details on management of these sites are in 4.2.1, 4.2.2 and 4.2.3. • Heritage Impact Assessment Procedure for Cessnock Colliery No.1 Colliery, Kalingo are detailed in Section 4.3. • Procedure to obtain relevant approvals are detailed in Section 4.4. • The procedure for managing the discovery of any new heritage items during the project is detailed in Section 4.5.

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
Schedule 4, Condition 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"> • the Surface Infrastructure Site: <ul style="list-style-type: none"> ○ Cessnock Road, Kearsley; ○ Neath Road, Neath; and ○ Mitchell Avenue, Weston. <p>Note: The relevant reject emplacement areas referred to in (a) are shown on the figure in Appendix 4.</p>	Not Triggered	Viewed Previous Audit report. Road upgrade works in previous audit period or not triggered.

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
Schedule 4, Condition 13	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.	Not Triggered	Not triggered as haulage did not occur on the roads during the audit period. The last payment was made in 2018. No stage three haulage has occurred since (JM pers comms).
Schedule 4, Condition 14	The Proponent shall: (a) take all reasonable and feasible measures to mitigate visual and off-site lighting impacts of the project; and (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.	Compliant	a) Lighting is managed in accordance with the Environmental Management Strategy as per the Annual Reviews. b) In Table 6.1 within the 2022-2023 Annual Review, it is stated that “unnecessary lighting is turned off since many parts of the site are non-operational at night” and “only sufficient lighting for security purposes is operational”. The switch room at Kitchener incorporates a couple of safety lights (JM pers comms). Viewed complaints registers. No complaints in relation to lighting have been made during the audit period.
Schedule 4, Condition 15	The Proponent shall: (a) minimise the waste (including coal reject) generated by the project; (b) ensure that the waste generated by the project is appropriately stored, handled and disposed of; and (c) report on waste management and minimisation in the Annual Review, to the satisfaction of the Director-General.	Compliant	a) Waste management for the closure phase is detailed in the updated Rehabilitation Management Plan dated September 2023 in Section 6.2.1.5. b) Site inspection revealed that significant waste was at the pit top however was stored in a logical and responsible manner for future sale, recycling and/or disposal (see Plate 15, Plate 16, Plate 17 and Plate 18). The site inspection revealed responsible waste management at the pit top (see Plate 19 and Plate 20) Several spill kits were acknowledged at this site inspection (see Plate 6). c) An in-depth breakdown of waste management data is presented in Table 4.5 of 2020 – 2021 AR and Table 4.2 of 2021 – 2022 and 2022 – 2023 Annual Reviews. The 2022 – 2023 Annual Review notes a decrease in waste as the site continues to be cleaned up. Waste managed by JR Richards (site inspection). Scrap steel handled by separate company (JM pers comms). The waste management strategy is currently being drafted for the closure phase (CM pers comms).
Schedule 4, Condition 16	If reject emplacement outside the existing operational West Open Cut, East Open Cut and Aberdare emplacement areas is proposed, the Proponent shall: 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: • justify the need for the use of additional	Not Triggered	No reject emplacement occurred in the audit period (JM pers comms).

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	<p>emplacement area/s;</p> <ul style="list-style-type: none"> provide reports on geotechnical investigations and engineering specifications for the proposed emplacement area/s; and investigate and report on the possibility of disposal of all reject into a single additional emplacement area; and <p>b) emplace coal reject in the additional emplacement area/s subject to such conditions as the Director-General may impose.</p> <p>Note: The existing operational reject emplacement areas are shown on the Austar mine complex figure in Appendix 2. Both the existing operational and additional (formerly-approved) reject emplacement areas are shown on the figure in Appendix 4.</p>		
Schedule 5, Condition 1	<p>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.</p>	Not Triggered	Viewed Annual Reviews. No exceedances have occurred during the audit period.
Schedule 5, Condition 2	<p>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.</p>	Not Triggered	Viewed Annual Reviews. No exceedances have occurred during the audit period.

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
Schedule 5, Condition 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"> • determine whether the project is complying with the relevant impact assessment criteria in schedule 4; and • identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and <p>c) give the Director-General and landowner a copy of the independent review.</p>	Not Triggered	Not triggered during the audit period as no requests have been received (JM pers comms).
Schedule 5, Condition 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. 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</p>	Not Triggered	Not triggered during the audit period as no requests have been received (JM pers comms).

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	<p>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 complying with the relevant impact assessment criteria, then the Proponent may discontinue the independent review with the approval of the Director-General.</p>		
<p>Schedule 5, Condition 5</p>	<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"> • 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; <p>(b) the reasonable costs associated with:</p> <ul style="list-style-type: none"> • relocating within the Cessnock local government area, or to any other local government area determined by the Director-General; • 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 <p>(c) reasonable compensation for any disturbance caused by the land acquisition process.</p> <p>However, if following this period, the</p>	<p>Not Triggered</p>	<p>Not triggered during the audit period as no requests have been received (JM pers comms).</p>

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	<p>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> <ul style="list-style-type: none"> (a) consider submissions from both parties; (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; (c) prepare a detailed report setting out the reasons for any determination; and (d) provide a copy of the report to both parties. <p>Within 14 days of receiving the independent valuer's report, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.</p> <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</p>		

Cond. No	Requirement/Condition	2023 Status	2023 Evidence												
	purchase the land at a price not less than the Director-General's determination. If the landowner refuses to accept the Proponent's binding written offer under this condition within 6 months of the offer being made, then the Proponent's obligations to acquire the land shall cease, unless the Director-General determines otherwise.														
Schedule 5, Condition 6	The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 5 above.	Not Triggered	Not triggered during the audit period as no requests have been received (JM pers comms).												
Schedule 5, Condition 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	Not triggered during the audit period as no requests have been received (JM pers comms).												
Schedule 6, Condition 1	The Proponent shall achieve the rehabilitation objectives in Table 6 to the satisfaction of the Executive Director, Mineral Resources. <table border="1"> <caption>Table 6. Rehabilitation Objectives</caption> <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</td> </tr> <tr> <td>Built features</td> <td>Minimise erosion risk Repair/restore/replace to pre-mining condition or better, unless a claim under the <i>Mine Substance Compensation Act 1991</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	Built features	Minimise erosion risk Repair/restore/replace to pre-mining condition or better, unless a claim under the <i>Mine Substance Compensation Act 1991</i> is made for the repairs, restoration or replacement	Community	Minimise the adverse socio-economic effects associated with mine closure	Not Triggered	Minesoils review: Technically this condition is 'Not Triggered' but evidence on site indicates a detailed rehabilitation strategy is being developed and will be implemented over the next 3 to 5 years. Currently in Pre-feasibility stage and entering feasibility in 2026. Refer comments in Condition 2 below.
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														
Built features	Minimise erosion risk Repair/restore/replace to pre-mining condition or better, unless a claim under the <i>Mine Substance Compensation Act 1991</i> is made for the repairs, restoration or replacement														
Community	Minimise the adverse socio-economic effects associated with mine closure														
Schedule 6, Condition 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	Minesoils review: Kitchener SIS was inspected and most of the area requires re-shaping to natural landform post decommissioning of infrastructure, however temporary rehabilitation is quite stable and mostly covers the areas at risk of erosion. Topsoil and shaft material is stockpiled separately and well grassed/vegetated (see Plates 12 and 13).												

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
Schedule 6, Condition 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>	Not Triggered	Viewed Previous Audit report. Closed out in prior audit.
Schedule 6, Condition 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"> • rehabilitate the site; • implement the offset strategy; and • manage the remnant vegetation and habitat on the site and in the offset area; <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>	Compliant	<p>Minesoils review: The Austar Landscape Management Plan – Kitchener SIS dated April 2021 was reviewed and found compliant with Condition 4.</p> <p>a) Relevant stakeholder NSW Resources Regulator was consulted (Appendix B).</p> <p>b)</p> <ol style="list-style-type: none"> i) Rehabilitation objectives listed in Table 1. ii) The short medium and long term measures to be implemented are detailed in Section 5. iii) Performance and completion criteria detailed in Table 2. iv) Section 5 and Appendix C includes measures to be implemented. <p>Biodiversity offset area has been handed over to NPWS. Since this has happened there are no further offset obligations.</p>

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	<ul style="list-style-type: none"> • minimising and rehabilitating disturbed areas; • implementing the offset strategy; • protecting vegetation and soil outside the disturbance areas; • undertaking pre-clearance surveys; • managing impacts on fauna; • landscaping the site to minimise visual impacts; • conserving and reusing topsoil; • collecting and propagating seed for rehabilitation works; • salvaging and reusing material from the site for habitat enhancement; • controlling weeds and feral pests; • controlling access; and • bushfire management. 		
Schedule 7, Condition 1	<p>The Proponent shall prepare and implement an Environmental Management Strategy for the Austar 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"> • keep the local community and relevant agencies informed about the operation and environmental performance of the 	Compliant	See response in Schedule 5, Condition 1 of DA 29/95.

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	<p>mine complex;</p> <ul style="list-style-type: none"> • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the project; • respond to any non-compliance; and • respond to emergencies; <p>(f) include:</p> <ul style="list-style-type: none"> • copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and • a clear plan depicting all the monitoring to be carried out in relation to the mine complex. 		
<p>Schedule 7, Condition 2</p>	<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;</p> <p>(b) a description of:</p> <ul style="list-style-type: none"> • the relevant statutory requirements (including any relevant approval, licence or lease conditions); • any relevant limits or performance measures/criteria; • the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures; <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"> • impacts and environmental performance of the project; • effectiveness of any management measures (see (c) above); <p>(e) a contingency plan to manage any</p>	<p>Compliant</p>	<p>Austar Environmental Management Plans assessed in accordance with relevant conditions in Schedule 3. See Schedule 5, Condition 7 of DA29/95 for lodgement and approval dates of updated management plans.</p>

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	<p>unpredicted impacts and their consequences; (f) a program to investigate and implement ways to continually improve the environmental performance of the project over time; (g) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> • incidents; • complaints; • non-compliances with statutory requirements; and • exceedances of the impact assessment criteria and/or performance criteria; and 		
Schedule 7, Condition 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; (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"> • the relevant statutory requirements, limits or performance measures/criteria; • the monitoring results of previous years; and • the relevant predictions in the EA and Extraction Plan; <p>(c) identify any non-compliance over the last 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 mine complex; (e) identify any discrepancies between the predicted and actual impacts of the mine complex, 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 mine</p>	Compliant	<p>Viewed Annual Reviews. Annual Reviews are prepared for the period 1 July – 30 June (the reporting period).</p> <ul style="list-style-type: none"> • 2022 – 2023 Annual Review submitted 20 September 2023. DPE approval letter not included as it is currently in review with DPE. • 2021 – 2022 Annual Review submitted 26 September 2022. DPE approval letter dated 14 March 2023. • 2020 – 2021 Annual Review submitted 29 September 2021. DPE approval letter dated 22 October 2021. <p>a) Works during the audit period described throughout the entirety of the Annual Reviews. Works to be undertaken for the next audit period are summarised in Section 12. b) Environmental Performance Summary for each Annual Review is contained in Table 6.1. Monitoring data (contained in Section 6) goes back at least one year. Dust and groundwater monitoring results are referenced in conjunction with EA predictions and relevant statutory requirements, limits or performance measures/criteria. c) Details of non-compliances are located in Section 1. Table 1.2 details actions taken post non-compliance. d) Monitoring program trends are contained within Section 7.4.2 of Annual Reviews e) Monitoring data is contained in Section 6 and is compared to predicted impacts. No major discrepancies were identified during the audit period. f) Actions projected in next reporting periods are located in Section 12.</p>

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	complex.		
Schedule 7, Condition 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>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.</p>	Compliant	See response to Schedule 5, Condition 8 in DA 29/95.
Schedule 7, Condition 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>Note: 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</p>	Compliant	See response for Schedule 5 Condition 9 in DA 29/95.

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	comprise an independent chair and appropriate representation from the Proponent, affected councils, recognised environmental groups and the general community.		
Schedule 7, Condition 6	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.	Compliant	<p>No exceedances of criteria within the audit period. The following potential incidences relating to the overflow of the Kitchener SIS dam were reported to the DPE on:</p> <ul style="list-style-type: none"> • 20 March 2021; • 22 February 2022; • 23 February 2022; • 4 March 2022; and • 4 July 2022. <p>Dates were retrieved from JM pers comms and verified with Annual Reviews. These events occurred due to high rainfall (JM pers comms, verified in Annual Reviews). No specific directive from Planning or EPA arose from any incident (JM pers comms).</p> <ul style="list-style-type: none"> • Viewed DPE post approval receipt dated 26 March 2021 for incident occurring on 20 March 2021. • Viewed Annual Reviews. One potential incident was recorded in relation to the Aberdare Extended Emplacement Area on 6 July 2022, and was reported to DPE and EPA on 13 July 2022. • Viewed report to EPA dated 13 July 2022 explaining the severe weather event in Cessnock. No response to date.
Schedule 7, Condition 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	Compliant	See response to Schedule 5, Condition 6 of DA 29/95.

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	<p>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);</p> <p>(d) review the adequacy of strategies, plans or programs required under these approvals; and</p> <p>(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>Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.</p>		
Schedule 7, Condition 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	See response in Schedule 5 Condition 7 of DA 29/95.
Schedule 7, Condition 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;</p> <p>(b) a copy of the current environmental management strategy and associated plans and programs;</p> <p>(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;</p> <p>(d) a complaints register, which is to be updated on a monthly basis;</p> <p>(e) a copy of the minutes of CCC meetings;</p> <p>(f) a copy of any Annual Reviews (over the last 5 years);</p> <p>(g) a copy of any Independent Environmental</p>	Compliant	See response in Schedule 5 Condition 12 in DA 29/95.

Cond. No	Requirement/Condition	2023 Status	2023 Evidence
	Audit, and the Proponent's response to the recommendations in any audit; and (h) any other matter required by the Director-General.		

EPL Licence 416

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings									
EPL01	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. Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Coal works</td> <td>Coal works</td> <td>> 2000000 - 5000000 T annual handing capacity</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>> 2000000 - 3500000 T annual production capacity</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	> 2000000 - 5000000 T annual handing capacity	Mining for coal	Mining for coal	> 2000000 - 3500000 T annual production capacity	<p>Coal works levels cover works required for rehabilitation. No production has occurred during the audit period as such limited met.</p> <p>Recommend consideration of whether limits can be reduced or scheduled activities should be updated going forward;</p>	Compliant
Scheduled Activity	Fee Based Activity	Scale											
Coal works	Coal works	> 2000000 - 5000000 T annual handing capacity											
Mining for coal	Mining for coal	> 2000000 - 3500000 T annual production capacity											
EPL02	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.	<ul style="list-style-type: none"> Viewed Figure 1 dated 21/8/2001. Viewed Figure 1 - Monitoring Locations dated 24/05/2022. <p>The previous audit recommended "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."</p> <p>The EPA requested that the EPL boundary was revised and resubmitted on 30 April 2020 (outside of audit period). No further actions or comments have been received.</p>	Compliant			
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.													
EPL03	A3.1	<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence. In this condition the reference to "the licence application" includes a reference to:</p> <p>a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and</p> <p>b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</p>	<p>Although the original application is not available, it would be reasonable to assume it related to coal extraction and associated activities. Activities for the audit period and going forward relate only to closure. See recommendation at A1.1.</p>	Compliant									
EPL04	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>	<p>Monitoring is conducted at this location (see Plate 1). Viewed Figure 2 – Environmental Monitoring Network in Environmental Management Strategy dated May 2021.</p>	Compliant									

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings																								
		<i>Air</i>																										
		<table border="1"> <thead> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>7</td> <td>Weather monitoring</td> <td></td> <td>Eastings 341198, Northings 6361368 (MGA 56)</td> </tr> </tbody> </table>	EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	7	Weather monitoring		Eastings 341198, Northings 6361368 (MGA 56)																		
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																									
7	Weather monitoring		Eastings 341198, Northings 6361368 (MGA 56)																									
EPL05	P1.2	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.	Noted																									
EPL06	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> <p style="text-align: center;"><i>Water and land</i></p> <table border="1"> <thead> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>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>	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.	<p>Monitoring points utilisation:</p> <ul style="list-style-type: none"> 1 – Emergency Overflow, not used in audit period 2 – Monitoring point located midway through prep plant 4 – Downstream monitoring point 5 – Upstream monitoring point 6 – Emergency Overflow <p>Viewed 'Monitoring Locations Figure' dated 24/05/2022 and 'Figure 5 Water Management System dated 21/11/2001'.</p> <p>Monitoring locations remain consistent.</p> <p>Although likely, recommend figure for point 6 dated 2009 is located to ensure it is accurate at an appropriate time.</p>	Compliant
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.																									
EPL07	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.	Refer to Schedule 3, Condition 5 of DA 29/95 and Schedule 4, Condition 8 of PA 08_0111. However non-compliances were in relation to unauthorised discharge from site, not "a person who pollutes any waters is guilty of an offence" (as per s120 of POEO Act) which did not occur.	Compliant																								
EPL08	L1.2	Discharge from Point 1 is permitted only when the discharge occurs solely as a result of rainfall at the premises exceeding: a) a total of 168 millimetres over any consecutive five day period; or	Not triggered during the audit period as water was not discharged from Point 1 during the audit period.	Not Triggered																								

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings																																																												
		b) 48 millimetres in less than any consecutive 12 hour period.																																																														
EPL09	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.	Not triggered during the audit period as no pollutants were discharged.	Not Triggered																																																												
EPL10	L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Not triggered during the audit period as no pollutants were discharged.	Not Triggered																																																												
EPL11	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.	Noted																																																													
EPL12	L2.4	<p>Water and/or Land Concentration Limits</p> <p>Point 1</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>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> <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>3DGM 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>6.5 - 8.5</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>50</td> </tr> </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	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Conductivity	microsiemens per centimetre				600	Iron	milligrams per litre				1	pH	pH				6.5 - 8.5	Total suspended solids	milligrams per litre				50	<ul style="list-style-type: none"> Point 1 has not been utilised during the audit period (JM pers comms). Volumes from Point 6 are contained in EPL monitoring data. Viewed 'Discharge Volume Sheet'. Point 6 ceased discharging in May 2021 (JM pers comms). No exceedances have occurred during the audit period (viewed Annual Reviews). 	Compliant
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																																																											
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																																																											
Conductivity	microsiemens per centimetre				600																																																											
Iron	milligrams per litre				1																																																											
pH	pH				6.5 - 8.5																																																											
Total suspended solids	milligrams per litre				50																																																											
EPL13	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;	a) and (b - Point 1 has not been utilised (JM pers comms). Point 6 ceased discharging in May 2021.	Compliant																																																												

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings									
		<p>b) solids or liquids applied to the area; must not exceed the volume/mass limit specified for that discharge point or area.</p> <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> <p>Note: For the purpose of this condition 'Measure 1' means KL/day measured as an annual average.</p>	Point	Unit of Measure	Volume/Mass Limit	1	kilolitres per day	2000	6	Measure 1	5000	Maximum level has been 1,800 (See EPL Monitoring Data on website), and as such no exceedances have occurred within the audit period (viewed Annual Reviews).	
Point	Unit of Measure	Volume/Mass Limit											
1	kilolitres per day	2000											
6	Measure 1	5000											
EPL14	O1.1	<p>Licensed activities must be carried out in a competent manner. This includes:</p> <p>a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and</p> <p>b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.</p>	See response to Schedule 4, Condition 15 in PA 08_0111 .	Compliant									
EPL15	O2.1	<p>All plant and equipment installed at the premises or used in connection with the licensed activity:</p> <p>a) must be maintained in a proper and efficient condition; and</p> <p>b) must be operated in a proper and efficient manner.</p>	View response to Schedule 2, Condition 4 of DA 29/95 and Schedule 2, Condition 11 in PA 08_0111.	Compliant									
EPL16	O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	View response to Schedule 3, Condition 17 of DA 29/95 and Schedule 4, Condition 6 in PA 08_0111.	Compliant									
EPL17	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.	Noted										
EPL18	M1.2	<p>All records required to be kept by this licence must be:</p> <p>a) in a legible form, or in a form that can readily be reduced to a legible form;</p> <p>b) kept for at least 4 years after the monitoring or event to which they relate took place; and</p> <p>c) produced in a legible form to any authorised officer of the EPA who asks to see them.</p>	<p>a) Viewed Austar website 23 October 2023 at 9:45 am. Annual Reviews are located on the Austar website from 2017 onwards.</p> <p>b) EPL monitoring data is located on Austar website and includes monthly monitoring data from 2012 onwards.</p> <p>c) Records are kept in a clear location on the Austar website.</p> <p>Note: The 2023 Annual review was not yet approved.</p>	Compliant									
EPL19	M1.3	<p>The following records must be kept in respect of any samples required to be collected for the purposes of this licence:</p> <p>a) the date(s) on which the sample was taken;</p> <p>b) the time(s) at which the sample was collected;</p> <p>c) the point at which the sample was taken; and</p> <p>d) the name of the person who collected the sample</p>	<p>Sampling was required from S5 during the audit period (JM pers comms).</p> <p>a) – d) Viewed example Monthly Report dated 5 September 2023. Includes sampling time and date retrieved from SW5. Samples were taken by Cbased.</p>	Compliant									

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings																																																																																																								
EPL20	M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Noted																																																																																																									
EPL21	M2.2	<p>M2.2 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> <p>POINT 2</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 2</td> <td>Grab sample</td> </tr> <tr> <td>Iron</td> <td>milligrams per litre</td> <td>Special Frequency 2</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Special Frequency 2</td> <td>Grab sample</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Special Frequency 2</td> <td>Grab sample</td> </tr> </tbody> </table> <p>POINT 4</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 2</td> <td>Grab sample</td> </tr> <tr> <td>Iron</td> <td>milligrams per litre</td> <td>Special Frequency 2</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Special Frequency 2</td> <td>Grab sample</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Special Frequency 2</td> <td>Grab sample</td> </tr> </tbody> </table> <p>POINT 5</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 2</td> <td>Grab sample</td> </tr> <tr> <td>Iron</td> <td>milligrams per litre</td> <td>Special Frequency 2</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Special Frequency 2</td> <td>Grab sample</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Special Frequency 2</td> <td>Grab sample</td> </tr> </tbody> </table> <p>POINT 6</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>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>Iron</td> <td>milligrams per litre</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> </tbody> </table> <p>Note. Special Frequency 1 means daily collected at a minimum of twelve hourly intervals when a discharge is occurring. Special Frequency 2 means</p>	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	Pollutant	Units of measure	Frequency	Sampling Method	Conductivity	microsiemens per centimetre	Special Frequency 2	Grab sample	Iron	milligrams per litre	Special Frequency 2	Grab sample	pH	pH	Special Frequency 2	Grab sample	Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample	Pollutant	Units of measure	Frequency	Sampling Method	Conductivity	microsiemens per centimetre	Special Frequency 2	Grab sample	Iron	milligrams per litre	Special Frequency 2	Grab sample	pH	pH	Special Frequency 2	Grab sample	Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample	Pollutant	Units of measure	Frequency	Sampling Method	Conductivity	microsiemens per centimetre	Special Frequency 2	Grab sample	Iron	milligrams per litre	Special Frequency 2	Grab sample	pH	pH	Special Frequency 2	Grab sample	Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample	Pollutant	Units of measure	Frequency	Sampling Method	Conductivity	microsiemens per centimetre	Once a month (min. of 4 weeks)	Grab sample	Iron	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample	pH	pH	Once a month (min. of 4 weeks)	Grab sample	Total suspended solids	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample	<p>Point 1 – No monitoring requirements as no discharge occurred during the audit period (JM pers comms).</p> <p>Point 2 – 5 are related to surface water. These are monitored monthly under the Site Water Management Plan (JM pers comms). Viewed Astar website 29 November 2023 at 4:15 pm. EPL monthly monitoring data is located on website under 'Environmental Monitoring'</p> <p>Point 6 – Viewed Annual Reviews. Monitoring data is summarised. Monthly monitoring is also undertaken at a minimum of four weekly intervals (JM pers comms). Viewed Astar website 29 November 2023 at 4:15 pm. EPL monthly monitoring data is located on website under 'Environmental Monitoring'.</p> <p>Discharge occurred from Dec 2020 to May 2021 within the audit period (JM pers comms).</p> <p>Viewed 'Astar Water 2021 database monitoring results' dated 13/01/2022.</p> <p>Viewed EPL monthly monitoring report dated October 2022. Monitoring frequency for each monitoring point is specified.</p> <ul style="list-style-type: none"> Point 1: Daily sample collection at a minimum of twelve hourly intervals when a discharge is occurring. Point 2, 4 and 5: Sample collection 3 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. Point 6: Sample collection once per month at a minimum of four weekly intervals. 	Compliant
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																																																																																																									
Pollutant	Units of measure	Frequency	Sampling Method																																																																																																									
Conductivity	microsiemens per centimetre	Special Frequency 2	Grab sample																																																																																																									
Iron	milligrams per litre	Special Frequency 2	Grab sample																																																																																																									
pH	pH	Special Frequency 2	Grab sample																																																																																																									
Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample																																																																																																									
Pollutant	Units of measure	Frequency	Sampling Method																																																																																																									
Conductivity	microsiemens per centimetre	Special Frequency 2	Grab sample																																																																																																									
Iron	milligrams per litre	Special Frequency 2	Grab sample																																																																																																									
pH	pH	Special Frequency 2	Grab sample																																																																																																									
Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample																																																																																																									
Pollutant	Units of measure	Frequency	Sampling Method																																																																																																									
Conductivity	microsiemens per centimetre	Special Frequency 2	Grab sample																																																																																																									
Iron	milligrams per litre	Special Frequency 2	Grab sample																																																																																																									
pH	pH	Special Frequency 2	Grab sample																																																																																																									
Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample																																																																																																									
Pollutant	Units of measure	Frequency	Sampling Method																																																																																																									
Conductivity	microsiemens per centimetre	Once a month (min. of 4 weeks)	Grab sample																																																																																																									
Iron	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample																																																																																																									
pH	pH	Once a month (min. of 4 weeks)	Grab sample																																																																																																									
Total suspended solids	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample																																																																																																									

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings																														
		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.																																
EPL22	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.	Viewed updated Site Water Management Plan dated March 2022. Section 8.1.2 and Table 8-1 demonstrate satisfaction of requirements against criteria in this condition. Section 8.1.2 also states that "the water quality samples are taken by grab sample in accordance with the requirements of EPL 416 and monitoring undertaken in accordance with the Approved Methods."	Compliant																														
EPL23	M4.1	The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition M4.2.	The weather station is calibrated. <ul style="list-style-type: none"> Viewed monitoring undertaken by CBased for June 2022 and June 2023. Viewed 'weather station field checks' dated 16 June 2021, 7 July 2022 and 26 June 2023. Viewed 'met data for September' in Vista Datavision (Teledata). 	Compliant																														
EPL24	M4.2	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. Point 7	Viewed Sigma data. Viewed all data parameters for monitoring from June to Oct 23. Data taken every 15 minutes. Sampling data is taken every 15 minutes for all parameters. Viewed calibration certificate from CBased and monitoring methods dated 26 June 2023.	Compliant																														
		<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 & AM-4</td> </tr> <tr> <td>Wind speed</td> <td>m/s</td> <td>Continuous</td> <td>15 minute</td> <td>AM-2 & AM-4</td> </tr> <tr> <td>Sigma theta</td> <td>Degrees</td> <td>Continuous</td> <td>15 minute</td> <td>AM-2 & 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		
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																														
EPL25	M4.3	Rainfall at the premises must be measured and recorded in millimetres per 24 hour period, at the same time each day.	Viewed Annual Reviews pertaining to the audit period. Data is contained in Annual Review in appendices.	Compliant																														
EPL26	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.	Viewed Complaints Registers pertaining to the audit period. No complaints have been made during the audit period.	Compliant																														

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings						
EPL27	M5.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	Viewed Complaints Registers. No complaints were made during the audit period. Viewed Environmental Management Strategy (EMS) dated May 2021. Complaints procedure is outlined in Section 12 of the EMS. Note: c) private details not disclosed due to public nature of complaints register but Auditor checked that all fields are available in internal system at site visit.	Compliant						
EPL28	M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Viewed Austar website on 29 November 2023 at 4:30 pm. Complaints registers are located on the Austar website under 'Community Complaints Register'.	Compliant						
EPL29	M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Not triggered as no EPA officer has requested records.	Not Triggered						
EPL30	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.	Viewed the Austar 'Contact Us' section on website on 29 November at 4:30 pm. Telephone complaints line is located on the website.	Compliant						
EPL31	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.	See response to M6.1.	Compliant						
EPL32	M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	Noted							
EPL33	M7.1	For each discharge point or utilisation area specified below, the licensee must monitor: a) the volume of liquids discharged to water or applied to the area; b) the mass of solids applied to the area; b) the mass of solids applied to the area; c) the mass of pollutants emitted to the air; at the frequency and using the method and units of measure, specified below. POINT 1 <table border="1"> <thead> <tr> <th>Frequency</th> <th>Unit of Measure</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Frequency	Unit of Measure	Sampling Method				a) Monitoring addressed in conditions above; b) Not applicable; and c) 1808 kilolitres per day as an annual rolling average has been the maximum volume discharge in the audit period (see EPL condition L3.1).	Compliant
Frequency	Unit of Measure	Sampling Method								

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings									
		<table border="1"> <tr> <td>Special Frequency 1</td> <td>kilolitres per day</td> <td>In line instrumentation</td> </tr> </table> POINT 6 <table border="1"> <thead> <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> Note: Special Frequency 1 means daily collected at a minimum of twelve hourly intervals when a discharge is occurring.	Special Frequency 1	kilolitres per day	In line instrumentation	Frequency	Unit of Measure	Sampling Method	Monthly	kilolitres per day	In line instrumentation		
Special Frequency 1	kilolitres per day	In line instrumentation											
Frequency	Unit of Measure	Sampling Method											
Monthly	kilolitres per day	In line instrumentation											
EPL34	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"> 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. <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>	<ul style="list-style-type: none"> • Viewed Annual Returns from 31/12/2019 – 30/12/202 and 31/12/2020 – 30/12/2021. • Viewed Annual Return dated 31/12/2019 – 30/12/2020. Submitted on 19/02/2021 (JM pers comms, within 60 days). • Viewed Annual Return dated 30/12/2020 – 30/12/2021. Submitted on 22/02/2023 (JM pers comms, within 60 days). • Viewed Annual Return dated 31/12/21 – 30/12/22. Submitted on 22/02/2022 (JM pers comms, within 60 days). <p>Latest annual return not due within the audit period. Annual Returns viewed incorporated all relevant criteria.</p>	Compliant									
EPL35	R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below. 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.	Noted										
EPL36	R1.3	<p>Where this licence is transferred from the licensee to a new licensee:</p> <ol style="list-style-type: none"> 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. <p>Note: An application to transfer a licence must be made in the approved form for this purpose.</p>	Not triggered during the audit period as no transferrals of licenses have occurred.	Not Triggered									

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
EPL37	R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.	Not triggered during the audit period as no licences have been surrendered or revoked.	Not Triggered
EPL38	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').	See response to R1.1.	Compliant
EPL39	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.	Viewed Annual Returns for past four years.	Compliant
EPL40	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.	Viewed Annual Returns for 2019 – 2020, 2020 – 2021 and 2021 – 2022. All are signed in accordance with this condition.	Compliant
EPL41	R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	All incidents within the audit period were reported to the Environment Line specified. Viewed PIRMP notification reports submitted on 25 February 2022 (for incident occurring on 19 February 2022) and 2 March 2022 (for incident occurring on 23 February). Reports stated that the incident was reported via the EPA Environmental Line service. For the Kitchener SIS incidents occurring on 19 and 23 February 2022, a PIRMP notification report was submitted.	Compliant
EPL42	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.	Overflow incidents were reported within 7 days of occurrence. See response to Schedule 7, Condition 6 of PA 08_01111.	Compliant
EPL43	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	Not triggered as no material harm was confirmed during the audit period.	Not Triggered

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
		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.		
EPL44	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 as no material harm was confirmed during the audit period.	Not Triggered
EPL45	R3.3	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.	Viewed EPA Incident reports for the five Kitchener SIS discharges dated 26 March 2021, 25 February 2022, 2 March 2022, 10 March 2022 and 11 July 2022. Also see Schedule 7, Condition 6 in PA 08_0111. detail. All information from a to g was incorporated in the standard template. Viewed incident report for Aberdare Extended Emplacement Area dated 13 July 2022. All information from a to g was incorporated in the standard template.	Compliant
EPL46	R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request. EPA within the time specified in the request.	Not triggered during the audit period as request for further details have been sent by EPA.	Not Triggered
EPL47	G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Viewed Austar Website 29 November at 4:45 pm. EPL416 located on website under 'Environment Protection Licence'.	Compliant
EPL48	G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Refer to condition above.	Not Triggered
EPL49	G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Viewed Austar website on 24 November at 3:30 pm. Located under 'Licences and Approvals'.	Compliant
EPL50	U1.1	The licensee must conduct a noise assessment in accordance with the document, 'NSW Industrial Noise Policy', (EPA, 2000) (INP) for the	Not triggered during the audit period as not required.	Not Triggered

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
		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.		
EPL51	U1.2	<p>The report referred to in condition U1.1 must include, but is not limited to the following:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (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: <ol style="list-style-type: none"> (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. <p>Note:</p> <ol style="list-style-type: none"> (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 or where a negotiated agreement (as 	<p>Not triggered during the audit period as not required. Viewed draft updated Noise Management Plan dated February 2023.</p>	Not Triggered

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings								
		outlined in the INP) is in place between the landowner and any licence holder.										
EPL55	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	<p>Viewed Annual Reviews pertaining to the audit period.</p> <p>No night time noise exceedances of criteria occurred during the audit period. The CHPP did not operate during the audit period.</p>	Compliant
Receiver	Noise Limit dB(A)L90											
Pelton Village	43											
Pyne Residence	40											
O'Hearn Residence	37											
EPL56	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.	<p>Viewed Quarterly Noise Monitoring Reports for:</p> <ul style="list-style-type: none"> Q3 2022 dated 21 September 2022 Q1 2023 dated 4 April 2023 Q2 2023 dated 30 June 2023 Q3 2023 dated 12 October 2023. <p>Section 3.1 of noise monitoring reports state that "meteorological data was obtained from the ACM automatic weather station (AWS)" and is included in monitoring tables (Table 4.3, 4.4, and 4.5). as well as Stability Class rating (A-F).</p>	Compliant								
EPL57	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. 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>	Viewed images of distances between monitoring points 1,2 and 3 dated 6 December 2023. Distances between monitoring points and residences as specified in condition U2.1 are under 30 metres.	Compliant								
EPL58	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.	EPA noise compliance reports were submitted on a quarterly basis (provide examples from 22/23 evidence of submission).	Compliant								

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
EPL59	U3.1	<p>The Licensee must undertake an investigation into the source, cause and environmental impacts of the orange staining/residue within the Austar CHPP Clean Water drain, identified as the ' Investigation Drainage Line' 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 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"> • review historical and site-specific information, • undertake groundwater investigations, • undertake geological investigations, • an assessment of any likely impacts of the orange substance on the environment including groundwater • and potential overland flow to waters. <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. The findings of this investigation are to be submitted in a report to the EPA no later than 5pm Thursday 31 March 2018.</p>	<p>Completed in previous audit period. Condition redundant and condition U3.2 provides next steps.</p>	Not Triggered
EPL60	U3.2	<p>Surface Water Monitoring</p> <p>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</p> <p>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</p>	<ul style="list-style-type: none"> • Viewed EPA Status Reports dated 15 February 2021, 17 October 2022 and 16 October 2023. • Groundwater monitoring results contained in Section 2.2.1 (Section 4 in 2021 report). • Section 4.3 indicates ongoing actions considered and/or initiated (Section 6 in 2021 report). • Table 6 indicates major actions from 2017 – present (2022 and 2023 reports). • Attachment 3 contains monthly monitoring photos demonstrating the state of the 26 monitoring points. • As viewed in the status reports, monitoring occurs at 26 photo points, and results are contained in monthly report. Includes a table of actions emailed to the EPA. <p>Six monthly presentation updates to DPE and Resources Regulator have occurred during the audit period.</p> <p>No instructions provided by the EPA in the audit period (JM pers comms).</p>	Compliant

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
		<p>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> <p>The EPA will review the requirement to continue monitoring as per this condition within three months of the submission of the Investigation Report required by U3.</p>	<p>Recommend to continue monitoring and proposed investigation works to ensure appropriately managed during close.</p>	
EPL61	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"> • 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, • 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, • results from water monitoring undertaken within the reporting period, in accordance with section M2 of the licence, • results from monitoring undertaken in accordance with condition U3.2. <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>	<p>Not applicable to the audit period. Report was done in 2018. No ongoing actions required by EPA in the three month period applicable to the audit period (JM pers comms).</p>	Compliant
EPL62	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. 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. 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>	<p>Not triggered as no discharges occurred from Point 1 during the audit period.</p>	Not Triggered

Mining Regulation 2016 – Schedule 8A

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
Division 1 – Protection of the Environment and Rehabilitation				
4 Must prevent harm to environment				
MR01	1)	The holder of a mining lease must take all reasonable measures to prevent, or if that is not reasonably practicable, to minimise, harm to the environment caused by activities under the mining lease.	See response to Schedule 2, Condition 1 of DA 29/95 and PA 08_0111.	Compliant
MR02	2)	In this clause-- "harm" to the environment has the same meaning as in the Protection of the Environment Operations Act 1997 .	Noted.	Note
5 Rehabilitation to occur as soon as reasonably practicable after disturbance				
MR03	1)	The holder of a mining lease must rehabilitate land and water in the mining area that is disturbed by activities under the mining lease as soon as reasonably practicable after the disturbance occurs.	View response to Schedule 6, Condition 1 and 2 of PA 08_0111.	Compliant
6 Rehabilitation must achieve final land use				
MR04	1)	The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area.	Viewed Rehabilitation Management Plan dated September 2023, which gives detail of final land use. Final land use will be bushland/grassland. Viewed Appendix C of RMP containing figures demonstrating land use of Austar site. Final land use will be refined during the Closure Feasibility Study (CM pers comms).	Compliant
MR05	2)	The holder of the mining lease must ensure any planning approval has been obtained that is necessary to enable the holder to comply with subclause (1).	Final land use is bushland/grassland, not requiring a planning approval. Therefore this condition is not triggered.	Not Triggered
MR06	3)	The holder of the mining lease must identify and record any reasonably foreseeable hazard that presents a risk to the holder's ability to comply with subclause (1). Note--: Clause 7 requires a rehabilitation risk assessment to be conducted whenever a hazard is identified under this subclause.	Viewed Rehabilitation Management Plan dated September 2023. Section 3 contains details on risk assessments undertaken.	Compliant
MR07	4)	In this clause— "final land use" for the mining area means the final landform and land uses to be achieved for the mining area--	Final Landform and Rehabilitation plans have been lodged through the Resources Regulator's rehabilitation portal (JM pers comms).	Compliant

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
		<p>(a) as set out in the rehabilitation objectives statement and rehabilitation completion criteria statement, and</p> <p>(b) for a large mine--as spatially depicted in the final landform and rehabilitation plan, and</p> <p>(c) if the final land use for the mining area is required by a condition of development consent for activities under the mining lease--as stated in the condition.</p> <p>"planning approval" means--</p> <p>(a) a development consent within the meaning of the Environmental Planning and Assessment Act 1979 , or</p> <p>(b) an approval under that Act, Division 5.1.</p>	<p>Viewed email from Resources Regulator dated 22 August 2023 stating approval of the Final Landform and Rehabilitation Plans and to include a PDF copy within the Rehabilitation Management Plan.</p> <p>Viewed Rehabilitation Management Plan dated September 2023. FLRP Plans are located in Appendix C.</p> <p>Further detail is in Section 5 in the Rehabilitation Management Plan dated September 2023.</p>	
Division 2 – Risk Assessment				
7 Rehabilitation risk assessment				
MR08	1)	<p>The holder of a mining lease must conduct a risk assessment (a "rehabilitation risk assessment") that--</p> <p>(a) identifies, assesses and evaluates the risks that need to be addressed to achieve the following in relation to the mining lease--</p> <p>(i) the rehabilitation objectives,</p> <p>(ii) the rehabilitation completion criteria,</p> <p>(iii) for large mines--the final land use as spatially depicted in the final landform and rehabilitation plan, and</p> <p>(b) identifies the measures that need to be implemented to eliminate, minimise or mitigate the risks.</p>	<p>Details on risk assessments are indicated in Section 3.2 of the Rehabilitation Management Plan dated September 2023.</p> <p>a) Section 3.2</p> <p>i) Section 4</p> <p>iii) Section 5</p> <p>b) Section 6.2</p>	Compliant
MR09	2)	<p>The holder of the mining lease must implement the measures identified.</p>	<p>Actions are tracked through Intelex system (JM pers comms).</p>	Compliant
MR10	3)	<p>The holder of a mining lease must conduct a rehabilitation risk assessment--</p> <p>(a) for a large mine--before preparing a rehabilitation management plan, and</p> <p>(b) for a small mine--before preparing the rehabilitation outcome documents for the mine, and</p> <p>(c) whenever a hazard is identified under clause 6(3)--as soon as reasonably practicable after it is identified, and</p> <p>(d) whenever given a written direction to do so by the Secretary.</p>	<p>a),c) Viewed Risk Assessment with site inspections dated 24/03/22 and 31/03/2022 which informed latest version of Remediation Management Plan dated September 2023.</p> <p>Viewed risks in risk assessment. These included:</p> <ul style="list-style-type: none"> • Soils and materials (high risk). Actions to mitigate include to investigate suitable material and to investigate appropriate land forms to optimise use of material • Less than adequate materials/sources of soils and materials (medium risk). Actions to mitigate include conducting a planning feasibility level site investigation program 	Compliant

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
			<ul style="list-style-type: none"> Material prone to acid drainage (medium risk). Actions to mitigate include to review opportunities to consolidate area. Other medium risks noted include less than adequate handling of geochemical material and erosion and sediment control management during closures <p>d) No further direction has been given by the Secretary during the audit period (JM pers comms).</p>	
Division 3 – Rehabilitation Documents				
8 Application of division				
MR11		This Division does not apply to a mining lease unless-- (a) the security deposit required under the mining lease is greater than the minimum deposit prescribed under the Act, section 261BF in relation to that type of mining lease, or (b) the Secretary gives a written direction to the holder of the mining lease that this Division, or a provision of this Division, applies to the mining lease.	Noted. Division is applicable to Austar (JM pers comms).	
9 General requirements for documents				
MR12		A document required to be prepared under this Division must-- (a) be in a form approved by the Secretary, and Note--: The approved forms are available on the Department's website. (b) include any matter required to be included by the form, and (c) if required to be given to the Secretary--be given in a way approved by the Secretary.	<ul style="list-style-type: none"> All documents have been prepared using the relevant 'Form and Way' from the Regulators website, and those requiring lodgement have been lodged. RMP – viewed on Austar website. Not currently approved but in place. FLRP– lodged through the rehabilitation portal (state screenshot viewed). RA – lodged through the rehabilitation portal, viewed on website. ROBJs - lodged through Resources Regulator Portal and approved 22 August 2023. Forward Program - Lodged through regulator portal and viewed on Austar website. <p>Viewed Table 14 in Rehabilitation Management Plan dated September 2023: Approved Regulation Objectives and Proposal Completion Criteria.</p>	Compliant
10 Rehabilitation management plans for large mines				

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
MR13	1)	The holder of a mining lease relating to a large mine must prepare a plan (a "rehabilitation management plan") for the mining lease that includes the following-- (a) a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area, (b) a description of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation, (c) a summary of rehabilitation risk assessments conducted by the holder, (d) the risk control measures identified in the rehabilitation risk assessments, (e) the rehabilitation outcome documents for the mining lease, (f) a statement of the performance outcomes for the matters addressed by the rehabilitation outcome documents and the ways in which those outcomes are to be measured and monitored.	Rehabilitation Management Plan (September 2023) has been generally prepared in accordance with Form and Way. Viewed Rehabilitation Management Plan September 2023: a) Section 1.1 states that Yancoal has divided the site into Closure Management Areas (CMAs) to manage the rehabilitation process; b) Section 2.1 details regulatory requirements for rehabilitation and Table 8 contains sections rehabilitation criteria is addressed in throughout the report; c) Section 3 contains a summary of risk assessments; d) Risk control measures are in Section 6.2; e) FLRP and ROBJ documents sighted, along with their approvals, view above; f) Method detailed in Section 8.3	Compliant
MR14	2)	If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must include a proposed version of the document.	Viewed most recent Rehabilitation Management Plan dated September 2023. Viewed email dated 22 August 2023 from Resources Regulator approving ROBJ statement and FLRP stating documents have been assessed and approved.	Compliant
MR15	3)	A rehabilitation management plan is not required to be given to the Secretary for approval.	Rehabilitation Management Plan is available on Austar's website under 'Rehabilitation Management Plan'.	Compliant
MR16	4)	The holder of the mining lease-- (a) must implement the matters set out in the rehabilitation management plan, and (b) if the forward program specifies timeframes for the implementation of the matters--must implement the matters within those timeframes.	Noted.	Compliant
11 Amendment of rehabilitation management plans				
MR17		The holder of a mining lease must amend the rehabilitation management plan for the mining lease as follows-- (a) to substitute the proposed version of a rehabilitation outcome document with the version approved by the Secretary--within 30 days after the document is approved,	The Rehabilitation Management Plan dated September 2023 has been revised and approved after the approval of the rehabilitation outcome documents (ROBJs and FLRP). b) RMP required revision. Has been updated to include FLRP and ROBJ and was updated within 30 days. FLRP and ROBJ was	Compliant

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
		(b) as a consequence of an amendment made under clause 14 to a rehabilitation outcome document--within 30 days after the amendment is made, (c) to reflect any changes to the risk control measures in the prepared plan that are identified in a rehabilitation risk assessment--as soon as practicable after the rehabilitation risk assessment is conducted, (d) whenever given a written direction to do so by the Secretary--in accordance with the direction.	approved (see above), and updated within 30 days (RMP updated 21 September 2023, within the 30 day period).	
12 Rehabilitation outcome documents				
MR18	1)	The holder of a mining lease must prepare the following documents (the "rehabilitation outcome documents") for the mining lease and give them to the Secretary for approval-- (a) the "rehabilitation objectives statement" , which sets out the rehabilitation objectives required to achieve the final land use for the mining area, (b) the "rehabilitation completion criteria statement" , which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives, (c) for a large mine, the "final landform and rehabilitation plan" , showing a spatial depiction of the final land use.	ROBJ and FLRP have been updated and approved, and the RMP updated within 30 days. See response to Section 11.	Compliant
MR19	2)	If the final land use for the mining area is required by a condition of development consent for activities under the mining lease, the holder of the mining lease must ensure the rehabilitation outcome documents are consistent with that condition.	Noted. See response to Section 11.	Compliant
13 Forward program and annual rehabilitation report				
MR20	1)	The holder of a mining lease must prepare a program (a "forward program") for the mining lease that includes the following-- (a) a schedule of mining activities for the mining area for the next 3 years, (b) a summary of the spatial progression of rehabilitation through its various phases for the next 3 years, (c) a requirement that the rehabilitation of land and water disturbed by mining activities under the mining lease must occur as soon as reasonably practicable after the disturbance occurs.	Viewed 'Austar Coal Mine Forward Program – Friday 1 July 2022 to Monday 30 June 2025' dated July 2022. a) A three year forecast of surface disturbance activities is located on Page b) Progressive mining and rehabilitation statistics over the next three years is located on Page 12. Plans are in Attachment 3 for Mining and Rehabilitation – Years 1 - 3 c) The Forward Program outlines plans in place to finalise closure planning and commence rehabilitation in relation to closure.	Compliant

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
MR21	2)	<p>The holder of a mining lease must prepare a report (an "annual rehabilitation report") for the mining lease that includes--</p> <p>(a) a description of the rehabilitation undertaken over the annual reporting period,</p> <p>(b) a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period,</p> <p>(c) a report demonstrating progress made towards the achievement of the following--</p> <p>(i) the objectives set out in the rehabilitation objectives statement,</p> <p>(ii) the criteria set out in the rehabilitation completion criteria statement,</p> <p>(iii) for large mines--the final land use as spatially depicted in the final landform and rehabilitation plan.</p>	<p>Annual Rehabilitation Report prepared and submitted on 30 September 2023.</p> <p>Currently attending quarterly update meetings with Resources Regulator (CM pers comms).</p> <p>Viewed rehabilitation report dated 21 July 22.</p> <p>a) Stated on Page 12 that "Rehabilitation is moving towards achieving the final land use as soon as reasonably practicable"</p> <p>b) Progress statements located on Page 6</p> <p>c) i) Performance against objectives stated on Page 11 ii) Completion criteria referenced on Pages 11 and 12 iii) Attachment 5 contains spatial plans for final landform.</p> <p>Viewed Austar Coal Mine '2023 Independent Environmental Audit presentation dated 31 October 2023' detailing decommissioning activities pertaining to each CMA within the audit period. Activities include:</p> <p>CMA 1</p> <ul style="list-style-type: none"> • Recovery of underground equipment and prepared for storage or transfer to other sites / sale • Removal of demountable building and awnings • Decommissioning of conveyor to CHPP • Decommissioning the drift drive and winder houses • Decommissioned Dolly Car and sealed the drift <p>CMA 2</p> <ul style="list-style-type: none"> • RO plant turned off in May 2021 • Precipitate Dam desilted in 2021/2022 <p>CMA 3</p> <ul style="list-style-type: none"> • Decommissioned man and materials winder • Sealed base of shaft • May be used as a research site by Green Gravity <p>CMA 4</p> <ul style="list-style-type: none"> • Clean up / scrapping of old stored equipment <p>CMA 5</p> <ul style="list-style-type: none"> • Sealed surface boreholes • Decommissioned vent fan, compressors and nitrogen plant 	Compliant

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
			<ul style="list-style-type: none"> Sealed base of 3 and 4 shafts Removed compressors and nitrogen plant CMA 6 – KSIS <ul style="list-style-type: none"> Sealed service borehole Decommissioned up and downcast shafts Installed steel capping on both shafts CMA 7 <ul style="list-style-type: none"> Upgraded clean water diversion channel 	
MR22	3)	If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must rely on a proposed version of the document.	Rehabilitation outcome document (except the completion criteria which is not yet required) are approved (provide approval letter or website screenshot).	Compliant
MR23	4)	The holder of the mining lease must give the forward program and annual rehabilitation report to the Secretary.	See response to conditions above.	Compliant
MR24	5)	In this clause-- "annual reporting period" means each period of 12 months commencing on-- (a) the date on which the mining lease is granted, or (b) if the Secretary approves another date in relation to the mining lease--the other date.	Secretary has granted the lodgement date of 30 September for group ML reporting (provide letter or screenshot). Viewed email dated 28/07/22 stating that the amended reporting submission date has been approved.	Compliant
14 Amendment of rehabilitation outcome documents and forward program				
MR25	1)	This clause applies to-- (a) a rehabilitation outcome document if it has been approved by the Secretary, and (b) a forward program if it has been given to the Secretary.	Noted. ROBJs and FLRP have been approved but have not required updating in audit period (JM pers comms).	Compliant
MR26	2)	The holder of a mining lease must not amend a document to which this clause applies that relates to the mining lease unless-- (a) the Secretary gives the holder a written direction to do so, or (b) the Secretary, on written application by the holder, gives a written approval of the amendment.	Documents have not been amended pertaining to these sub conditions in the audit period (JM pers comms).	Not Triggered
MR27	3)	The holder of the mining lease must amend the document in accordance with the Secretary's direction or approval.	No directions from the Secretary (JM pers comms).	Not Triggered

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
MR28	4)	Nothing in this clause prevents the holder of a mining lease preparing a draft amendment for submission to the Secretary for approval.	No draft amendments require approval (JM pers comms).	Not Triggered
15 Times at which documents must be prepared and given				
MR29	1)	The holder of a mining lease must do the following before the end of the initial period-- (a) prepare a rehabilitation management plan, and (b) prepare rehabilitation outcome documents and give them, other than the rehabilitation completion criteria statement, to the Secretary for approval, and (c) prepare a forward program and give it to the Secretary.	Initial period 31/7/2022 (JM pers comms). Viewed original Remediation Management Plan dated 29 July 2022 and Forward Program dated 29 July 2022.	Compliant
MR30	2)	The holder of the mining lease must prepare a forward program and annual rehabilitation report and give them to the Secretary before-- (a) 60 days after the last day of each annual reporting period, commencing with the annual reporting period in which the forward program was given to Secretary under subclause (1)(c), or (b) a later date approved by the Secretary.	Secretary has granted the lodgement date of 30 September (90 days) for group ML reporting (provide written evidence). Viewed email dated 28/07/22 approving amended dates and includes approval from 2023 onwards to lodge within 90 days as opposed to 60 days. 2022 Forward program was lodged 11/08/2022 (within 60 days, viewed email). 2023 Forward program submitted 29/09/23, viewed letter from Resources Regulator.	Compliant
MR31	3)	A rehabilitation completion criteria statement relating to completion of rehabilitation during a period covered by a forward program must be given to the Secretary for approval when the forward program is required to be given to the Secretary.	There has been no completion of rehabilitation since the new ML conditions have been applicable (JM pers comms). Not triggered.	Not Triggered
MR32	4)	The holder of the mining lease must prepare updated rehabilitation outcome documents for the mining lease and give them to the Secretary for approval before-- (a) 60 days after a development consent is modified following an application referred to in clause 20(1)(b), or (b) a later date approved by the Secretary.	Not required during the audit period.	Not Triggered
MR33	5)	A rehabilitation completion criteria statement is not required to be given to the Secretary under subclause (4) unless a rehabilitation completion criteria statement has already been given to the Secretary under subclause (3).	No completion criteria statement has been provided to date (JM pers comms).	Not Triggered
MR34	6)	The Secretary may, by written notice, direct the holder of a mining lease to prepare, or give to the Secretary, a document required to	Not triggered as no requests received in the audit period (JM pers comms).	Not Triggered

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
		be prepared under this Division at a time other than that specified in this clause.		
MR35	7)	The holder of the mining lease must comply with the direction.	Not triggered as no directions have been requested (JM pers comms).	Not Triggered
MR36	8)	In this clause-- "initial period" means the period commencing when the mining lease is granted and ending-- (a) 30 days, or other period approved by the Secretary, after this Division first applies to the mining lease, or (b) if this Division applies to the mining lease because of an increase in the required security deposit-- (i) when the surface of the mining area is disturbed by activities under the mining lease, or (ii) at a later date approved by the Secretary.	Noted	
16 Certain documents to be publicly available				
MR37	1)	This clause applies to the following documents-- (a) a rehabilitation management plan, (b) a forward program, (c) an annual rehabilitation report.	Noted	
MR38	2)	The holder of a mining lease must make a document to which this clause applies publicly available by-- (a) publishing it on its website in a prominent position, or (b) if the holder does not have a website-- providing a copy of it to a person-- (i) on the written request of a person, and (ii) without charge, and (iii) within 14 days after the request is received.	Viewed Austar Website on 29 November at 10:30 am. All documents are available in the 'licences and approvals' section.	Compliant
MR39	3)	If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published-- (a) for a rehabilitation management plan--within 14 days after it is prepared or amended, or (b) for a forward program or an annual rehabilitation report--within 14 days after it is given to the Secretary or amended,	Viewed Austar Website on 29 November at 10:30 am. The Rehabilitation Management Plan (dated September 2023), Forward Program (dated 29 July 2022) and Annual Rehabilitation report (29 September 2023) are available on the Austar website. Annual Rehabilitation Report lodged 29/09/2023 uploaded to the website 4/10/2023 (JM pers comms). Recommend taking a screenshot when uploading documents to website to track upload date for next audit.	Compliant

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
MR40	4)	Personal information within the meaning of the Privacy and Personal Information Protection Act 1998 is not required to be included in a document made available to a person under this clause.	Noted	
Division 4 – Records, reporting and notification				
17 Records demonstrating compliance				
MR41	1)	The holder of a mining lease must create and maintain records of all actions taken that demonstrate compliance with each of the conditions set out in this Part. Note--: The Act, sections 163D and 163E provide for the form in which records must be kept and the period for which they must be retained.	Viewed Approvals Register at site visit.	Compliant
18 Report on non-compliance				
MR42	1)	The holder of a mining lease must provide the Minister with a written report detailing any non-compliance with-- (a) a condition of the mining lease, or Note--: The Act, section 364A contains provisions relating to the use and disclosure of information provided under this condition. (b) a requirement of the Act or this Regulation relating to activities under the mining lease.	Five reports have been submitted to the Resources Regulators in the audit period. Viewed reports at site interview. Four reports submitted in relation to the Kitchener SIS dams overflow, dated 20/03/2021, 23/03/2022, 04/03/2022 and 04/07/2022. One report was submitted in relation to the Aberdare Extended Emplacement Area dated 06/07/2022. See response to Schedule 3, Condition 5 of DA29/95 and Schedule 7, Condition 6 of PA 08_0111. Noted that these new conditions were not granted until May 2023, so none are applicable to the new conditions (JM pers comms). Refer to Schedule 7, Condition 6 of PA 08_0111 for further details of non-compliances.	Compliant
MR43	2)	The holder of the mining lease must provide the report within 7 days after becoming aware of the non-compliance.	Events relating to dam overflows were reported to the DPE within seven days. See response to Schedule 7, Condition 6 of PA 08_0111 and Schedule 3, Condition 5 of DA 29/95.	Compliant
MR44	3)	The holder of the mining lease must ensure the report-- (a) identifies the condition of the mining lease, or the requirement of the Act or this Regulation, to which the non-compliance relates, and (b) describes the non-compliance and specifies the date or dates on which, or the period during which, the non-compliance occurred, and	This condition was not enforced during the audit period.	Not Triggered

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
		(c) describes the causes or likely causes of the non-compliance, and (d) describes the action that has been taken, or will be taken, to mitigate the effects, and to prevent any recurrence, of the non-compliance.		
19 Nominated contact person				
MR45	1)	The holder of a mining lease must nominate a natural person to be the contact person with whom the Secretary can communicate in relation to the mining lease for the purposes of the Act. Note--: The Act, section 383 sets out the ways in which notices or other documents may be issued or given to, or served on, a person for the purposes of the Act.	Viewed letter to Resources Regulator dated 21 December 2022 for contact persons relating to the Mining Leases and includes a table of all contacts. Viewed email receipt to Resources Regulator dated 23 December 2023. Viewed confirmation email from Resources Regulator dated 11 July 2022 to confirm that the Resources Regulator received a nomination for contact persons. Viewed email from Resources Regulator dated 21 March 2023 to confirm the nominated contact person (Thomas Leo Holz). Email contained name, postal address, email, mobile number and start date.	Compliant
MR46	2)	The holder of the mining lease must give written notice to the Secretary of-- (a) the full name and contact details of the nominated person-- within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation, and (b) any change in nomination or in the nominated person's contact details--within 28 days after the change occurs.	See response to Section 9 (1).Provide evidence of change of nominated persons contact details and date to confirm within 28 days.	Compliant
MR47	3)	The holder of the mining lease must ensure that the contact details for the nominated person include the person's phone number and postal and email addresses.	See response to Section 19 (1).	Compliant
20 Additional requirements—application for or to modify development consent				
MR48	1)	The holder of a mining lease must give written notice to the Secretary within 10 days after-- (a) making an application for development consent that relates to the mining area, or (b) making an application for modification of a development consent-- (i) under the Environmental Planning and Assessment Act 1979 , section 4.55(2), and	Not required during audit period (JM pers comms).	Not Triggered

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
		(ii) that proposes to modify a condition of the consent that relates to rehabilitation of the mining area in a way that may affect an obligation under the mining lease relating to rehabilitation of the mining area.		
MR49	2)	This clause does not apply if the development is State significant development.	Not required during audit period (JM pers comms).	Not Triggered

Mining Leases CCL728, CML2, ML1851

Note: ML1851 contains General Conditions 1-3 only.

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
CCL728				
General Conditions				
1 Notice to Landholders				
CCL01	a)	<p>Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:</p> <p>(i) that this mining lease has been granted or renewed; and</p> <p>(ii) whether the lease includes the surface. The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area.</p>	<p>Four renewals in the audit period.</p> <p>CCL728 and CCL752 includes many residents and Austar is unsure on how to adequately notify. This was suspended until method confirmed due to the number of notifications (JM pers comms).</p> <p>Viewed letter from Resources Regulator 13 July 2023. Suspension remains until 31 Dec 23 or until condition is varied.</p> <ul style="list-style-type: none"> Viewed email from Department of Regional NSW dated 24 October 2023 including a Notice of Variation for condition 1 on CCL728 and CCL 752 – Notice to Landholders condition. Viewed response from Austar dated 1 November 2023 proposing replacement wording of the condition to reflect “The notice must be provided not later than 90 days after the date on which the renewal of the mining lease takes effect or by such later date as approved by the Secretary” and a request for comment on draft wording plans to be used in the required newspaper advertisements. ML1283 - viewed Landholder Notice dated 26 May 2023 to landholder for Crown Lands. Renewed 9 May 2023. ML1345 viewed letter dated 26 May 2023 to Francis Street Developments Pty Ltd and Winton Partners Bellbird. Renewed 9 May 2023. 	Compliant
CCL02	b)	<p>If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.</p>	<p>Refer to condition above regarding the two CCL leases.</p>	Compliant
2 Group Security				
CCL03	a)	<p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including</p>	<p>Viewed Full Details Report Dam Site Lease 89 dated 16 November 2023 (outside of audit period). Group security held is the amount specified in this condition document).</p>	Compliant

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings																		
		<p>obligations under each mining lease that may arise in the future. The amount to be provided and maintained as a group security deposit is \$26,912,000. The leases covered by the group security include:</p> <table border="1" data-bbox="389 360 967 992"> <tr><td>Dam Site Lease (Mining Purposes) 89 (Act 1901) (Head lease)</td></tr> <tr><td>Mineral Lease 1157 (C&S Act 1906)</td></tr> <tr><td>Mineral Lease 1283 (C&S Act 1906)</td></tr> <tr><td>Mining Purposes Lease 23 (Act 1906)</td></tr> <tr><td>Mining Purposes Lease 204 (Act 1906)</td></tr> <tr><td>Mining Purposes Lease 217 (Act 1906)</td></tr> <tr><td>Mining Purposes Lease 233 (Act 1906)</td></tr> <tr><td>Mining Purposes Lease 269 (Act 1906)</td></tr> <tr><td>Mining Purposes Lease 1364 (Act 1906)</td></tr> <tr><td>Consolidated Coal Lease 728 (Act 1973) (This lease)</td></tr> <tr><td>Consolidated Coal Lease 752 (Act 1973)</td></tr> <tr><td>Consolidated Mining Lease 2 (Act 1992)</td></tr> <tr><td>Mining Lease 1345 (Act 1992)</td></tr> <tr><td>Mining Lease 1388 (Act 1992)</td></tr> <tr><td>Mining Lease 1550 (Act 1992)</td></tr> <tr><td>Mining Lease 1661 (Act 1992)</td></tr> <tr><td>Mining Lease 1666 (Act 1992)</td></tr> <tr><td>Mining Lease 1677 (Act 1992)</td></tr> </table>	Dam Site Lease (Mining Purposes) 89 (Act 1901) (Head lease)	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) (This lease)	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)		
Dam Site Lease (Mining Purposes) 89 (Act 1901) (Head lease)																						
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) (This lease)																						
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)																						
3 Cooperation Agreement																						
CCL04	a)	<p>The lease holder must make every reasonable attempt and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the Mining Act 1992 and petroleum titles issued under the Petroleum (Onshore) Act 1991. The cooperation agreement should address but not be limited to:</p> <ul style="list-style-type: none"> • access arrangements • operational interaction procedures • dispute resolution • information exchange 	There are no overlapping authorisations. Not required in the audit period (JM pers comms).	Not Triggered																		

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
		<ul style="list-style-type: none"> well location timing of drilling potential resource extraction conflicts; and rehabilitation issues. 		
4 Assessable Prospecting Options				
CCL05	a)	The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless: (i) it is carried out in accordance with any necessary development consent; or (ii) if development consent is not required, the prior written approval of the Minister has been obtained.	No assessable prospecting on land has been undertaken within the audit period (JM pers comms).	Not Triggered
CCL06	b)	The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval.	Approval not requested during audit period (JM pers comms).	Not Triggered
CCL07	c)	An approval granted by the Minister under this condition may be granted subject to terms	Noted	
CCL08	d)	The lease holder must comply with the approval granted to the holder under this condition.	Noted	
Special Conditions				
5 Aboriginal Place or Relic				
CCL09	a)	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.	See response to Schedule 3, Condition 24A of DA 29/95	Compliant
6 Details of Lands and Purposes				
CCL10	a)	The lease holder shall be limited to the following operations and conditions within the specified areas described on the plan annexed hereto and marked "B".	No activities were undertaken in the areas specified during the period. Therefore, no boundaries have been exceeded (JM pers comms).	Not Triggered

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings						
		<table border="1"> <thead> <tr> <th>COLUMN 1 (DETAILS OF LANDS)</th> <th>COLUMN 2 (PURPOSES)</th> </tr> </thead> <tbody> <tr> <td>Lands shown by green colour on the plan annexed hereto and marked "B".</td> <td> 1. Construction, maintenance or use (in or in connection with mining operations) of: any building, road, ventilation shaft, telephone line, cable or pipeline. 2. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations. 3. The generation and transmission of electricity for use in or in connection with mining operations. </td> </tr> <tr> <td>Lands shown by yellow, red and blue colours on the plan annexed hereto and marked "B".</td> <td> 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 <i>Mining Act 1992</i>). 2. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations. 3. The generation and transmission of electricity for use in or in connection with mining operations. </td> </tr> </tbody> </table>	COLUMN 1 (DETAILS OF LANDS)	COLUMN 2 (PURPOSES)	Lands shown by green colour on the plan annexed hereto and marked "B".	1. Construction, maintenance or use (in or in connection with mining operations) of: any building, road, ventilation shaft, telephone line, cable or pipeline. 2. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations. 3. The generation and transmission of electricity for use in or in connection with mining operations.	Lands shown by yellow, red and blue colours on the plan annexed hereto and marked "B".	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 <i>Mining Act 1992</i>). 2. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations. 3. The generation and transmission of electricity for use in or in connection with mining operations.		
COLUMN 1 (DETAILS OF LANDS)	COLUMN 2 (PURPOSES)									
Lands shown by green colour on the plan annexed hereto and marked "B".	1. Construction, maintenance or use (in or in connection with mining operations) of: any building, road, ventilation shaft, telephone line, cable or pipeline. 2. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations. 3. The generation and transmission of electricity for use in or in connection with mining operations.									
Lands shown by yellow, red and blue colours on the plan annexed hereto and marked "B".	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 <i>Mining Act 1992</i>). 2. The storage of fuel, machinery, timber or equipment for use in or in connection with mining operations. 3. The generation and transmission of electricity for use in or in connection with mining operations.									
Exploration Reporting										
CCL11	a)	<p>Note: Exploration Reports (Geological and Geophysical)</p> <p>The lease holder must lodge reports in accordance with the requirements in section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016 as well as any further requirements issued by the Secretary under clause 62 of the Mining Regulation. Guidelines for the structure, content and data format requirements for reports are set out in the Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.</p>	<p>No exploration undertaken in audit period.</p> <p>Viewed screenshots of 2021 and 2022 Exploration Reports as submitted. Viewed submission conformation email for 2023 Exploration Report dated 10 August 2023 from Regional NSW.</p> <p>Viewed Exploration Report – EL 6598 dated 10 August 2023. Page 4 notes that " Every effort has been made to prepare and lodge this report pursuant to Section 163C of the Mining Act 1992 (NSW) ("Mining Act"), the Mining Regulation 2016 (NSW) ("Mining Regulation") and various Guidelines/Procedures issued from time to time by the Department."</p> <p>The Report also notes that If the holder has been unable to prepare and submit this report in the content, form and lodgement as required by Clause 59 of the Mining Regulation or by the due date in accordance with Clause 59(2) of the Mining Regulation, ... it is submitted that the content, form and lodgement is not intentionally wanting and there is reasonable excuse for any issues relating to the content, form or any delay in lodging the report".</p>	Compliant						
CML02										

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
Special Conditions				
5 Dams Safety – Mining Leases				
CML01	a)	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 the Minister may stipulate.	No mining has been undertaken during the audit period.	Not Triggered
CML02	b)	Where the lease holder desires to mine within the notification area, the lease holder 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.	No mining has been undertaken during the audit period.	Not Triggered
CML03	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. (i) This sub-paragraph is complied with if: (a) Dams Safety NSW as constituted by section 6 of the <i>Dams Safety Act 2015</i> and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b). (b) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined. (c) the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal. (d) Dams Safety NSW 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 (e) where Dams Safety NSW 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. (ii) Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in	No mining has been undertaken during the audit period.	Not Triggered

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
		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 <i>Dams Safety Act 2015</i> ; or - in the event of failure to reach such agreement - as determined by the Premier.		
CML04	d)	The Minister, on notice from Dams Safety NSW, may at any time or times: (i) cancel any approval given where a notice pursuant to section 19 of the <i>Dams Safety Act 2015</i> is given. (ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.	Not triggered as not occurred during the audit period (JM pers comms).	Not Triggered
6 Ancillary Mining Activity 1008 (AMA 1008)				
CML05		Schedule 2 on the land described in Schedule 3. Schedule 1 – AMA Condition The following conditions apply to the carrying out of the ancillary mining activity(s) specified in Schedule 2: (a) Rehabilitation i. The lease holder must rehabilitate the land and water described in Schedule 3 that is disturbed by the ancillary mining activity(s) as soon as reasonably practicable after the disturbance occurs. (b) Standard Conditions i. The lease holder must comply with the standard conditions of mining leases (standard conditions) prescribed in Schedule 8A of the <i>Mining Regulation 2016</i> as if the references to the mining area in those standard conditions was a reference to the land described in Schedule 3. Schedule 2 – Ancillary Mining Activity(s) The ancillary mining activity(s) to which this condition applies are: 1. The construction, maintenance or use (in or in connection with mining operations) of any one or more of the following: - any reservoir, dam, drain or water race. Schedule 3 - Land The land described in the attached survey plan M27470 for AMA1008, approved on 23 August 2018 which is not embraced by the lease plan M27155 attached to Consolidated Mining Lease 2 (Act 1992).	Two minor AMAs, one was acted upon within the audit period (JM pers comms). AMA 1008 – Kalingo Dam, upstream part of dam and parts of drain was out of mining lease. Mining lease 207 (CCL774) was utilised to cover works (JM pers comms). a) Commenced decommissioning (see Plate 14) b) Schedule 8A of the <i>Mining Regulation 2016</i> was assessed in the table above AMA 1014 – Aberdare Emplacement area. Not within the audit period.	Compliant

Ref No.	Cond No.	Condition Details	Comments & Evidence	Audit Findings
		<p>Interpretation</p> <p>For the purposes of this condition 6 AMA Condition means the condition set out in Schedule 1, which was imposed on Consolidated Mining Lease 2 (Act 1992) on 17 June 2019 and identified as Ancillary Mining Activity 1008 (AMA 1008) and which is varied by this instrument in accordance with Schedule 1B, clause 12 of the <i>Mining Act 1992</i>.</p>		



Appendix D Site Inspection Plates



Plate 1 – Weather Monitoring Station



Plate 2 – Fenced off pit entry (pit no longer in use)



Plate 3 – ROM Coal Stockpile Area



Plate 4 – Stockpile and drain directing runoff to water pollution control ponds



Plate 5 – Containment pump and fire equipment at northwest tailings dam



Plate 6 – Spill kit located at sample point four



Plate 7 – Orange staining at sample point four



Plate 8 – Concrete barriers to restrict site access into previous mining, infrastructure and rehabilitated areas



Plate 9 – Aberdare Reject Emplacement Area rehabilitation area



Plate 10 – Bellbird rehabilitation area



Plate 11 – Kitchener SIS with temporary rehabilitation on non-final land forms



Plate 12 – Kitchener SIS surface water infrastructure



Plate 13 – Recently repaired clean water diversion drain awaiting hydroseeding



Plate 14 – Kalingo dam



Plate 15 – Metal pipe storage area



Plate 16 – Banker at Pit Top storage area



Plate 17 – Waste storage area at Pit Top



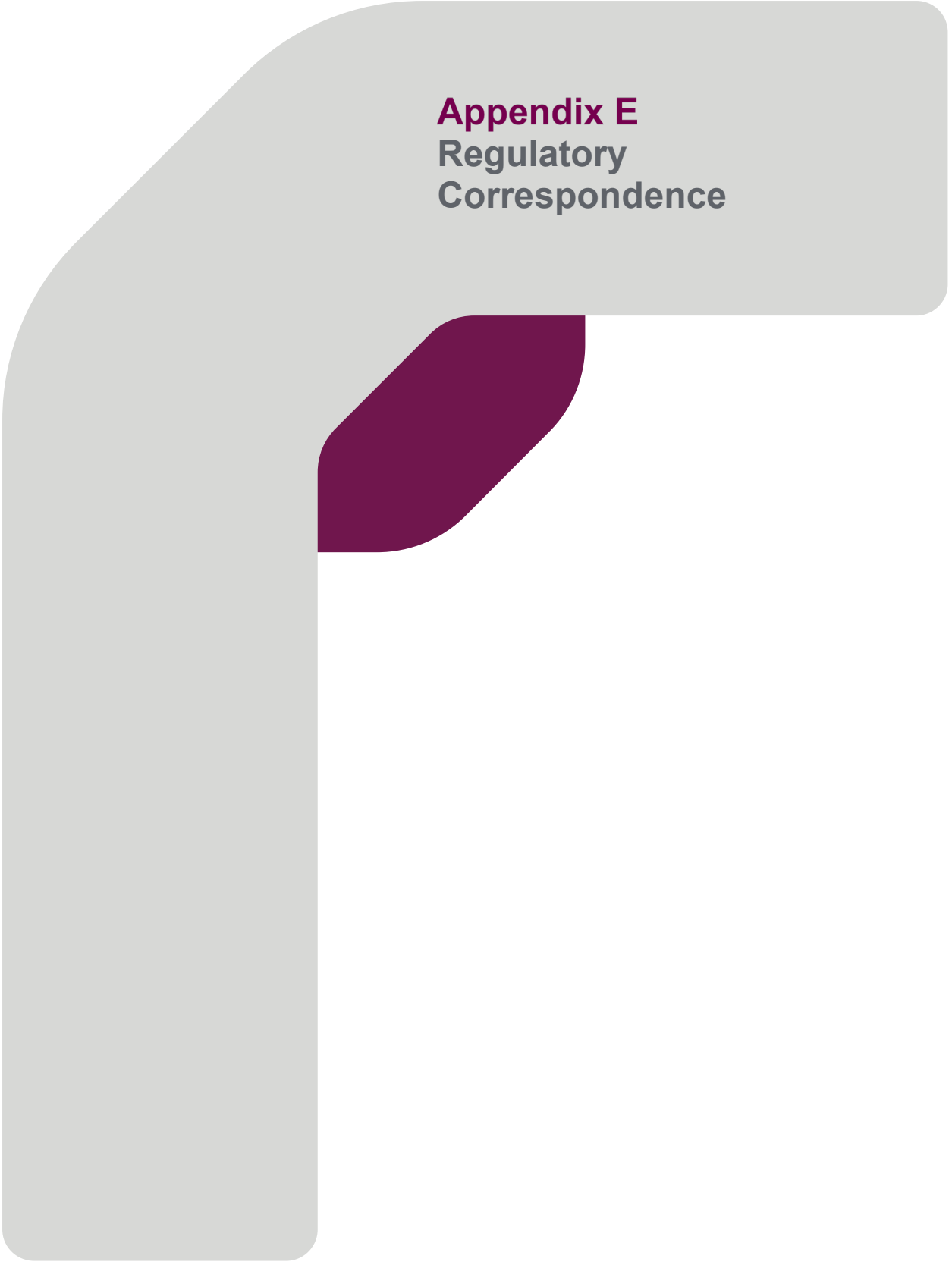
Plate 18 – Decommissioned plant equipment



Plate 19 – Bunded pallet and sump water storage area



Plate 20 – Sump at Pit Top



Appendix E Regulatory Correspondence

Department of Planning and Environment



Carly McCormack
Environment & Community Superintendent
Austar Coal Mine
Middle Road
Paxton NSW 2325

30/05/23

Dear Ms McCormack

**Austar Coal (MP08_0111; DA 29/95)
Independent Environmental Audit**

I refer to your request (MP08_0111-PA-64) for the Planning Secretary to advise on which experts are required to form an audit team to prepare the Independent Environmental Audit (IEA) for the Austar Coal (MP08_0111; DA 29/95).

In accordance with Schedule 5, condition 6 (Note) of DA 29/95, the IEA team must consist of experts in the fields of:

- Subsidence
- Surface water
- Groundwater
- Noise
- Air quality

Additionally, with Austar Coal mine currently in rehabilitation and closure phase, the Planning Secretary (nominee) requests that the IEA team includes an expert in the field of rehabilitation management.

The proposed IEA team must be submitted to the department for endorsement by the Planning Secretary prior to the commencement of the audit. Each IEA team member will be assessed for their independence, experience and qualifications.

Should you wish to discuss the matter further, please contact Joel Fleming, Senior Compliance Officer, on 0467 715 429 or joel.fleming@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

Department of Planning and Environment

Julie McNaughton
Environment & Community Senior Advisor
Austar Coal Mine
Locked Bag 806
CESSNOCK NSW 2325

Sent via Major Projects Portal only

09/08/2023

Dear Mc McNaughton

**Austar Coal Mine – (MP08_0111; DA 29/95)
Request for IEA Auditor Endorsement**

I refer to your request (MP08_0111-PA-65) for the Secretary's approval of suitably qualified persons to prepare the 2023 Independent Environmental Audit (IEA) for the Austar Coal Mine in accordance with the conditions of the development consents MP08_0111 and DA 29/95, as modified.

The Department of Planning and Environment (the department) has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. In accordance with DA 29/95 Schedule 5, condition 6, and MP08_0111 Schedule 7, condition 7, and the Independent Audit Post Approval Requirements, the Secretary has agreed to the following audit team:

- Dianne Munro – RPS Group – Lead Auditor
- Ian Richardson – RPS Group – Alternate Lead Auditor, Air Quality Expert
- Jessica Robinson – RPS Group – Assistant Auditor
- Steven Ditton – Ditton Geotechnical Services – Mine Subsidence Expert
- Oliver Muller – Muller Acoustic Consulting – Noise Expert
- Susan Shield – Engeny – Groundwater and Surface Water Expert
- Clayton Richards – Minesoils – Rehabilitation Expert

The IEA must be prepared, undertaken and finalised in accordance with DA 29/95 Schedule 5, condition 6, and MP08_0111 Schedule 7, condition 7, and the Independent Audit Post Approval Requirements. Failure to meet these requirements will require revision and resubmission.

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

Should you wish to discuss the matter further, please contact Joel Fleming, Senior Compliance Officer, on 02 6575 3416 or compliance@planning.nsw.gov.au

Yours sincerely



Heidi Watters
Team Leader Northern
Compliance

As nominee of the Planning Secretary

Jessica Robinson

From: mmacdonald-hill@bigpond.com
Sent: Friday, 20 October 2023 2:24 PM
To: Jessica Robinson
Cc: Dianne Munro; Julie McNaughton; Carly McCormack
Subject: Austar Coal Mine Independent Environmental Audit

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of RPS.

Hi Jessica,

As indicated in my previous email, I have sent the information to the Committee members, requesting any comments or matters of concern within the scope of the audit and can confirm no issues have been raised. Thank you for the opportunity to comment.

Margaret MacDonald-Hill
0448 414 888

Jessica Robinson

From: Joel Fleming <joel.fleming@planning.nsw.gov.au>
Sent: Wednesday, 11 October 2023 2:50 PM
To: Jessica Robinson
Cc: Dianne Munro
Subject: RE: Austar Coal Mine Independent Environmental Audit - Regulatory Engagement Request

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of RPS.

Good afternoon Jessica,

For all correspondence relating to the 2023 IEA of Austar Coal Mine, please consider myself to be the primary contact for DPE - Compliance.

In response to your request for consultation, DPE – Compliance considers the following matters to be of significance for the 2023 IEA:

- Rehabilitation program, as outlined in the *Rehabilitation Management Plan*, has been progressively implemented, monitored and reported.
- Incident and non-compliance notification and reporting processes, outlined in the *Environmental Management Strategy*, has been followed.

If you would like to further discuss this matter, please contact me using the underpinned details.

Thanks.

Joel Fleming
Senior Compliance Officer

Development Assessment | Department of Planning and Environment
T 02 6575 3416 | M 0467 715 429 | E joel.fleming@planning.nsw.gov.au
The Store, 6 Stewart Avenue, Newcastle West NSW 2302
www.dpie.nsw.gov.au



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

From: Jessica Robinson <Jessica.Robinson@rpsgroup.com.au>
Sent: Thursday, 28 September 2023 2:36 PM
To: Ann Hagerthy <Ann.Hagerthy@planning.nsw.gov.au>
Cc: Dianne Munro <Dianne.Munro@rpsgroup.com.au>
Subject: Austar Coal Mine Independent Environmental Audit - Regulatory Engagement Request

Good afternoon,

RPS has been approved by the Department of Planning and Environment to conduct the 2023 Independent Environmental Audit (IEA) for Austar Coal Mine in accordance with Schedule 7, Condition 7 of PA 08_0111:

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.*

And Schedule 5, Condition 6 of DA 29/95:

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,*
- (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.*

In accordance with Condition (7b) of PA 08_0111 and Condition (6b) of DA29/95, could you please provide comment on any specific environmental issues you would like covered as part of the IEA.

We look forward to your response. If you could respond by **24 October**, it would be appreciated.

Please do not hesitate to call Dianne Munro - Lead Auditor as required on:

Email: Dianne.Munro@rpsgroup.com.au

Phone: 0437 898 884

Regards,

Jessica.

Jessica Robinson

Environmental Consultant
RPS | Australia Asia Pacific
Unit 2A, 45 Fitzroy Street

Carrington NSW 2294, Australia

T +61 2 4940 4200 **M** +61 455 146 476

E jessica.robinson@rpsgroup.com.au



Follow us on: rpsgroup.com | [LinkedIn](#) | [Facebook](#) | [Instagram](#) | [YouTube](#)

We acknowledge the Traditional Owners of Country throughout Australia and recognise their continuing connection to land, waters and community. We pay our respect to them and their cultures and to Elders past and present.

[Click here](#) to find out more about our Reconciliation Action Plan.

This email and its attachments may contain confidential and/or privileged information and is for the sole use of the intended recipient(s). The contents of this email must not be disclosed to or used by or copied in any way by anyone other than the intended recipient(s). If you are not the intended recipient, any use, distribution or copying of the information contained in this email and its attachments is strictly prohibited. Confidentiality and/or privilege in the content of this email is not waived. If you have received this email in error, please email the sender by replying to this message and immediately delete and destroy any copies of this email and any attachments. Please note that neither RPS Consultants Pty Ltd, any subsidiary, related entity ('RPS') nor the sender accepts any responsibility for viruses and it is your responsibility to scan or otherwise check this email and any attachments. The views or opinions expressed are the author's own and may not reflect the views or opinions of RPS



Appendix F Audit Guidelines and Where Addressed

AUDIT GUIDELINES

This IEA report has also been prepared in accordance with the Audit Guidelines (DPE, 2020). The table below lists key requirements from the Audit Guidelines, the relevant section of the Guidelines which references the requirement and indicates where each is addressed in this report.

Audit Guideline Requirements

Section	Description	Where Addressed
3.1	<p>Independent Audits must only be undertaken by a suitably qualified, experienced and independent auditor. The independent lead auditor may be supported by a provisional auditor subject to the Planning Secretary's agreement.</p> <p>Conditions of consent may require Independent Audits to be undertaken by an auditor and one or more technical specialists. The appointment of the auditor and technical experts must be agreed in writing by the Planning Secretary before each audit is commissioned. Each member of the audit team must receive the Department's agreement.</p> <p>Every audit will require the audit team to be endorsed, unless otherwise agreed by the Planning Secretary ie – this is not a one-off approval.</p>	<p>Appendix B</p> <p>Appendix C</p> <p>Appendix E</p>
3.2	<p>The auditor must consult with the Department, who may request that other parties or agencies are consulted, including the Community Consultative Committee chairperson (if one is required for the project), to obtain their input into the scope of the audit.</p> <p>Comments received during such consultation must be recorded and reported in the Independent Audit Report. Specific environmental issues raised during consultation should be investigated and findings of the investigation must be reported in the Independent Audit Report. There may be instances where the consulted parties requests are not reasonable and are outside of scope. In these situations, the auditor must provide justification of how they have considered the matters raised during consultation in the audit report. This justification may be provided in a table format.</p>	<p>Section 3.3</p> <p>Appendix E</p>
3.3	<p>An Independent Audit must include:</p> <p>1. an assessment of compliance with:</p> <p>(a) all conditions of consent applicable to the phase of the development that is being audited. Should there be any uncertainty to which conditions are to be audited, the auditor can seek clarification during the consultation as per Section 3.2;</p> <p>(b) all post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the implementation of Environmental Management Plans and Sub-plans; and</p>	<p>Appendix C</p>

Section	Description	Where Addressed
3.3	<p>2. a review of the environmental performance of the development, including but not necessarily limited to, an assessment of:</p> <ul style="list-style-type: none"> (a) actual impacts compared to predicted impacts documented in the environmental impact assessment; (b) the physical extent of the development in comparison with the approved boundary; (c) incidents, non-compliances and complaints that occurred or were made during the audit period; (d) the performance of the development having regard to agency policy and any particular environmental issues identified through consultation carried out when developing the scope of the audit; and (e) feedback received from the Department, and other agencies and stakeholders, including the community or Community Consultative Committee, on the environmental performance of the project during the audit period; 	Appendix C
3.3	The status of implementation of previous Independent Audit findings, recommendations and actions (if any);	Appendix C
3.3	A high-level assessment of whether Environmental Management Plans and Sub-plans are adequate; and	This IEA Report
3.3	Any other matters considered relevant by the auditor or the Department, taking into account relevant regulatory requirements and legislation, knowledge of the development's past performance and comparison to industry best practices.	Appendix C
3.4	Audits must commence with an opening meeting and conclude with a closing meeting. The meetings must be attended by a representative of the proponent at manager level or above, the auditor and technical specialists (if any). During the opening meeting the objectives of the audit, the scope of the audit, the resources required and methodology to be applied must be discussed. At the closing meeting, preliminary audit findings must be presented, recommendations (if appropriate) must be made, and any post-audit actions must be confirmed. A register of attendees (including their name and position title) for the opening and closing meetings is to be recorded and a copy of the registers provided with the audit report.	Appendix A
3.5	Independent Audits must include interviews with key personnel involved in project delivery, including those with responsibility for environmental management, to assist with verifying the compliance status of the development. However, note that interviews are generally not sufficient evidence to verify compliance with a condition of consent and additional supporting evidence should be provided. Auditors must be provided with reasonable access to the key site personnel as required by an Independent Audit scope.	Appendix A Appendix C

Section	Description	Where Addressed
3.6	<p>Independent Audits must include a physical site inspection. The site inspection must cover all development areas and environmental aspects that form part of the scope of the audit. The proponent must provide the auditor with reasonable access to all requested development areas and activities, understanding that the inspections must be accompanied by the designated site representative and that some areas may not be physically accessible for safety or operational reasons. If the auditor considers restricted access has limited their ability to adequately undertake the audit as scoped, it must be noted in the Independent Audit Report. Recommendations to overcome the restricted access (where feasible) must be proposed for subsequent independent audits</p>	<p>Appendix C Appendix D</p>

NSW Planning ref: MP08_0111-PA-67

Julie McNaughton
Environment & Community Senior Advisor
Austar Coal Mine Pty Limited
Eora Country
Darling Park - Tower 2 Level 18, 201 Sussex Street
Sydney New South Wales 2000
28/06/2024

Sent via the Major Projects Portal only

Subject: Austar Coal - 2023 Independent Environmental Audit

Dear Ms McNaughton

I refer to the 2023 Independent Environmental Audit (IEA) report and Response to Audit Recommendations (RAR) for the period 24 October 2020 to 1 November 2023, submitted as required by Schedule 7, Condition 7 of MP08_0111 as modified (the approval) to the NSW Department of Planning, Housing and Infrastructure (NSW Planning) on 13 December 2023.

NSW Planning considers the IEA report to generally satisfy the reporting requirements of the approval and the NSW Planning *Independent Audit Post Approval Requirements (2020)*. As required by Schedule 7, Condition 9 of the approval, please make publicly available a copy of the IEA Report on the company website.

Please note that NSW Planning's acceptance of this IEA report is not an endorsement of the compliance status of the project.

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

NSW Planning notes the following:

- Schedule 4, Condition 3 – Noise and Vibration Management

The Proponent must undertake monitoring in accordance with the approved Noise and Vibration Management Plan (NVMP), failing to do so is considered a breach of the approval. An incident that results in failure to undertake monitoring in accordance with the NVMP should be reported in accordance with Schedule 7, Condition 6 of the approval.

- Schedule 4, Condition 6 – Air Quality and Greenhouse Gas Management

The Proponent must undertake monitoring in accordance with the approved Air Quality and Greenhouse Gas Management Plan (AQGGMP), failing to do so is considered a breach of the approval. An incident that results in failure to undertake monitoring in accordance with the AQGGMP should be reported in accordance with Schedule 7, Condition 6 of the approval.

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

Should you wish to discuss the matter further, please contact Joel Fleming, Senior Compliance Officer, on 02 6575 3416 or email compliance@planning.nsw.gov.au

Yours sincerely

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

Heidi Watters
Team Leader
Compliance

As nominee of the Planning Secretary