

2024 INDEPENDENT ENVIRONMENTAL AUDIT

Moolarben Coal Complex



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24 July 2024

REPORT

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24 July 2024

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REPORT

Qualification	Bachelor of Environmental Science Exemplar Global Certified Lead Auditor – Environmental Management Systems (ISO 14001)
Company	RPS AAP Consulting Pty Ltd
Company Address	Unit 2A, 45 Fitzroy Street, Carrington NSW 2294

EXECUTIVE SUMMARY

RPS AAP Consulting Pty Ltd was engaged by Moolarben Coal Operations Pty Ltd to conduct an Independent Environmental Audit of the Moolarben Coal Complex located near Mudgee, New South Wales.

The audit was conducted in accordance with Conditions 9 and 10 of Project Approval 05_0117 and Project Approval 08_0135, as issued by the Department of Planning, Housing and Infrastructure and in accordance with RPS' proposal dated 9 February 2024.

The previous IEA carried out under the relevant Project Approvals was conducted for the period from 1 October 2018 to 30 September 2021. The audit period to which this audit applies is inclusive of the period from 1 October 2021 to 19 April 2024 (date of last day of audit site inspection). This report presents the findings of this audit.

The Independent Environmental Audit was undertaken in general accordance with:

- Independent Audit Post Approval Requirements (NSW DPIE, 2020).
- AS/NZS ISO 19011:2014 Guidelines for auditing management systems (Standards Australia & Standards New Zealand, 2014).
- RPS's proposal (dated 9 February 2024).

The RPS audit team was approved by the Department of Planning, Housing and Infrastructure on 21 March 2024. A copy of the approval letter is provided in **Appendix A**. A three-day site inspection was conducted at Moolarben Coal Complex from 17 April 2024 to 19 April 2024. Desktop review of documentation was conducted prior to and following the site inspection.

The IEA identified a total of 11 non-compliances against the relevant Project Approvals, Environment Protection Licence, Mining Leases, EPBC Approvals and Water licences. The detailed assessment of compliance against the conditions of each can be found in the audit checklists in Appendix B.

The audit scope also included identification of opportunities for improvement, assessment of progress on recommendations from the previous audit, assessment of compliance against the conditional approvals of the UG4 Extraction Plan LW401-LW408 and the associated revised technical groundwater report and investigation of specific matters as a result of regulator consultation.

Given the scale of MCO and the complexity of the approvals and management plans, the auditors observed positive and proactive environmental management across the site and offset areas. MCO has a well-established and knowledgeable Environment and Community Team in place, and this team demonstrated good awareness of issues and implementation of sustainable solutions. The recommendations throughout this audit report are expected to rectify any non-compliance issues.

GLOSSARY OF TERMS

Abbreviation	Description
AQMP	Air Quality Management Plan
BCS	Biodiversity Conservation and Science
BioMP	Biodiversity Management Plan
BL	Bore licence
BM	Blast Monitor
BMP	Blasting Management Plan
CCC	Community Consultative Committee
CHPP	Coal Handling Preparation Plant
Council	Mid-Western Regional Council
DCCEEW	Department of Climate Change, Energy, the Environment and Water (NSW)
Department	Department of Planning, Housing and Infrastructure
EA	Environmental Assessment
EC	Electrical Conductivity
E&C	Environment and Community
EIS	Environmental Impact Statement
EMS	Environmental Management System
EP	Extraction Plan
EPA	NSW Environment Protection Authority
EPBC	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence
GDP	Ground Disturbance Permit
GGMP	Greenhouse Gas Minimisation Plan
GHG	Greenhouse gas
GWMP	Groundwater Management Plan
Ha	Hectare
HMP	Heritage Management Plan
IEA	Independent Environmental Audit
LMP	Landscape Management Plan
LW	Longwall
Mbcm	Million bank cubic metres
MCC	Moolarben Coal Complex
MCO	Moolarben Coal Operations
MEG	Minerals, Exploration and Geoscience (Department of Primary Industries and Regional Development)
ML	Mining Lease
MOD	Modification
MOP	Mining Operations Plan
Mt	Million tonnes
Mtpa	Million Tonnes Per Annum
NMP	Noise Management Plan
NSW	New South Wales
OC	Open cut
OEH	Office of Environment and Heritage
OFI	Opportunity for Improvement

REPORT

Abbreviation	Description
PA	Project Approval
POEO	<i>Protection of the Environment and Operations Act 1997</i>
RAP	Registered Aboriginal Party
RAR	Response to audit recommendations
RFI	Request for information
ROM	Run of Mine
RPS	RPS AAP Consulting Pty Ltd
RR	Resources Regulator
Secretary	Secretary of the Department of Planning, Housing and Infrastructure or delegate
SWB	Site Water Balance
SWMP	Surface Water Monitoring Program
TARP	Trigger Action Response Plan
TfNSW	Transport for New South Wales
TSS	Total Suspended Solids
UG	Underground
WAL	Water Access Licence
WMP	Water Management Plan

Table Note

1 INTRODUCTION

RPS AAP Consulting Pty Ltd (RPS) was engaged by Moolarben Coal Operations Pty Ltd (MCO) to conduct an Independent Environmental Audit (IEA) of the Moolarben Coal Complex (MCC) located near Mudgee, New South Wales.

The audit was conducted in accordance with Conditions 9 and 10 of Project Approval (PA) 05_0117 and PA 08_0135, as issued by the Department of Planning, Housing and Infrastructure (the Department) and in accordance with RPS' proposal dated 9 February 2024.

The previous IEA carried out under the relevant PAs was conducted for the period from 1 October 2018 to 30 September 2021. The audit period to which this audit applies is inclusive of the period from 1 October 2021 to 19 April 2024 (date of last day of audit site inspection). This report presents the findings of this audit.

The Independent Environmental Audit was undertaken in general accordance with:

- Independent Audit Post Approval Requirements (NSW DPIE, 2020) (PAR).
- AS/NZS ISO 19011:2014 Guidelines for auditing management systems.
- RPS's proposal (dated 9 February 2024).

The RPS audit team was approved by the Department on 21 March 2024. A copy of the approval letter is provided in **Appendix A**. A three-day site inspection was conducted at Moolarben Coal Complex from 17 April 2024 to 19 April 2024.

1.1 Background of the project

1.1.1 Moolarben Coal Complex

MCO is the operator of MCC on behalf of the Moolarben Joint Venture (Moolarben Coal Mines Pty Ltd, Yancoal Moolarben Pty Ltd and a consortium of Korean power companies). MCO, Moolarben Coal Mines Pty Ltd and Yancoal Moolarben are wholly owned subsidiaries of Yancoal Australia Limited.

Stage 1 of MCC was approved by the Department in 2007 (PA 05_0117) and Stage 2 of MCC was approved in 2015 (PA 08_0135).

The primary existing processes undertaken at the site are in accordance Project Approvals PA 05_0117 and PA 08_0135 which approves mining operations and coal extraction activities.

MCC comprises four approved open cut mining areas (OC1 to OC4), three approved underground mining areas (UG1, UG2 and UG4) and other mining related infrastructure (including coal processing and transport facilities). MCC operates 24 hours per day, seven days per week.

Mining operations at MCC are currently approved until 31 December 2038

1.1.2 Approval history

15 modifications have been granted to PA 05_0117 as follows:

- MOD 1 – Infrastructure Area Layout dated 26 November 2008 which facilitates the modification of three approval conditions and the amending of the layout and configuration of surface infrastructure;
- MOD 2 – Preliminary Construction Walk dated 18 December 2008 which facilitates preliminary construction activities to be commenced at the MCP site prior to completion of the new mine access intersection to facilitate delivery and erection of demountable offices;
- MOD 3 – Additional Coal Processing dated 30 January 2015 which facilitates the increasing receipt of coal from the approved 12 Mtpa up to 17 Mtpa capacity; an additional rail movement (4 trains per day to 5 trains per day); and an extension to project life from 2028 to 2037;
- MOD 4 – Rail Loop Changes dated 30 June 2009 which facilitates the modified design of the rail loop;
- MOD 5 – Water Pipeline & Other Changes dated 05 October 2009 which facilitates surface infrastructure and layout changes, extended construction hours, Stage 1 project boundary amendments and amendment to condition of approval (Schedule 3, Condition 7);

- MOD 6 – Coal Rejects Bin dated 11 January 2010 which facilitates the relocation of the coal rejects bin and double its capacity from 250 tonnes to 500 tonnes;
- MOD 7 – Borefield dated 3 February 2011 which facilitates the construction of surface infrastructure associated with the development of a water supply and a dewatering borefield located in the area above the approved Underground No 4 Mine (UG4);
- MOD 8 – Coal Stockpile dated 27 May 2010 which facilitates the establishment of a 100,000 ROM coal stockpile adjacent to the ROM coal dump hopper;
- MOD 9 – Additional Coal Extraction dated 16 June 2014 which facilitates the extension of existing approved open cut pits (OC1 and OC2), modification of the staging of the open cuts, construction and operation of water management infrastructure upgrade works, an extension of the project life by 9 years (to 2037) and changes to the timing of rehabilitation works and revisions to the design for final landforms;
- MOD 10 – Increase Production Limit dated 17 April 2015 which facilitates the increase in ROM production limit from open cut operation from 8 Mtpa to 9 Mtpa within an overall open cut complex limit of 13 Mtpa;
- MOD 11 – Design Refinements dated 21 August 2015 which facilitates the construction of a new southwest haul road, the deletion of the approved northeast haul road, backfilling of the OC1 void, alterations to site water management systems and refinements to the surface mine infrastructure;
- MOD 12 – Underground Extraction Rates dated 29 April 2016 which facilitates the increase of coal recovery in UG 1, increase the coal extraction rate and improve the operational efficiency of underground mining operations;
- MOD 13 – Coal Processing Rates dated 20 January 2017 which facilitates the increase amount of coal that can be processed in the CHPP from 13 Mtpa to 13.5 Mtpa, for the 2017 calendar year only;
- MOD 14 – Water Discharges + Coal Extraction dated 19 June 2019 which facilitates minor additional disturbance to facilitate safe and efficient mining, increased rates of ROM coal production from approved open cuts and associated increases in the rates of coal washing, saleable coal production and rail movements, refinements to the Stage 1 open cut final landforms, installation of water treatment facilities and other optimisations to ancillary infrastructure, and;
- MOD 15 – UG4 Ancillary Works dated 19 June 2020 which facilitates ancillary works to support the UG4 mining domain.

Four modifications have been granted to PA 08_0135 as follows:

- MOD 1 – Design Refinements dated 21 August 2015 which facilitates the construction of a new southwest haul road, the deletion of the approved northeast haul road, backfilling of the OC1 void, alterations to site water management systems and refinements to the surface mine infrastructure;
- MOD 2 – Layout UG1 & Extraction Rates dated 29 April 2016 which facilitates the increase of coal recovery in UG1, increase the coal extraction rate and improve the operational efficiency of underground mining operations; and
- MOD 3 – Water Discharges + Coal Extraction dated 19 June 2019 which facilitates minor additional disturbance to facilitate safe and efficient mining and increased rate of ROM coal produced from approved open cut (OC4).
- MOD 4 – UG2 Modification dated 22 December 2023 which facilitates a minor longwall extension.

1.1.3 Mining within the audit period

During the audit period the following mining activities occurred:

- **2023** – A total of 59 million bank cubic metres (Mbcm) of overburden was removed at MCC to allow the extraction of 17 million tonnes (Mt) of product coal.
- **2022** – A total of 48 Mbcm of overburden was removed at MCC to allow the extraction of 15 Mt of product coal.

- **2021** – A total of 44 Mbcm of overburden was removed at MCC to allow the extraction of 18 Mt of product coal.

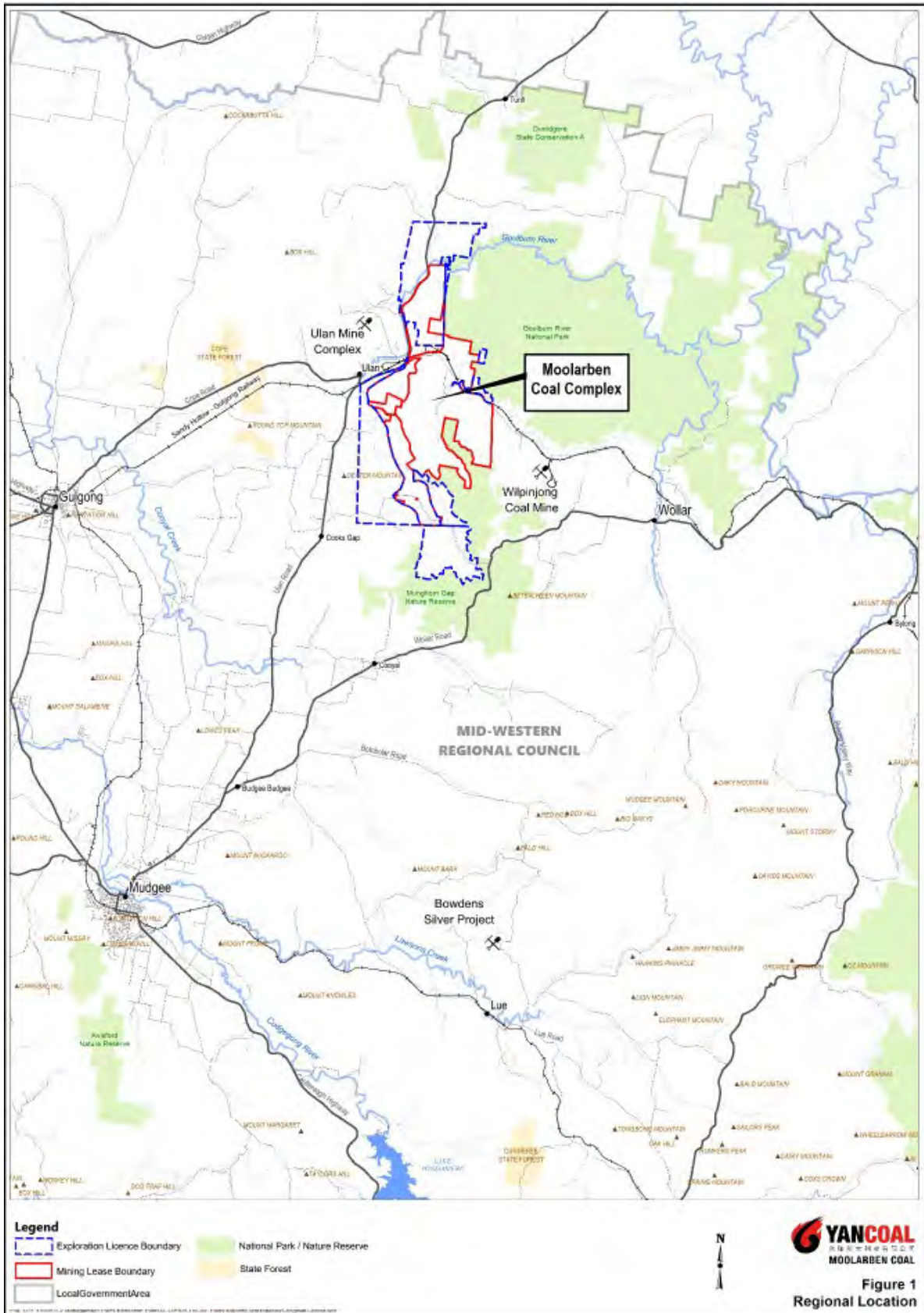


Figure 1 Moolarben Coal Complex Site Location

(Source: Moolarben Coal Complex Annual Review (draft) 2023)

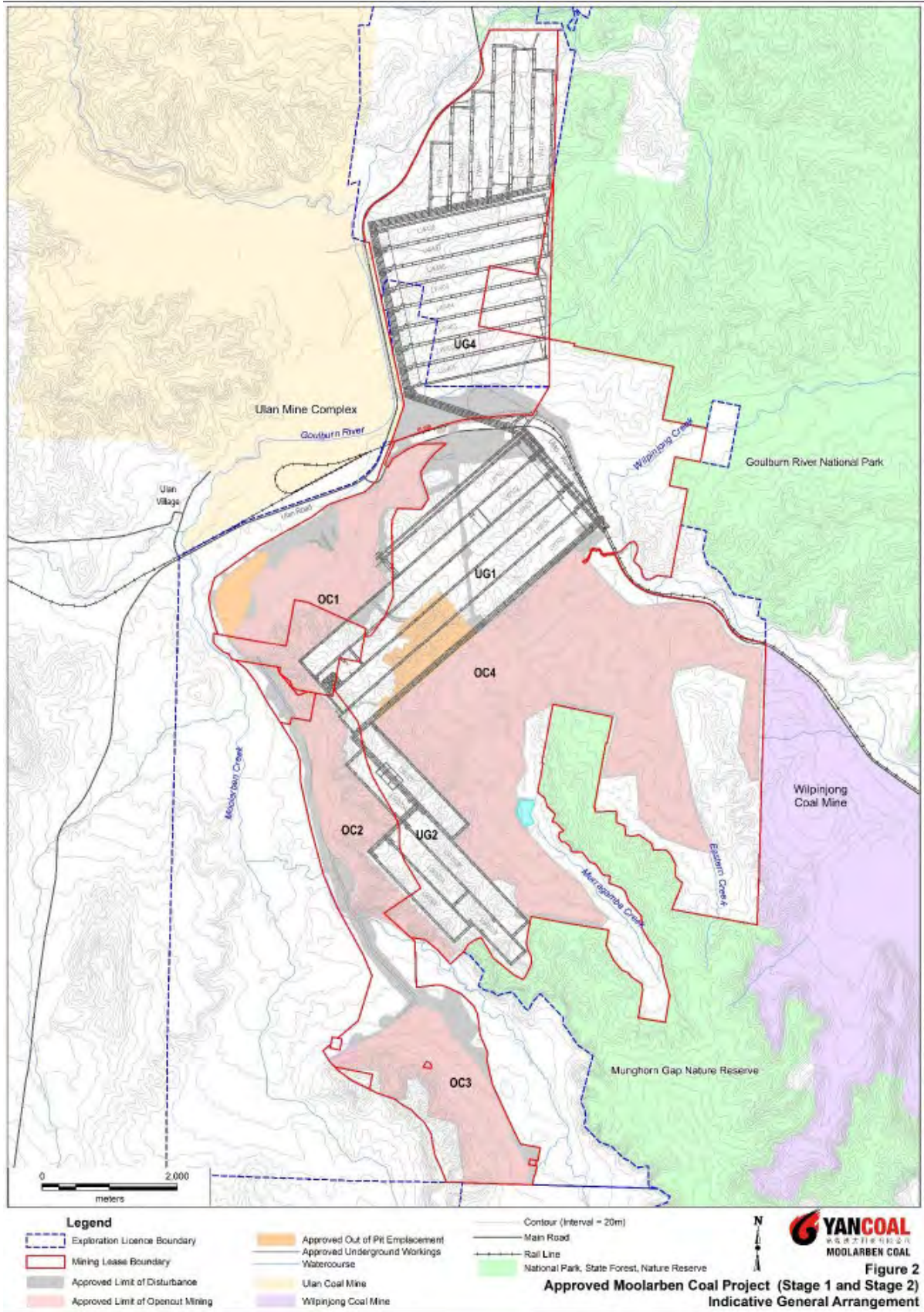


Figure 2 Moolarben Coal Complex Layout

(Source: Moolarben Coal Complex Annual Review (draft) 2023)

1.2 Approvals, Licences and Leases

The current approvals, licences and leases held for MCC that were reviewed as part of this IEA are summarised in **Table 1** below.

Table 1 Summary of Existing Major Approvals and Licences

Title	Agency	Expiry
PA 05_0117	Department of Planning, Housing and Infrastructure	31 December 2038
PA 08_0135	Department of Planning, Housing and Infrastructure	31 December 2038
EPL 12932	NSW Environment Protection Authority (EPA)	Review required 4 October 2024
ML1605	NSW Resources Regulator	20 December 2028
ML1606	NSW Resources Regulator	20 December 2028
ML1628	NSW Resources Regulator	24 February 2030
ML1691	NSW Resources Regulator	23 September 2035
ML1715	NSW Resources Regulator	31 August 2036
EPBC 2007/3297	Department of Climate Change, Energy, the Environment and Water	31 December 2027
EPBC 2008/4444	Department of Climate Change, Energy, the Environment and Water	31 December 2065
EPBC 2013/6926	Department of Climate Change, Energy, the Environment and Water	31 December 2064
EPBC 2017/7974	Department of Climate Change, Energy, the Environment and Water	31 December 2050
20BL173935	Natural Resources Access Regulator	
WAL 39799	Natural Resources Access Regulator	
WAL 41888	Natural Resources Access Regulator	
WAL 19052	Natural Resources Access Regulator	
WAL 37582	Natural Resources Access Regulator	
WAL 37583	Natural Resources Access Regulator	
WAL 36340	Natural Resources Access Regulator	

1.3 Audit Team

The RPS audit team, inclusive of the required technical specialists, consisted of the personnel in **Table 2**. The audit team was approved by the Department to conduct the audit. Refer to the letter from the Department provided in **Appendix A**.

Table 2 2024 IEA Audit Team

Personnel	Audit Team Role
Ian Richardson	Lead Auditor and Air Quality Specialist – RPS
Clayton Richards	Rehabilitation and Geomorphology Specialist – Minesoils
Dale Redwood	Noise and Blasting Specialist – Muller Acoustic Consulting
Chris Wellington	Ecology (Flora and Fauna) and Aquatic Ecosystems Specialist - RPS
Jodie Benton	Aboriginal Cultural Heritage Specialist - Ozark
Steve Ditton	Subsidence Specialist – Ditton Geotechnical Services
Adam Wyatt	Surface Water and Groundwater Specialist - Engeny

1.4 Audit Scope

The requirements for the IEA under PA 05_0117 and PA 08_0135 are detailed in **Table 3** and **Table 4** below.

Table 3 PA 05_0117 IEA Requirements

Project Approval Conditions	Requirement	IEA Report Section
Schedule 5, Condition 9	<p>By 31 December 2015, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project.</p> <p>This audit must:</p> <ul style="list-style-type: none"> (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval, and any other relevant approvals, relevant EPL/s and/or Mining Lease (including any assessment, plan or program required under these approvals); (d) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and (e) recommend measures or actions to improve the environmental performance of the Moolarben mine complex, and/or any strategy, plan or program required under these approvals. <p>Note:</p> <p>Notwithstanding the timing referred to above, audits must be carried out prior to the completion of longwall panels 4 and 8. The Proponent must liaise with the Department to determine the precise date of these audits.</p> <p>This audit team should be led by a suitably qualified auditor, and include experts in the field of subsidence, surface water and groundwater management, noise, ecology and mine rehabilitation.</p>	IEA Report (this report)
Schedule 5, Condition 10	<p>Within 6 weeks of completing this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary with a response to any recommendations contained in the audit report.</p>	This report

Table 4 PA 08_0135 IEA Requirements

Project Approval Conditions	Requirement	IEA Report Section
Schedule 6, Condition 9	<p>By 31 December 2015, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project.</p> <p>This audit must:</p> <ul style="list-style-type: none"> (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval, and any other relevant approvals, relevant EPL/s and/or Mining Lease (including any assessment, plan or program required under these approvals); (d) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals. <p>Note: This audit team must be led by a suitably qualified auditor, and include experts in noise, air quality, ecology, Aboriginal heritage and any other fields specified by the Secretary.</p>	This report
Schedule 6 Condition 10	<p>Within 3 months of commissioning this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the</p>	This report

Project Approval Conditions	Requirement	IEA Report Section
	Secretary, together with its response to any recommendations contained in the audit report.	

1.5 Audit Period

The previous IEA carried out at MCC under PA 05_0117 and PA 08_0135 was for the period of 1 October 2018 to 30 September 2021. Hence the audit period for this IEA is from 1 October 2021 to 19 April 2024, the date of the last day of audit site inspection.

2 AUDIT METHODOLOGY

RPS undertook the IEA in accordance with the following methodology:

- Task 1: Audit preparation
- Task 2: Site visit and interviews
- Task 3: Preparation of a draft IEA report for review by MCO
- Task 4: Finalisation of the IEA report

2.1 Task 1 Audit Preparation

2.1.1 Pre-Audit Meeting and Documentation Requests

Initial discussions between RPS and MCO occurred to organise the audit, provide required documentation through a request for information (RFI) and an agenda for the site visit.

RPS conducted a review of documentation provided by MCO and preparation of compliance assessment checklists for regulatory approvals and licences.

2.1.2 Approval and Regulator Consultation

Following Department approval of the RPS audit team, RPS consulted with relevant regulators with respect to the audit scope in accordance with the PAR.

Relevant comments and requests from these regulators are included in Appendix C and investigated as required.

2.2 Task 2 Site Inspection and Interviews

The Audit Team conducted the audit site visit over a three-day period from 17 – 19 April 2024. The following activities occurred:

- Opening meeting
- Document review
- Interviews with relevant personnel
- Demonstration of systems
- Inspection of site
- Closing meeting

The draft audit agenda was sent to MCO on 16 April 2024 and was generally followed during site inspection, with minor adjustments for efficiency.

2.2.1 Opening Meeting

In accordance with ISO 19011:2014 Guidelines for Auditing Management Systems (International Standards, 2014) an opening meeting was held upon auditors' arrival at site, on 17 April 2024. The opening meeting allowed open communication with the Environment and Community Team and the Senior Leadership Team at MCO, providing a general overview of the audit, introductions and the audit agenda. A sign on sheet for the opening meeting is attached in Appendix G.

2.2.2 Site Inspection and Interviews

The Lead Auditor, Auditors Assistant, Rehabilitation Specialist, Heritage Specialist and Water Specialist undertook site inspections and interviews for physical validations of evidence and collection of a

photographic record. The audit team's observations and photographs were used to supplement information gathered during the review of documents and records.

Weather conditions were generally fine, with one thunderstorm during the first afternoon of site inspection. The daytime temperature ranging from approx. 6°C in the morning to 20°C in the afternoons. Light rain fell during the thunderstorm.

Photographs from the audit site inspection supporting audit findings are provided in Appendix E.

2.2.3 Closing Meeting

At the completion of the site inspection, a closing meeting was held. The closing meeting provided preliminary audit findings and the opportunity for discussion with the Environment and Community Team and the Senior Leadership Team. Feedback on the audit process was given, along with preliminary recommendations and post-audit actions. Additional findings based on further document reviews were made following the site inspection. As such, the summary of preliminary findings detailed in the closing meeting did not cover all findings associated with the audit. A sign on sheet for the closing meeting is included in Appendix G.

2.3 Task 3 Draft IEA Report

The requirements of the project approvals and relevant licences were considered while reviewing documents and inspecting the site. Evidence was gathered and recorded in the audit checklists included in the appendices of this report. Personnel communication and interviews provided valuable input into the process at MCC but were not relied upon for verification of compliance.

An assessment of environmental performance was undertaken. Any issues identified are described in Section 5. A review of the Environmental Management Strategy (MCO, 2020), relevant environmental management plans and monitoring programs was undertaken. A summary is provided in Section 4.

All relevant information from the audit was compiled in this report, with the audit checklists appended to address each relevant approval and licence.

2.4 Task 4 Final IEA Report

Following receipt of comments on the draft report from MCO, RPS updated and finalised the IEA Report. The report was then reissued for MCO to submit to the Department.

2.5 Audit Team Approval

The Department reviewed the audit team nominations provided in accordance with the requirements of the PAs and the PAR. The Department was satisfied the RPS audit team was suitably qualified and experienced, approving the team on 21 March 2024. A copy of the approval letter is attached in **Appendix A**.

The Department required the IEA report and the response to audit recommendations (RAR) be submitted within six weeks of completion.

2.6 Scope Development

The IEA was undertaken in general accordance with the documents listed in **Section 1**.

2.7 Consultation

The IEA is required to include consultation with relevant agencies. A summary of consultation with regulatory agencies is provided in **Table 5**.

Comments received and responses to regulators are addressed in **Appendix C**.

Table 5 Regulatory Consultation Summary

Regulatory Agency	Response Received	Date Received
Department of Planning, Housing and Infrastructure	Yes	4 April 2024
NSW Environment Protection Authority	Yes	3 April 2024
NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)	Yes (automated)	2 April 2024
Mid-Western Regional Council	Yes	8 April 2024
Community Consultative Committee (CCC)	Yes	16 April 2024
NSW Resources Regulator	Yes	9 April 2024
Mudgee Local Aboriginal Land Council (LALC)	No	
Biodiversity Conservation and Science (BCS)	Yes (automated)	5 April 2024
NSW Biodiversity Conservation Trust	Yes (automated)	5 April 2024
DPIE Water	No	
National Parks and Wildlife Services	Yes (automated)	5 April 2024
Transport for New South Wales (TfNSW)	Yes	9 April 2024
Rural Fire Service	No	

2.8 Compliance Status

The compliance status was determined using the relevant descriptors in the PAR, provided in **Table 6** below.

Table 6 Compliance Status Descriptors

Status	Description
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

As part of the compliance evaluation, the auditor may make observations, including identifying any opportunities for improvement in relation to any compliance requirement or any other aspect of the project. General recommendations and identified opportunities for improvement are addressed in Section 7.3.

2.9 Evidence Verification

Evidence verification included interviews, data review, examination of records, and physical inspections on site. Records were provided in electronic and/or hard copy by MCO personnel.

Some aspects of the audit process may have relied on information such as judgements and assumptions where external supporting evidence was unavailable or limited. In this case, validity was confirmed to the furthest extent possible, and this is noted in audit checklists.

Most information was assessed off-site prior to the site inspection. The site inspections concentrated on assessment of the effectiveness of environmental management and adequacy of performance. The extent of site inspection activities was limited to the three-day allotment.

3 TECHNICAL SPECIALISTS INPUT

The Department requested the IEA team include technical specialists in the following fields:

- Surface Water
- Groundwater
- Rehabilitation
- Geomorphology
- Aquatic Ecosystems
- Ecologist (Flora and Fauna)
- Aboriginal Cultural Heritage
- Noise
- Blasting
- Subsidence
- Air Quality

The technical specialists are listed in **Table 2**. These specialists provided technical advice to the Lead Auditor. Specific findings from the technical specialists are incorporated in the audit checklists attached in **Appendix B**.

4 ENVIRONMENTAL MANAGEMENT

An implementation review was conducted against each management plan under MCO’s PAs. A summary of the implementation review is provided in **Table 7**.

Table 7 Management Plan Adequacy Review

Document	Findings from Review
Management Strategy (EMS)	<p>Version: 6 Effective: October 2020</p> <p>Auditors reviewed the EMS, the overarching strategic framework for environmental management at MCC. The EMS controls the interaction between the management plans and obligations of MCO’s PAs, EPBC approvals, licences, permits and relevant legislation. Auditors found the EMS compliant with ISO14001:2015 Environmental Management Systems (ISO, 2015).</p> <p>The EMS provides roles and responsibilities of staff for environmental management, complaints management, information dissemination, emergency response, dispute resolution, training, document control, records management, reporting, compliance, incidents, review and continuous improvement.</p> <p>Auditors found MCO generally compliant with most conditions of their PAs, EPL, water licences, EPBC approvals and mining leases. Document review and site inspection confirmed the EMS is being successfully implemented and is effective in maintaining environmental compliance at MCC.</p>
Air Quality Management Plan (AQMP)	<p>Version: 7 Effective: November 2023</p> <p>The AQMP was prepared by MCO in consultation with suitably qualified specialists at Todoroski Air Sciences and the EPA.</p> <p>The AQMP satisfies the requirements of PA 05_0177 and PA 08_0135 and provides an air quality monitoring program in accordance with the requirements of EPL 12932.</p> <p>The AQMP provides a list of statutory requirements, air quality criteria, assessment of performance, baseline data, management measures, actions, responsibilities, compliance protocol, a contingency plan, review / opportunities for improvement and protocol for managing complaints and incidents.</p> <p>Auditors conducted a desktop review of the AQMP and deemed it adequate for the management of the air quality impacts of the project. Site inspection confirmed effective implementation of the AQMP, with auditors observing best practice air quality management measures in place including full enclosure of the Coal Handling Preparation Plant (CHPP), regular watering of access tracks, regular washdown of vehicles and the presence of an extra hired water cart. Air quality monitoring equipment was well maintained and functioning.</p>
Biodiversity Management Plan (BioMP)	<p>Version: 5 Effective: September 2020</p> <p>The BioMP was prepared by MCO in consultation with suitably qualified specialist at Ecological Australia and the NSW Office of Environment and Heritage (OEH).</p> <p>The BioMP satisfies the requirements of PA 05_0177 and PA 08_0135.</p> <p>The BioMP provides a list of statutory requirements, an overview of the existing environment, a vegetation clearance protocol, a requirement for use of locally sources seeds and tube stock, vegetation management strategies, biodiversity management measures, a biodiversity monitoring program, the biodiversity offset strategy, performance measures, a contingency plan, staff responsibilities, a protocol for review and improvement and protocol for reporting.</p> <p>Auditors conducted a desktop review of the BioMP and deemed it adequate for the management of biodiversity impacts with the approved disturbance of the project under the PAs. Site inspection confirmed effective implementation of the BioMP as far as auditors could observe at the time. Auditors observed strong progressive rehabilitation and the presence of native animals such as emus and wallabies in the offset and rehabilitation areas.</p>
Blast Management Plan (BMP)	<p>Version: 7 Effective: November 2023</p>

Document	Findings from Review
	<p>The BMP was prepared by MCO with input from suitably qualified specialists at SLR Consulting and the EPA.</p> <p>The BMP satisfies the requirements of PA 05_0177 and PA 08_0135.</p> <p>The BMP provides a list of statutory requirements, blast criteria, an overview of the existing environment, potential blast impacts, management measures, a blast monitoring program in line with the EPL, opportunities for review and improvement and response protocols.</p> <p>Auditors conducted a desktop review of the BMP and deemed it adequate to mitigate and manage impacts from blasting activities associate with the PAs. It is noted two air blast overpressure exceedances occurred during the audit period. The BMP has been reviewed since the first exceedance. The predicted overpressure from the blast exceedance was compliant. The investigation of the incident submitted to the Department at the time provided an unanticipated air pressure pulse and reinforcement of pressure waves as the likely reasons for the exceedance.</p>
<p>Brine Management Plan</p>	<p>Version: 3 Effective October 2023</p> <p>The Brine Management Plan was prepared by MCO with prepared with input from specialist consultants from WRM Water & Environment and SLR Consulting, who were approved by the Department at the time.</p> <p>The Brine Management Plan satisfies the requirements of PA 05_0177 and PA 08_0135.</p> <p>The Brine Management Plan identifies statutory requirements, provides baseline data, a brine management strategy, brine monitoring requirements, trigger action response plans and opportunities for review and improvement.</p> <p>Auditors conducted a desktop review of the Brine Management Plan and deemed it adequate for managing brine related to project operations.</p>
<p>EPBC 2013/6926 Biodiversity Offset Management Plan</p>	<p>Version: 1 Effective: December 2014</p> <p>The EPBC 2013/6926 Biodiversity Offset Management Plan was prepared by MCO to fulfil the requirements of the EPBC approval. EPBC 2013/6926 authorised the clearing of 171.4 hectares (ha) of native vegetation (habitat for EPBC listed threatened species), including 16.5 ha of White Box-Yellow Box- Blakely's Red Gum Grassy Woodland and Derived Native Grassland (WBGW) within the OC1 and OC2 areas.</p> <p>The plan identifies the relevant offset areas, provides baseline conditions, management actions with timeframes, performance criteria, risks, responsibilities and monitoring and reporting procedures.</p> <p>Auditors performed a desktop review of the management plan and deemed it satisfactory for its purpose. Site inspection confirmed the relevant offset areas are in good condition.</p>
<p>EPBC 2008/4444 and EPBC 2017/7974 Biodiversity Offset Management Plan</p>	<p>Version: 6 Effective: 2021</p> <p>The EPBC 2008/4444 and EPBC 2017/7974 Biodiversity Offset Management Plan was prepared by MCO to fulfil the requirements of the EPBC approvals.</p> <p>The plan identifies the relevant offset areas, provides baseline conditions, management actions with timeframes, performance criteria, risks, responsibilities and monitoring and reporting procedures.</p> <p>Auditors performed a desktop review of the management plan and deemed it satisfactory for its purpose. Site inspection confirmed the relevant offset areas are in good condition.</p>
<p>Extraction Plan UG4 LW401-408 (containing Built Features Management Plans, Land Management Plan, Public Safety Management Plan and specific Water Management Plan, Biodiversity Management Plan, Heritage Management Plan and Subsidence Monitoring Program)</p>	<p>Version: 2 Effective: October 2023</p> <p>Auditors reviewed the UG4 Longwalls 401 to 408 Extraction Plan and its sub-plans. The Extraction Plan was prepared by MCO with consideration of the PAs. Auditors found the Extraction Plan adequately detailed, containing all the required sub-plans, which assessed potential impacts of the new longwalls and provide monitoring and management measures to mitigate foreseeable impacts.</p>

Document	Findings from Review
	<p>Approved Management and Monitoring Plans with TARPS were prepared for LW401 to 405 before longwall extraction. Annual Review reports 2022 & 2023 demonstrate compliance with performance measures.</p>
<p>Extraction Management Plan UG1 LW101-105 (containing specific Water Management Plan, Land Management Plan, Biodiversity Management Plan, Heritage Management Plan, Built Features Management Plans, Subsidence Monitoring Program and Public Safety Management Plan)</p>	<p>Version: 3 Effective: June 2020</p> <p>Auditors reviewed the UG1 Longwalls 101-105 Extraction Plan and its sub-plans. The Extraction Plan was prepared by MCO with consideration of the PAs. Auditors found the Extraction Plan adequately detailed, containing all the required sub-plans, which assessed potential impacts of the new longwalls and provide monitoring and management measures to mitigate foreseeable impacts.</p> <p>Approved Management and Monitoring Plans with TARPS prepared for LW104 to 105 before longwall extraction. Annual Review reports 2021 & 2022 demonstrate compliance with performance measures.</p>
<p>Greenhouse Gas Minimisation Plan (GGMP)</p>	<p>Version: 3 Effective: October 2020</p> <p>The GGMP was prepared by MCO to satisfy the requirements of PA 08_0135. The GGMP provides baseline data and identifies potential opportunities for greenhouse gas reduction. The GGMP concludes Greenhouse Gas (GHG) capture and reuse is not feasible at MCC due to low underground methane levels. The current priority for MCO under the plan is to validate gas contents. The GGMP provides the commitment for MCO to review industry developments in fugitive underground gas emission management technologies every three years.</p> <p>The Moolarben Coal Project Stage 2 Greenhouse Gas Assessment (October 2008) predicted the project's Scope 1 and Scope 2 greenhouse gas emissions to add up to 265,560 t / year. During the most recent reporting period, the MCC emitted a total of 318,996 t. This is a notable increase from the original prediction and from the previous reporting year, in which MCC emitted 291,463 t. MCO attributes the increase from the previous year to an increase in production fleet ad diesel use. The disparity between the original prediction and the current emissions is likely to be due to new underground production under Stage 1 Mod 14 and Stage 2 Mod 2. The original calculations were completed in 2008, almost 16 years prior to the date of the current audit site inspection. Greenhouse accounts factors are updated by the Department every year, potentially causing further disparities between predictions and outcomes.</p> <p>Auditors were satisfied the GGMP is fit for purpose upon desktop review.</p>
<p>Heritage Management Plan (HMP)</p>	<p>Version: 9 Effective October 2023</p> <p>The HMP was prepared by suitably qualified experts approved by the Department, Dr Andrew Sneddon and Dr Matthew Whincop of the University of Queensland Culture and Heritage Unit, to satisfy the requirements of PA 05_0117 and PA 08_0135.</p> <p>The HMP has been updated on multiple occasions to incorporate additional findings. The HMP addresses both Aboriginal cultural heritage management and historic heritage management.</p> <p>Upon desktop review, auditors were satisfied the HMP is fit for purpose and adequately addresses the requirements of the PAs.</p> <p>Auditors observed excellent heritage management practices during site inspection.</p>
<p>Landscape Management Plan (LMP)</p>	<p>Version: 2 Effective: June 2013</p> <p>The LMP was prepared by MCO with input from qualified experts at AECOM and GGSE, in consultation with the NSW Office of Environment and Heritage (OEH), NSW Office of Water and NSW Department of Trade and Investment, Regional Infrastructure and Services.</p> <p>The LMP fulfils the requirement of PA 05_0117, EPBC 2007/3297 and the relevant Mining Leases. The LMP provide a protocol for evaluating impacts on the landscape and meet all relevant statutory requirements, provides controls to manage MCO's operations to minimise landscape impacts on sensitive receivers,</p>

Document	Findings from Review
	<p>and provides a framework to communicate with relevant stakeholders regarding MCO's operations.</p> <p>The LMP provides a suitable Mine Closure Plan and Final Void Management Plan, although it is suggested the document be reviewed closer to the date of closure. Auditors determined the LMP fit for purpose. Site inspection confirmed effective implementation of the LMP. Auditors observed excellent weed control on site.</p>
<p>Noise Management Plan (NMP)</p>	<p>Version: 6 Effective: October 2023</p> <p>The NMP was prepared by MCO with input from experienced and qualified noise experts at SLR Consulting to satisfy the requirements of PA 05_0117 and PA 08_0135.</p> <p>The NMP describes noise generating activities on site, alongside noise criteria, baseline data and noise management measures. A noise monitoring program is provided, satisfactory to the requirements of the EPL.</p> <p>Desktop review confirmed the NMP has been adequately prepared. Auditors observed thorough implementation of the NMP on site, noting additional noise mitigation measures in places, such as rubber noise mitigation devices fitted on the back of dump truck trays. No noise related complaints were received in the audit period that were attributable to MCO upon investigation.</p>
<p>Pollution Incident Response Plan (PIRMP)</p>	<p>Version: 13 Effective: June 2023</p> <p>The PIRMP was prepared by MCO to satisfy the requirements of the EPL and is implemented in the event of a pollution incident at MCC.</p> <p>The PIRMP controls notification of pollution incidents to the EPA, Mid-Western Regional Council, NSW Health and other relevant authorities. It is recommended that references to the Department of Planning and Environment are updated at next review to instead state Department of Planning, Housing and Infrastructure.</p> <p>Auditors are otherwise satisfied with the contents of the PIRMP. Auditors noted effective implementation of the PIRMP in pollution incidents such as the March 2024 oil spill line incident, which occurred from vehicle operation after washdown. The oil spill was cleaned up promptly and effectively and the relevant authorities were notified in a timely manner.</p>
<p>Rehabilitation Management Plan (RMP)</p>	<p>Version: 1 Effective: August 2022</p> <p>The RMP was prepared by MCO to satisfy the requirements of the relevant PAs, EPBC approvals and Mining Leases.</p> <p>The RMP details the final land use requirement for the site, provides a rehabilitation risk assessment, objectives, completion criteria, a final landform and rehabilitation plan, a monitoring program, relevant research, an adaptive management plan, mine closure planning and a protocol for review of implementation.</p> <p>Desktop review deemed the RMP adequate for the task of effectively rehabilitating the site to statutory requirements.</p> <p>The Rehabilitation Specialist undertook a site inspection and found no non-compliances related to rehabilitation. Rehabilitation processes appeared well funded, with significant efforts evident.</p>
<p>Water Management Plan (WMP) (including Surface Water Management Plan (SWMP) and Groundwater Management Plan (GWMP))</p>	<p>Version: 7 Effective: November 2023</p> <p>The WMP was prepared by MCO with input from WRM Water, Dundon Consulting and HydroSimulations to satisfy the conditions of the PAs.</p> <p>The WMP provides an overview of the WMP and GWMP, with the plans appended. The SWMP is currently at Revision 6, effective from December 2022. The SWMP describes the surface water management system, the existing environment, provides effective management measures, investigation trigger values and a monitoring program satisfactory to the EPL.</p> <p>The GWMP is currently at Revision 4, effective October 2020. The GWMP provides an overview of existing conditions, baseline data, model predictions and validation, a monitoring program satisfactory to the EPL, a protocol for protection of 'The Drip', investigation trigger levels, response actions, opportunities for improvement and reporting systems.</p>

Document	Findings from Review
	<p>Auditors observed generally effective implementation of the SWMP and GWMP during site inspection. However, there have been instances of late sampling under the WMP. EPL DP01 was not sampled for oil & grease and TSS during discharge in December 21 and EPL DP01 EPL discharge point 01 was not sampled for TSS. This was a self-reported incident in April 2023. Auditors viewed notification to and responses from the Department and EPA for both incidents. MCO completed investigations into the cause of the incident and have taken appropriate action. No further action required.</p>

5 ENVIRONMENTAL PERFORMANCE

This section assesses the requirement of Schedule 5 Condition 9 of PA 05_0117 and Schedule 6 Condition 9 of PA 08_0135 to assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals). RPS based the assessment of the environmental performance of the site on the following:

- Assessment of the effectiveness and adequacy of the environmental management plans and programs required under PA 05_0117 and PA 08_0135 provided in **Section 4**.
- Assessment of compliance with the conditions of the relevant PAs, EPL, EPBC approvals, water licences and mining leases. The findings of this assessment including non-compliances and associated recommendations are provided in the compliance checklists in **Appendix B** and summarised in the Audit Findings in **Section 7**.
- Review of compliance management practices in place at MCC provided in **Section 5.1**.
- Review of incidents reported during the audit period provided in **Section 5.2**.
- Review of complaints received during the audit period provided in **Section 5.3**.

5.1 Compliance Management

MCO tracks compliance with relevant statutory requirements, leases and licences using 'Intelex' and 'SAP' software. Intelex contains required actions for the responsible staff members with hard due by dates to ensure essential actions are not missed, nor late. The actions and responsibilities in Intelex are updated as modifications and new requirements occur. SAP is used to schedule maintenance on plant and machinery and keep records of actions that have been completed.

MCO Asset Management Superintendent Christee-Lee Brakel demonstrated the use of SAP to auditors during site inspection. Auditors were satisfied MCO staff have a good knowledge of how to use the compliance management software to effectively manage compliance with conditions of the relevant approvals, licences and leases.

Continuous compliance is maintained through real time monitoring, which sends alerts via text message to relevant MCO team members. Minebot is used to monitor dam levels and crews complete daily inspections of water storages. Team members can respond instantaneously to alerts, for example, elevated PM10 levels recorded at one of the HVAS monitoring points. Each alarm is responded to and investigated for elevated PM10 levels that may be attributable to operations at MCC.

MCO operates a 24-hour community complaints hotline, which allows fast responses around the clock to any potential issues that have been identified by community members. The phone line is operated by a call centre which is forwarded onto and responded to by Environment and Community Team members and Production Supervisors.

5.2 Incidents

Environmental incidents are recorded in Intelex, the compliance management tool used by MCO. Staff responsibilities, actions and due dates are controlled by the PIRMP and the incident report, photographs, relevant actions and due dates are entered into Intelex against the responsible staff member to ensure appropriate response to any incidents. Three levels of verification are used to ensure information recorded is accurate.

An incident is defined in the PAs as a set of circumstances that:

- Causes or threatens to cause material harm to the environment; and/or
- Breaches or exceeds the limits or performance measures/criteria in this approval.

Auditors reviewed the site's incident database, external consultant's investigation reports and the incidents sections of the relevant annual reviews. Eight reported incidents occurred during the audit period.

Table 8 Environmental Incidents during the Audit Period

Year	Condition	Details of Incident	Comments
2024	S3C31 PA 05_0117	Oil was spilled from an operating vehicle, creating a line along access roads from the OC workshop to the CHPP on 12 March 2024.	The incident was responded to and reported in accordance with the PIRMP. Auditors sighted notification to and responses from the EPA and the Department. MCO took corrective measures including notification of supervisors and the Emergency Response Team, notification of NSW Fire and Rescue. NSW RFS then attended the site and commenced clean-up of approximately 30 L of oily water, finishing at 3:40am that evening. Oily water was observed to have been contained within the boundaries of the road.
2024	S3C7 PA 08_0135	An exceedance of air blast overpressure limit of 120 dB (Lin Peak) occurred at the Moolarben Road Blast Monitor (BM8) on 8 February 2024.	Auditors viewed the notification and incident investigation report for the exceedance. Proposed measures to prevent or mitigate against reoccurrence included a review of the pre blast design and modelling and review of the pre blast assessments and meteorological checks. Auditors were satisfied appropriate reactionary measures were taken. Investigation found an unexpected air pressure pulse and reinforcement of pressure waves to be the most likely causes of the incident. It was reported that the incident did not result in any environmental harm.
2023	S3C31 PA05_0117	EPL Discharge Point 01 EPL weekly grab sample for Total Suspended Solids was not taken during the week of 17 April 2023.	Auditors viewed the notification to the EPA and the Department, sent 26 May 2023 and the response received 28 June 2023. Auditors were satisfied appropriate reactionary measures were taken.
2023	S4C5 PA 08_0135	Overburden material was placed beyond the approved disturbance boundary of the Open Cut 4 area on 28 March 2023.	MCO reported the incident the following day, within the required notification period. The incident was rectified as soon as MCO became aware of the issue. Auditors sighted the warning letter received from the Department on 26/07/2023. The Department was satisfied appropriate reactionary measures had been taken and minimal harm to the environment was caused.
2022	S3 C31 PA 05_0117	A release of treated water with free chlorine levels beyond the ANZECC Guidelines for 95 % Species Protection occurred between 1 October and 11 October 2022.	Although the free chlorine levels in the water released were beyond the requirements of the ANZECC guidelines, they were within the range of the Australian Drinking Water Guidelines. MCO communicated with NSW EPA, who were satisfied appropriate corrective measures were taken.
2022	S3C7 PA 08_0135	An exceedance of air blast overpressure limit of 120 dB (Lin Peak) occurred at Ridge Road (Blast Monitor 5).	Auditors viewed the notification and incident report for the exceedance. Auditors were satisfied the appropriate reactionary steps were taken.
2021	S3 C31 PA 05_0117	EPL Discharge Point 01 grab samples for oil and grease and total suspended solids were not taken during discharge in December 2021.	The absence of monitoring samples was contradictory to the requirements of the Surface Water Management Plan. Auditors viewed notification to and responses from the Department and EPA and were satisfied appropriate reactionary measures were taken.
2021	S4C5 PA 05_0117	Monitoring lines G, H, I and the Essential Energy monitoring line were not monitored within the required time frame.	The delay in collecting subsidence monitoring data was contradictory to the requirements of the Subsidence Monitoring Program (not captured within the three-month time frame).

S = Schedule C = Condition

5.3 Complaints

Complaints management is detailed in Section 5.4 of the Environmental Management Strategy and governed by the Community Complaints Procedure, which provides directions on how to receive, respond to, record and action complaints received.

MCO maintains a community complaints register which is updated monthly on the Moolarben Coal Website and reported on in the annual reviews. Community complaints are recorded using Intelex software. Appendix 4 of the annual reviews shows complaints in detail including the date, type, location, description and summary of investigation.

A 24/7 environment and community complaints hotline is operated by MCO. Neighbours, stakeholders and the wider community can call the hotline to report any perceived environmental incidents, which will be recorded in Intelex and investigated by MCO. The hotline is attended by external contractors and MCO team members are available on an on-call roster to respond if required. Environment and Community Team members call complainants back and respond if the complainants choose to leave a contact phone number. Community complaints are discussed as part of operational performance during CCC meetings.

The number of community complaints received by MCO is trending downwards. 39 complaints were received in 2021 (ten of these were within the audit period), followed by 26 in 2022 and 18 in 2023. Three complaints had been made during 2024 according to the community complaint data export from Intelex software dated 8 May 2024. A total of 57 complaints have been made in the audit period.

Table 9 provides a summary of the complaints made in the audit period.

Table 9: Summary of Complaints by Type

Complaint Nature	2021 (post October 1)	2022	2023	2024	Audit period total
Noise	7	8	4	2	21
Odour	1	1	0		2
Dust	0	4	2		6
Blasting	0	5	4	1	10
Lighting	0	4	4		8
Other	2	4	4		10
Total	10	26	18	3	57

5.4 Community Consultative Committee

MCO has a range of communication methods in place which enables it to share information with the local community. These methods include:

- The Community Consultative Committee (CCC)
- Direct engagement with nearby landholders.
- The Moolarben Coal Complex website <https://www.moolarbencoal.com.au/>
- Distribution of Community Newsletters.

MCO operates an established CCC which meets quarterly to satisfy the requirements of Schedule 5 Condition 6 of PA 05_0117 and Schedule 6 Condition 6 of PA 08_0135.

The CCC is reported on in Section 10.3 of the annual reviews. CCC meetings are chaired by an independent chairperson. Minutes are posted to the Moolarben Coal website.

No issues were identified as a result of communication with Lisa Andrews, Chair of the CCC. Lisa Andrews' response, received 2 April 2024, stating "MCO conducts quarterly meetings in accordance with its condition of consent and the Department's CCC Guidelines for State Significant Developments. Members receive a

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comprehensive presentation of the project's operational updates, exploration, environmental monitoring results, rehabilitation and community support programs. MCO provides prompt responses to issues raised.”

A response to the audit was received from a member of the CCC on 22 April 2024, regarding impacts to surface and groundwater. Responses to consultation are in the consultation summary checklist in **Appendix C**.

6 STATUS OF 2021 IEA RECOMMENDATIONS

Auditors conducted a review of MCO's progress with the recommendations made in the Moolarben Coal Mine 2021 Independent Environmental Audit (Barnett & May, 2022) as required by Section 3.3 (3) of the Independent Audit Post Approval Requirements (DPIE, 2020). Any non-compliances or recommendations that were closed out in the previous audit were excluded from the checklist. The findings from this review have been provided in the 2021 IEA findings checklist in **Appendix F**.

7 AUDIT FINDINGS

The findings of the IEA compliance assessment are presented in this section.

A summary of compliance against MCO's PAs, EPL, Mining Leases and Water Licences is provided in **Table 10** below. The non-compliances and corresponding recommendations are summarised in Section 7.1 and detailed in **Appendix B**. As directed by the NSW Resources Regulator via letter received 9 April, the IEA assessed compliance with the conditions of the relevant MLs individually up to 1 July 2022. From 1 July 2022 to the end of the audit period, the MLs have been assessed under the standard conditions stipulated by Schedule 8A of the *Mining Regulation 2016*.

Table 10 Summary of Audit Findings

Approval	Total No. of Conditions	Compliant / not triggered	Non-Compliant
PA 05_0117	108	106	2
PA 08_0135	105	102	3
EPL 12932	90	96	4
ML 1605	29	28	0
ML 1606	23	23	0
ML 1628	26	26	0
ML 1691	19	19	0
ML 1715	8	7	1
ML Standard Conditions	46	46	0
20BL 173935	7	6	1
WAL 39799	6	6	0
WAL 41888	10	10	0
WAL 19052	9	9	0
WAL 37582	9	9	0
WAL 37583	8	8	0
WAL 36340	9	9	0
EPBC 2007/3297	7	7	0
EPBC 2008/4444	15	15	0
EPBC 2013/6926	15	15	0
EPBC 2017/7974	34	34	0

7.1 Identified Non-Compliances and Recommendations

This section provides a summary of non-compliances and recommended actions to remedy each. The findings in the below tables have been summarised. Further detail on each can be found in the relevant sections of **Appendix B**.

7.1.1 PA 05_0117

Non-Compliances identified against PA 05_0117 are summarised in **Table 11**. Further audit commentary and evidence is provided against each condition in the checklists provided in **Appendix B**.

Table 11 Non-Compliances against PA 05_0117

Condition	Audit Finding	Recommendation
S3C31	From 1 October 2022 to 11 October 2022, out of specification treated water was released through the Bora Creek location (LDP 01). A total of 91.8 megalitres of treated water was released gradually.	Investigative and remedial actions have been undertaken. No further action required.
S3 C33	EPL DP01 was not sampled for oil & grease and TSS during discharge in December 21 and EPL DP01 EPL discharge point 01 was not sampled for TSS. Self-reported incident in April 2023. Auditors viewed notification to and responses from the Department and EPA for both incidents.	MCO completed investigations into the cause of the incident and have taken appropriate action. No further action required.

7.1.2 PA 08_0135

Non-Compliances identified against PA 08_0135 have been summarised in **Table 11**. Further commentary and evidence is provided against each condition in the checklist provided in **Appendix B**.

Table 12 Non-Compliances against PA 08_0135

Condition	Independent Audit Finding	Recommendation
S3C7	<p>Airblast overpressure exceeded the relevant noise criteria during the audit period.</p> <p>2022: Sighted Annual Review (Section 6.3 and Appendix 3c) and Monthly Compliance Monitoring Reports. Airblast overpressure exceeded 115dB(Lin Peak) on five occasions, but not more than 5% of total blasts over the 12-month period, including one event above 120dBL at BM5 on 20 May 2022 (124.1dBL).</p> <p>2024: Sighted Monthly Environmental Monitoring Reports for January to March. One air blast overpressure event noted on 8 February 2024 at 125.8dBL at BM8.</p>	Implement remedial actions as proposed to the Department.
S3C21	Overburden material was placed beyond the approved disturbance boundary of the Open Cut 4 area on 28 March 2023. The incident was rectified as soon as MCO became aware of the issue.	Implement remedial actions as proposed to the Department.
S4C5	Monitoring lines G,H,I and Essential Energy Monitoring Line were not monitored during October 2021 as required by the Subsidence Monitoring Plan. The Subsidence Monitoring Program requires each Monitoring Line to be monitored within 3 months following completion of longwall recovery from each longwall. Monitoring line G, H, and the Essential Energy Monitoring line were monitored in January 2022, and Monitoring Line I was monitored during December 2021 in December 2021.	No further actions are required. Mining in UG1 is complete and no active subsidence is occurring.

7.1.3 Environment Protection Licence 12932

Non-Compliances identified against EPL 12932 have been summarised in **Table 13**. Further commentary and evidence is provided against each condition in the checklist provided in **Appendix B**.

Table 13 Non-Compliances against EPL 12932

Condition	Audit Finding	Recommendation
L1.1	From 1 October 2022 to 11 October 2022 out of specification treated water was released through the Bora Creek location (LDP 01). A total of 91.8 megalitres of treated water was released gradually.	Investigative and remedial actions have been undertaken. No further action required.
L6.3	Exceedances of 120 dB air blast overpressure occurred on 20 May 2022 and 8 February 2024.	Appropriate investigative action and notification occurred. No further action required.
O5.1	Waste oils were observed stored on unbanded pallets adjacent to a sump at the rear of the main workshop area. While secondary containment was not present, this area is confined to the internal mine water network.	Consideration may be given to storage of waste oils in a covered hardstand area.
M2.4	Point 1 was not sampled for oil & grease or TSS during discharge in December 2021. Point 1 was again not sampled for TSS in April 2023. Sampling has been compliant with this condition at all other periods throughout the audit period.	MCO completed investigations into the cause of the incident and have taken appropriate action. No further action required.

7.1.4 Mining Leases

Non-Compliances identified against mining leases have been summarised in **Table 14** below. Further audit commentary and evidence is provided against each condition in the mining leases audit checklist provided in **Appendix B**.

Table 14 Non-Compliances against Mining Leases

Mining Lease	Condition Ref	Audit Finding	Recommendation
1715	ML102	An air blast overpressure exceedance of the absolute 120 dB limit occurred at Ridge Road in May 2022.	Implement the remedial actions proposed to the Department.

7.1.5 Water Licences

Non-Compliances identified against MCO’s Water Licences have been summarised in **Table 16** below. Further audit commentary and evidence is provided against each condition in the mining leases Audit Checklist provided in **Appendix B**.

Table 15 Non-Compliances against Water Licences

Condition ref	Audit Finding	Recommendation
B1	The Form A's for PZ236A (installed 26/10/2022, submitted 13/01/2023), PZ239A (installed 21/09/2023, submitted 23/11/2023) and PZ239B (installed 21/11/2023, submitted	Ensure bore notifications are sent to DPI within the prescribed period.

Condition ref	Audit Finding	Recommendation
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17/04/2024) were submitted outside the 2-month time frame.

7.2 Conditional Approval of UG4 Extraction Plan

MCO received conditional approval of the UG4 Extraction Plan LW401 – LW408 via letter from the Department on 14 July 2022. Approval was given under five conditions. The Department required a revised groundwater technical investigation as per condition 5 of the approval. The revised groundwater technical report (Version 2.01, dated 18 August 2023) was then conditionally approved by the Department on 15 December 2023, subject to another five conditions. Auditors reviewed documents and physically inspected MCO’s progress and compliance with the conditional approvals of the UG4 Extraction Plan LW401-LW408 and the associated revised groundwater technical report. Auditors sighted piezometers, surface water monitoring point SW02, the relevant GNSS monitor and the required redrilled groundwater monitoring point.

Compliance and progress towards the conditional approval of the UG4 Extraction Plan is assessed in the checklists in **Appendix D** Although some tasks are outstanding, auditors found MCO compliant with all requirements of the conditional approval that were relevant to this audit period.

7.3 Summary of Opportunities for Improvement

Table 17 below outlines the opportunities for improvement (OFI) identified during the audit. The OFIs detailed below are based around continuous improvement opportunities identified during the audit and do not represent immediate non-compliance issues. Further recommendations specific to non-compliances identified during the audit are included in the relevant audit checklists appended to this report.

Table 16 Summary of Opportunities for Improvement

OFI Ref	Opportunities for Improvement
OFI 01	It is important to clarify and communicate the requirements for the agricultural rehab areas, regarding Rural Land Capability commitments versus Land and Soil Capability measurements, given there is inconsistency between the PA and RMP. This will likely need to be addressed within the next audit period to ensure compliance.
OFI 02	Some waste oils were observed stored on unbanded pallets adjacent to a sump at the rear of the main workshop area. While this area is confined to the internal mine water network, and oils and other liquids were typically stored on banded pallets, it is recommended that MCO review the location and storage practices for waste oils and other liquids and consider whether these items should be stored on hardstand areas or other appropriate location.

8 DISCUSSION

Given the scale of MCO and the complexity of the approvals and management plans, the auditors observed positive and proactive environmental management across the site and offset areas. MCO has a well-established and knowledgeable Environment and Community Team in place, and this team demonstrated good awareness of issues and implementation of sustainable solutions. Auditors noted the following positive observations during site inspection.

- In addition to environmental initiatives undertaken by the MCO E&C team, proactive environmental management has been initiated in a number of instances by operational staff – demonstrating the positive culture and awareness of approvals and compliance. An example of this approach included the identification by operational staff of the benefits of an additional water cart for the site, and proactive procurement and implementation of this cart to ensure dust suppression could be more effectively maintained at the site given the scale of the operations.
- Overall heritage management of the site is of a very high standard. Actions with respect to the protection of UG4 heritage site 280 go above and beyond strict approval requirements. An innovative and effective approach to the protection and management of subsidence impacts on this location was negotiated and implemented with agencies and the Registered Aboriginal Parties (RAPs).
- MCO demonstrates comprehensive management of surface water, including well designed and established dams, culverts, drop structures and discharge points. Proactive planning has occurred for quarrying of rip rap materials so there is readily accessible supply of material for preventive or reactive maintenance of surface water features.
- Use of dura trays on haul trucks to reduce loading impact noise shows commitment to minimisation of negative environmental impacts.

Appendix A

Planning Secretary Audit Team Approval

NSW Planning ref: MP08_0135-PA-45

Mr Trent Cini
Environment and Community Manager
MOOLARBEN COAL OPERATIONS PTY LTD
12 ULAN-WOLLAR ROAD
ULAN New South Wales 2850
21/03/2024

Sent via the Major Projects Portal only

Subject: Moolarben Coal Expansion

Independent Environmental Audit 2024 audit team approval request

Dear Mr Cini

Reference is made to your post approval matter, MP08_0135-PA-45, request for the Planning Secretary's approval of suitably qualified, experienced, and independent persons to conduct an Independent Audit of the Moolarben Coal Expansion, submitted as required by Condition 9, Schedule 5 and Condition 9, Schedule 6 of NSW Project Approvals (05_0117) and (08_0135) respectively, as modified (the approval) to NSW Department of Planning, Housing and Infrastructure (NSW Planning) on 6 March 2024.

NSW Planning has reviewed the independent auditor nominations and based on the information you have provided is satisfied that the proposed persons are suitably qualified, experienced, and independent. Consequently, as nominee of the Planning Secretary, I approve the appointment of the below audit team:

Lead Auditor - Ian Richardson
Surface water – Adam Wyatt
Groundwater – Adam Wyatt
Subsidence – Steve Ditton
Ecology – Tara Boreham
Noise & Blasting – Dale Redwood
Air Quality – Ian Richardson
Rehabilitation and Geomorphology – Clayton Richards
Aquatic Ecosystems – Chris Wellington and
Aboriginal Cultural Heritage – Dr Jodie Benton

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

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

this guideline can be located at <http://planning.nsw.gov.au/Policy-and-Legislation/Mining-and-Resources/Integrated-Mining-Policy>.

The audit report is to include the following:

- consultation with the relevant agencies;
- a compliance table indicating the compliance status of each condition of approval and any relevant EPL/s;
- not use the term “partial compliance”;
- recommend actions in response to non-compliances;
- review the adequacy of plans and programs required under the approvals; and
- identify opportunities for improved environmental management and performance.

Within six weeks of completing of this audit, Moolarben Coal Operations Pty Limited (MCO) is to submit a copy of the audit report to the Planning Secretary, together with its response to any recommendations contained in the audit report and a timetable to implement the recommendations.

NSW Planning reserves the right to request an alternate auditor or audit team for future audits.

Should you wish to discuss the matter further, please contact me on 0429 400261 or email compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read "K. O'Reilly".

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

Appendix B

Audit Checklists

AUDIT CHECKLIST – PROJECT APPROVAL 05_0117

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Table 1 PROJECT APPROVAL 05_0117

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
SCHEDULE 2 - ADMINISTRATIVE CONDITIONS					
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT					
PA01	S2 C1	In addition to meeting the specific performance criteria established under this approval, the Proponent shall 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 project.	MCO demonstrated a high level of compliance with Project Approvals for Stage 1 and Stage 2 of the Moolarben Coal Complex. Auditors noted best practice environmental management during site inspections including rubber noise attenuation installed on dump trucks, effective water management through dam design and proactive rehabilitation.	Compliant	
TERMS OF APPROVAL					
PA02	S2 C2	The Proponent shall carry out the project: (a) generally in accordance with the EA; and (b) in accordance with the statement of commitments and the conditions of this approval.	MCO generally demonstrated compliance with Project Approvals for Stage 1 of the Moolarben Coal Complex.	Compliant	
PA03	S2 C3	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.		Noted	
PA04	S2 C4	The proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: (a) any reports, plans, programs, strategies, reviews, audits or correspondence that are submitted in accordance with this approval; (b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; (c) the implementation of any actions or measures contained in these documents	Interviews with personnel on site confirmed no requests from the Department have been received within the audit period.	Not triggered	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
LIMITS ON APPROVAL					
PA05	S2 C5	<p>The Proponent may carry out mining operations on the site until 31 December 2038.</p> <p>Note: Under this approval, the Proponent is required to rehabilitate the site and perform additional undertakings to the satisfaction of both the Secretary and Resources Regulator. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.</p>	Auditors reviewed UG4 Longwalls 401 to 408 Extraction Plan which notes mining approval ends 31 December 2038.	Noted	
PA06	S2 C5A	<p>The Proponent shall ensure longwall mining of panels LW9 to LW14 (as marked in figure 7.1 of Appendix 7):</p> <p>(a) does not commence until LW1-LW8 have been completed; and</p> <p>(b) progresses in the sequence numbered, i.e. panel LW9 is to be completed first and panel LW14 is to be completed last.</p>	UG4 LW1-8 (LW401 – LW408) Extraction plan currently approved, mining has only progressed to LW404	Not triggered	
PA07	S2 C6	<p>The Proponent shall not extract more than:</p> <p>(a) 10 million tonnes of ROM coal from the open-cut mining operations of the project in any calendar year except 2015 and 2016;</p> <p>(b) 9 million tonnes of ROM coal from the open-cut mining operations of the project in the calendar years 2015 and 2016; and</p> <p>(c) 8 million tonnes total of ROM coal from the underground mining operations of the project in any calendar year.</p>	Section 4.1 of Annual Reviews for 2023, 2022 and 2021 confirmed no exceedances of ROM coal extraction limits.	Compliant	
PA08	S2 C7	<p>The Proponent shall not:</p> <p>(a) wash more than 16 million tonnes of coal at the coal handling and preparation plant on site in any calendar year, except in the year 2017;</p> <p>(b) handle a total of more than 16 million tonnes of ROM coal on site that have been extracted from the open cut mining operations at the Moolarben Coal Complex in any calendar year; and</p> <p>(c) handle a total of more than 8 million tonnes of ROM coal on site that have been extracted from the underground mining operations at the Moolarben mine complex in any calendar year.</p>	Review of Table 8 of Annual Reviews for 2023, 2022 and 2021 confirmed no exceedances of coal washing or handling limits.	Compliant	
PA09	S2 C7A	In the 2017 calendar year, the Proponent may wash up to 13.5 million tonnes of coal at the coal handling and preparation plant.	Compliance confirmed in previous audit by analysis of 2017 Annual	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			Review and Coal Reporting Sheet for 2017.		
PA10	S2 C8	<p>The Proponent shall ensure that:</p> <p>(a) all product coal is transported from the site by rail; and</p> <p>(b) no more than 8 laden trains leave the site each day on average when calculated over any calendar year;</p> <p>(c) no more than 11 laden trains leave the site each day; and</p> <p>(d) no more than 22 million tonnes are transported from the site in any calendar year.</p>	<p>(a) Section 4.2.5 of relevant Annual Reviews for the audit period confirms all product coal was loaded onto trains and transported via rail to port.</p> <p>(b) Section 4.2.5 of relevant Annual Reviews confirms an average of 8 trains leaving the site per day over the year was not exceeded.</p> <p>(c) Section 4.2.5 of the relevant Annual Reviews confirmed the number of laden trains leaving the site in any given day did not exceed 11.</p> <p>(d) Section 4.1 of the relevant Annual Reviews for the audit period confirms the amount of product coal transported from the site never exceeded 22 million tonnes in any year.</p>	Compliant	
Structural Adequacy					
PA11	S2 C9	<p>The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.</p> <p>Notes:</p> <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. 	Construction certificates associated with the UG bath house and upgrades to the CHPP were provided by MCO and sighted by auditors. Construction certificates associated with the extension works of the UG administration building and the temporary NMS Administration Building have not	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> Part 8 of the EP&A Regulation sets out the requirements for the certification of the project. 	<p>been received by MCO at the time of the audit.</p> <p>Moolarben is in the process of obtaining appropriate construction certificates required for the UG Administration Building and the temporary NMS Administration building.</p>		
Demolition					
PA12	S2 C10	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.	Interviews with MCO personnel and review of Annual Reviews for the audit period confirmed no demolition has occurred in the audit period.	Not triggered	
Protection of Public Infrastructure					
PA13	S2 C11	<p>Unless 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; and</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> <p>Note: This condition does not apply to any damage to public infrastructure subject to compensation payable under the Mine Subsidence Compensation Act 1961, or to damage to roads caused as a result of general road usage.</p>	Interview with MCO personnel and review of Annual Reviews for the audit period confirmed there have been no recorded impacts on roads or other infrastructure during the audit period.	Not triggered	
Operation of Plant and Equipment					
PA14	S2 C12	<p>The Proponent shall ensure that all plant and equipment used at the site, or in connection with the project, is:</p> <p>(a) maintained in a proper and efficient condition; and</p> <p>(b) operated in a proper and efficient manner.</p>	<p>(a) Plant and equipment maintenance plan is driven by work orders in SAP and closed out with completed work orders. Records of maintenance are all kept in SAP.</p> <p>SAP generates work orders based off maintenance plans & SMU</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			<p>uploads and work is scheduled into a Daily Shift Log.</p> <p>Asset Management Superintendent Christee-Lee Brakel demonstrated work order process in SAP to auditors. Auditors sighted maintenance plans including oil filtration and inspections.</p> <p>Maintenance occurs on 3 and 12 month schedules, generating work orders with plan date, call date and completion date.</p> <p>(b) Training records for operation of plant and equipment are stored in an online document management system called Pegasus, an example of the competencies recorded in Pegasus were sighted by auditors.</p>		
Staged Submission of Strategies, Plans or Programs					
PA15	S2 C13	<p>With the approval of the Secretary, the Proponent may:</p> <p>(a) submit any strategy, plan or program required by this approval on a progressive basis; and</p> <p>(b) combine any strategy, plan, program, review, audit or report required by this approval with any similar strategy, plan, program, review, audit or report required under Project Approval 08_0135 for the Moolarben Coal Project Stage 2.</p> <p>Notes:</p> <ul style="list-style-type: none"> • While any strategy, plan or program may be submitted on a progressive basis, the Proponent will need to ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times; and • 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 to which the strategy, plan or program applies, the 		Noted	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.			
PA16	S2 C13A	With the agreement of the Secretary, the Proponent 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.		Noted	
Voluntary Planning Agreement					
PA17	S2 C14	Within 12 months of this approval, the Proponent shall enter into a planning agreement with Council in accordance with: (a) Division 6 of Part 4 of the EP&A Act; and (b) the terms of the Proponent's offer to the Minister on 4 September 2007, which includes the matters set out in Appendix 4.	MCO has a Voluntary Planning Agreement (VPA) that provides for payments of road maintenance contributions and community infrastructure contributions to Mid-Western Regional Council. An invoice including evidence of payment from 27 October 2023 was sighted by auditors.	Compliant	

SCHEDULE 3 – Environmental Conditions - General

Noise

Transitional Acquisition and Mitigation Rights

PA18	S3 C1	<p>The Proponent shall ensure that the noise generated by the Moolarben mine complex does not exceed the noise criteria in Table 1 at any residence on privately-owned land or the other specified locations.</p> <p>Table 1: Noise criteria dB(A)</p> <table border="1"> <thead> <tr> <th rowspan="2">Land Number</th> <th colspan="2">Day</th> <th colspan="2">Evening</th> <th colspan="2">Night</th> </tr> <tr> <th>Leisure</th> <th>Residential</th> <th>Leisure</th> <th>Residential</th> <th>Leisure</th> <th>Residential</th> </tr> </thead> <tbody> <tr> <td>70</td> <td>37</td> <td>37</td> <td>37</td> <td>37</td> <td>45</td> <td>45</td> </tr> <tr> <td>75</td> <td>36</td> <td>36</td> <td>36</td> <td>36</td> <td>45</td> <td>45</td> </tr> <tr> <td>All other privately owned residences</td> <td>35</td> <td>35</td> <td>35</td> <td>35</td> <td>45</td> <td>45</td> </tr> <tr> <td>Ulan Primary School</td> <td></td> <td>35 (internal) when in use</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Ulan Anglican Church</td> <td></td> <td>35 (internal) when in use</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Goulburn River National Park</td> <td></td> <td>50</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Mungbom Gap Nature Reserve</td> <td></td> <td>when in use</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Note: To interpret the land referred to in Table 1 see the applicable figures in Appendix 5.</p>	Land Number	Day		Evening		Night		Leisure	Residential	Leisure	Residential	Leisure	Residential	70	37	37	37	37	45	45	75	36	36	36	36	45	45	All other privately owned residences	35	35	35	35	45	45	Ulan Primary School		35 (internal) when in use					Ulan Anglican Church		35 (internal) when in use					Goulburn River National Park		50					Mungbom Gap Nature Reserve		when in use					<p>Review of Annual Reviews and Monitoring Reports identified that noise generated by the Moolarben mine complex did not exceed the relevant noise criteria during the audit period.</p> <p>2021: Sighted Annual Review (Section 6.2 and Appendix 3B) and Monthly Compliance Monitoring Reports. No exceedances noted.</p> <p>2022: Sighted Annual Review (Section 6.2 and Appendix 3B)</p>	Compliant	
Land Number	Day			Evening		Night																																																													
	Leisure	Residential	Leisure	Residential	Leisure	Residential																																																													
70	37	37	37	37	45	45																																																													
75	36	36	36	36	45	45																																																													
All other privately owned residences	35	35	35	35	45	45																																																													
Ulan Primary School		35 (internal) when in use																																																																	
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Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>Noise generated by the Moolarben mine complex is to be measured in accordance with the relevant requirements of the NSW Noise Policy for Industry. Appendix 6 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.</p> <p>However, these noise criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	<p>and Monthly Compliance Monitoring Reports. No exceedances noted.</p> <p>2023: Sighted Annual Review (Section 6.2 and Appendix 3B) and Monthly Compliance Monitoring Reports. No exceedances noted.</p> <p>2024: Sighted Monthly Environmental Monitoring Reports for January to March, prepared by Spectrum Acoustics (January) and EMM (February and March). No exceedances noted.</p> <p>A review of Monthly Environmental Monitoring Reports identified that attended monitoring is undertaken by independent acoustic consultants, in accordance with the relevant guidelines and Noise Management Plan.</p>		

Land Acquisition Criteria

PA19	S3 C2	<p>If the noise generated by the Moolarben mine complex exceeds the criteria in Table 2A, then upon receiving a written request for acquisition from an owner of the land listed in Table 2A, the Proponent shall acquire the land in accordance with the procedures in conditions 10 and 11 of Schedule 4.</p> <p>Table 2A: Acquisition criteria dB(A) LAeq (15min)</p> <table border="1"> <thead> <tr> <th>Receiver ID</th> <th>Day (LAeq (15min))</th> <th>Evening (LAeq (15min))</th> <th>Night (LAeq (15min))</th> </tr> </thead> <tbody> <tr> <td>All other privately-owned residences</td> <td>40</td> <td>40</td> <td>40</td> </tr> </tbody> </table> <p>Note: To interpret the land referred to Table 2A, see the applicable figures in Appendix 5.</p>	Receiver ID	Day (LAeq (15min))	Evening (LAeq (15min))	Night (LAeq (15min))	All other privately-owned residences	40	40	40	<p>Review of Annual Reviews and Monitoring Reports identified that noise generated by the Moolarben mine complex did not exceed the relevant noise criteria during the audit period. Hence, the Land Acquisition Criteria were not triggered during the audit period.</p>	Not triggered	
Receiver ID	Day (LAeq (15min))	Evening (LAeq (15min))	Night (LAeq (15min))										
All other privately-owned residences	40	40	40										

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations								
PA20	S3 C3	<p>If the noise generated by the Moolarben mine complex contributes to exceedances of the relevant criteria in Table 2 on more than 25% of any privately-owned land (and a dwelling could be built on that land under existing planning controls), the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 10-11 of Schedule 4.</p> <p>Table 2: Land acquisition criteria</p> <table border="1"> <thead> <tr> <th>Day/Evening/Night LAeq(15min)</th> <th>Receiver</th> </tr> </thead> <tbody> <tr> <td>55/50/45</td> <td>All privately-owned land</td> </tr> </tbody> </table> <p>Note: Noise generated by the complex is to be measured in accordance with the relevant requirements of the NSW Noise Policy for Industry. Appendix 6 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria. However, these noise criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	Day/Evening/Night LAeq(15min)	Receiver	55/50/45	All privately-owned land	Review of Annual Reviews and Monitoring Reports identified that noise generated by the Moolarben mine complex did not exceed the relevant noise criteria during the audit period. Hence, the Land Acquisition Criteria were not triggered during the audit period.	Not triggered					
Day/Evening/Night LAeq(15min)	Receiver												
55/50/45	All privately-owned land												
PA21	S3 C4	<p>Noise Mitigation Criteria</p> <p>If the noise generated by the Moolarben mine complex exceeds the criteria in Table 3A, then upon receiving a written request the Proponent shall implement additional noise mitigation measures (such as double-glazing, insulation and/or air conditioning) at the residence in consultation with the landowner. These measures must be reasonable and feasible, and directed towards reducing the noise impacts of the project on the residence.</p> <p>If within 3 months of receiving this request from the owner, the Proponent and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p>Table 3A: Mitigation criteria dB(A) LAeq (15min)</p> <table border="1"> <thead> <tr> <th>Receiver ID</th> <th>Day (LAeq 15min)</th> <th>Evening (LAeq 15min)</th> <th>Night (LAeq 15min)</th> </tr> </thead> <tbody> <tr> <td>All privately owned residences other than those in Table 5</td> <td>37</td> <td>37</td> <td>37</td> </tr> </tbody> </table> <p>Note: To interpret the land referred to Table 3A, see the applicable figures in Appendix 5.</p>	Receiver ID	Day (LAeq 15min)	Evening (LAeq 15min)	Night (LAeq 15min)	All privately owned residences other than those in Table 5	37	37	37	Review of Annual Reviews and Monitoring Reports identified that noise generated by the Moolarben mine complex did not exceed the relevant noise criteria during the audit period. Hence, the Noise Mitigation Criteria were not triggered during the audit period.	Not triggered	
Receiver ID	Day (LAeq 15min)	Evening (LAeq 15min)	Night (LAeq 15min)										
All privately owned residences other than those in Table 5	37	37	37										

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
Mitigation Upon Request					
PA22	S3 C5	Deleted			
PA23	S3 C6	<p>Operating Conditions</p> <p>The Proponent shall:</p> <p>(a) implement best management practice to minimise the operational, road and rail noise of the project;</p> <p>(b) operate a comprehensive noise management system on site that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this approval;</p> <p>(c) minimise the noise impacts of the project during meteorological conditions when the noise limits in this approval do not apply (see Appendix 6);</p> <p>(d) only use locomotives and rolling stock that are approved to operate on the NSW rail network in accordance with the noise limits in ARTC's EPL;</p> <p>(e) co-ordinate noise management with the noise management at Ulan and Wilpinjong mines to minimise cumulative noise impacts; and</p> <p>(f) carry out regular monitoring to determine whether the project is complying with the relevant conditions of this approval, to the satisfaction of the Secretary.</p>	<p>a) MCO operates in accordance with Noise Management Plan (NMP) (MCO-ENV-PLN_0024, Version 6, October 2023). Section 6 of the NMP details the noise management measures, which include a combination of best management practices, noise source controls, transmission path measures and where necessary, additional mitigation measures (at-property treatments).</p> <p>b) Section 6.3 of the NMP describes the predictive meteorological forecasting model in conjunction with real-time response protocols (Section 6.4 and Section 7.3) as part of a comprehensive noise management system.</p> <p>c) Section 6.1 of the NMP states that an Automatic Weather Station (AWS) will be operated to aid in implementing additional noise mitigation measures during noise enhancing conditions. Section 6.3 of the NMP describes the Environmental Forecasting System, which predicts the</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			<p>presence of favourable and unfavourable noise conditions based on meteorological data and provides predictions of noise risk levels at nearby receivers. Environmental management is communicated to staff through toolbox talks,</p> <p>d) Section 6.1 of the NMP states MCO will use of locomotives and rolling stock that are approved to operate on the NSW rail network in accordance with the ARTC EPL. Sighted letters from Aurizon (dated 8 January 2024) and Pacific National (dated 8 January 2024) confirming that locomotives utilised in NSW coal haulage activities are compliant with the EPA's Locomotive Class Register.</p> <p>e) MCO has implemented a data sharing protocol with Ulan Coal Mine (UCM) and Wilpinjong Coal Mine (WCM) to assist in cumulative noise management (Section 6.6 of NMP). MCO has entered a data sharing agreement (dated 22 January 2014 – sighted) with UCM to access a directional noise monitoring on Toole Road (ND2) to determine and managed its contribution to</p>		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			<p>cumulative noise at Receiver 258.</p> <p>f) Section 7 of the NMP describes the noise monitoring program developed to assess compliance with the relevant noise criteria.</p> <p>Noise monitoring data was sighted covering the audit period.</p>		
PA24	S3 C7	<p>Noise Management Plan</p> <p>The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA and be submitted to the Secretary for approval by 31 March 2015;</p> <p>(b) describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in this approval;</p> <p>(c) describe the proposed noise management system in detail;</p> <p>(d) include a monitoring program that:</p> <ul style="list-style-type: none"> • uses attended noise monitoring to evaluate compliance of the project against the noise criteria in this approval; • includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time (so the real-time noise monitoring program can be used as a better indicator of compliance with the noise criteria in this approval and trigger for further attended monitoring); • evaluates and reports on: <ul style="list-style-type: none"> - the effectiveness of the noise management system; and - compliance against the noise operating conditions; and 	<p>a) MCO has prepared a NMP (MCO-ENV-PLN_0024, Version 6, October 2023), prepared in consultation with the EPA and to the satisfaction of the Secretary.</p> <p>b) Section 6 of the NMP describes the noise management measures to be implemented to ensure compliance with the noise criteria and operating conditions of the approval, provided in Section 4 and Section 2 of the NMP.</p> <p>c) The noise management system is described in detail in Section 6 of the NMP, including management practices, predictive environmental forecasting, real-time triggers and response protocols, and cumulative noise management.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents. 	<p>d) Section 7 of the NMP describes the noise monitoring program, including attended noise monitoring to evaluate compliance with the relevant noise criteria (Section 7.2); real-time monitoring, including validation monitoring at NA2, NA3, NA10 and NA12 (Section 7.3); a protocol to evaluate and report on the effectiveness of the management system (Section 9); and a compliance assessment protocol, which defines what constitutes a noise incident, and includes a protocol for notifying the Department and EPA (Section 7.2.1 and Section 8).</p>		

Blasting

PA25	S3 C8	<p>Blasting Criteria</p> <p>The Proponent shall ensure that the blasting on the Moolarben mine complex does not cause exceedances of the criteria in Table 4.</p> <p>Table 4: Blasting criteria</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Airblast overpressure (dB(Lin Peak))</th> <th>Ground vibration (mm/s)</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Residence on privately owned land, churches and schools</td> <td>120</td> <td>10</td> <td>0%</td> </tr> <tr> <td>115</td> <td>5</td> <td>5% of the total number of blasts over a period of 12 months</td> </tr> <tr> <td>All public infrastructure</td> <td>-</td> <td>50 (or a limit determined by the structural design methodology in AS 2187 2:2006, or its latest version, or other alternative limit for public infrastructure, to the satisfaction of the Secretary)</td> <td>0%</td> </tr> </tbody> </table>	Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance	Residence on privately owned land, churches and schools	120	10	0%	115	5	5% of the total number of blasts over a period of 12 months	All public infrastructure	-	50 (or a limit determined by the structural design methodology in AS 2187 2:2006, or its latest version, or other alternative limit for public infrastructure, to the satisfaction of the Secretary)	0%	<p>Review of Annual Reviews and Monitoring Reports identified no airblast overpressure exceedances under PA 05_0117 during the audit period. Ground vibration from blasting activities did not exceed the criteria at any receiver locations during the audit period.</p> <p>2021: Sighted Annual Review (Section 6.3 and Appendix 3C) and Monthly Compliance Monitoring Reports. Airblast overpressure exceeded 115dBL on five occasions between 1 October 2021 and 31</p>	Compliant	
Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance																	
Residence on privately owned land, churches and schools	120	10	0%																	
	115	5	5% of the total number of blasts over a period of 12 months																	
All public infrastructure	-	50 (or a limit determined by the structural design methodology in AS 2187 2:2006, or its latest version, or other alternative limit for public infrastructure, to the satisfaction of the Secretary)	0%																	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		However, these criteria do not apply if the Proponent has a written agreement with the relevant owner, and has advised the Department in writing of the terms of this agreement.	<p>December 2021, but not more than 5% of total blasts over 12-month period.</p> <p>2022: Sighted Annual Review (Section 6.3 and Appendix 3c) and Monthly Compliance Monitoring Reports. Airblast overpressure exceeded 115dB(Lin Peak) on five occasions, but not more than 5% of total blasts over 12-month period, including one event above 120dBL at BM5 on 20 May 2022 (124.1dBL).</p> <p>2023: Sighted Annual Review (Section 6.3 and Appendix 3c) and Monthly Compliance Monitoring Reports. Airblast overpressure exceeded 115dBL on one occasion, but not more than 5% of total blasts over a 12-month period. The limit of 120dBL was not exceeded on any occasions.</p> <p>2024: Sighted Monthly Environmental Monitoring Reports for January to March.</p>		
PA26	S3 C9	<p>Blasting Hours</p> <p>The Proponent shall only carry out blasting on the site between 9am and 5pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Secretary.</p>	<p>Approved blasting hours are detailed in Section 3.1 of the Blast Management Plan (BMP) (MCO_ENV_PLN_0023 Version 7 November 2023).</p> <p>2021: Sighted Annual Review Appendix 3C. Confirmed that</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			<p>blasting occurred in accordance with allowable times.</p> <p>2022: Sighted Annual Review Appendix 3C. Confirmed that blasting occurred in accordance with allowable times.</p> <p>2023: Sighted Annual Review Appendix 3C. Confirmed that blasting occurred in accordance with allowable times.</p> <p>2024: Sighted 2023 and 2024 Blasting Data.xlsx spreadsheet. Confirmed that blasting occurred in accordance with allowable times.</p>		
PA27	S3 C10	<p>Blasting Frequency</p> <p>The Proponent may carry out a maximum of:</p> <ul style="list-style-type: none"> (a) 2 blasts a day; and (b) 9 blasts a week, averaged over a calendar year, at the Moolarben mine complex. <p>This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, blasts misfires or blasts required to ensure the safety of the mine or its workers.</p> <p>Note: For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.</p>	<p>The approved frequency of blasting activities is detailed in Section 3.1 of the BMP.</p> <p>2021: Sighted Annual Review Appendix 3C. Confirmed that blasting frequency in accordance with S3 C10.</p> <p>2022: Sighted Annual Review Appendix 3C. Confirmed that blasting frequency in accordance with S3 C10.</p> <p>2023: Sighted Annual Review Appendix 3C. Confirmed that blasting frequency in accordance with S3 C10.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			2024: Sighted 2023 and 2024 Blasting Data.xlsx spreadsheet. Confirmed that blasting frequency in accordance with S3 C10.		
PA28	S3 C11	<p>Property Inspections</p> <p>If the Proponent receives a written request from the owner of any privately-owned land within 2 kilometres of any approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the Proponent shall:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:</p> <ul style="list-style-type: none"> • establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and • identify measures that should be implemented to minimise the potential blasting impacts of the project on these buildings and/or structures; and <p>(b) give the landowner a copy of the new or updated property inspection report.</p> <p>If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Secretary for resolution.</p>	There were no written requests for property inspections from the owner of any privately-owned land during the audit period.	Not triggered	
PA29	S3 C12	<p>Property Investigations</p> <p>If the owner of any privately-owned land claims that buildings and/or structures on his/her land have been damaged as a result of blasting on the site, then within 2 months of receiving this claim the Proponent shall:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and</p>	There were no written requests for property investigations from the owner of any privately-owned land during the audit period.	Not triggered	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>(b) give the landowner a copy of the property investigation report. If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damage to the satisfaction of the Secretary. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution.</p>			
PA30	S3 C13	<p>Operating Conditions The Proponent shall: (a) implement best practice blasting management to: <ul style="list-style-type: none"> • protect the safety of people and livestock in the surrounding area; • protect public or private infrastructure/property in the surrounding area from any damage; and • minimise the dust and fume emissions of any blasting; (b) operate a suitable system to enable the public to get up-to-date information on the proposed blasting Schedule on site; and © co-ordinate the timing of blasting on site with the timing of blasting at the Ulan and Wilpinjong mines to minimise cumulative blasting impacts, to the satisfaction of the Secretary.</p>	<p>a) Section 6 of the BMP describes the blast management and controls measures to protect the safety of people, property, including public infrastructure and livestock from blast emissions including airblast overpressure, ground vibration and dust / fume. Sighted example of Pre-Blast Meteorological Assessment (30/10/23), which includes consideration of weather conditions, dust and fume models, blast notifications sent, review of blast details, including vibration and overpressure design, potential for impact to public infrastructure, rock shelters and neighbouring leaseholders.</p> <p>b) Blast information is displayed at the entrance to the site and is published on the MCO website. MCO also operates and maintains a 24-hour free call</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			<p>Community Response Hotline (1800 556 484).</p> <p>c) MCO has developed a communications protocol with UCM and WCM to avoid cumulative impacts from simultaneous blasting. Sighted example of Pre-Blast Meteorological Assessment (30/10/23), which includes consideration of blasting time coinciding with blasting at WCM or UCM.</p>		
PA31	S3 C14	<p>The Proponent shall not undertake blasting on site within 500 metres of:</p> <ul style="list-style-type: none"> (a) any public road; (b) the Gulgong to Sandy Hollow Railway Line; or (c) the Wollar-Wellington 330kV Transmission Line; or (d) any land outside the site not owned by the Proponent, unless the Proponent has: <ul style="list-style-type: none"> • demonstrated to the satisfaction of the Secretary that the blasting can be carried out closer to the infrastructure or land without compromising the safety of people or livestock or damaging the infrastructure and/or other buildings and structures; and • updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the infrastructure or land; or • a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the infrastructure or land, and the Proponent has advised the Department in writing of the terms of this agreement. 	<p>MCO has a Road Closure Plan, developed to the satisfaction of Mid-Western Regional Council, and current written agreements with TransGrid and ARTC to undertake blasting within 500m of Ulan Road or Ulan Wollar Road, 500m of the Wollar-Wellington 330kV transmission line and within 500m of Sandy Hollow – Gulgong railway line.</p> <p>Section 6.2.1 of the BMP describes specific measures to manage blasting within 500m of infrastructure assets.</p> <p>Review of the Annual Reviews for 2021 and 2022 identified that no blasting was undertaken within 500m of any public road, railway</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			line, 330kV powerline or private land.		
PA32	S3 C15	<p>Blast Management Plan</p> <p>The Proponent shall prepare and implement a Blast Management Plan for the project prior to undertaking any blasting on site to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA and be submitted to the Secretary for approval by 31 March 2015;</p> <p>(b) describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this approval;</p> <p>(c) propose and justify any alternative ground vibration limits for public infrastructure in the vicinity of the site (if relevant); and</p> <p>(d) include a monitoring program for evaluating compliance with the blasting criteria and operating conditions of this approval.</p>	<p>a) MCO has prepared a BMP (MCO-ENV-PLN_0023, Version 7, November 2023), prepared in consultation with the EPA (evidence) and to the satisfaction of the Secretary (evidence).</p> <p>b) Section 6 of the BMP describes the blast management and control measures that are implemented to ensure compliance with the blast criteria and operating conditions.</p> <p>c) In accordance with Section 6.2 of the BMP, MCO and TransGrid have agreed to alternative ground vibration limits for tension towers (50mm/s) and suspension towers (100mm/s).</p> <p>d) Section 7 of the BMP describes the blast monitoring program to evaluate compliance with the blasting criteria and operating conditions of the approval. Sighted Monthly Environmental Monitoring Reports to confirm that blast monitoring is undertaken in accordance with the BMP.</p>	Compliant	
AIR QUALITY					
PA33	S3 C16	<p>Odour</p> <p>The Proponent shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act, unless otherwise authorised by an EPL.</p>	One odour related complaint was received by MCO on 28 January 2022. The complaint was made from the Cooks Gap area. Investigation by the Environment and Community	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations																													
PA34	S3 C17	<p>Air Quality Criteria</p> <p>The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Moolarben mine complex do not cause exceedances of the criteria listed in Tables 5, 6 and 7 at any residence on privately owned land.</p> <p>Table 5: Long term impact assessment criteria for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^aCriterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>^a 90 µg/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>^a 25 µg/m³</td> </tr> <tr> <td>Particulate Matter <2.5 µm (PM_{2.5})</td> <td>Annual</td> <td>^a 8 µg/m³</td> </tr> </tbody> </table> <p>Table 6: Short term impact assessment criterion for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^aCriterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>^a 50 µg/m³</td> </tr> <tr> <td>Particulate Matter <2.5 µm (PM_{2.5})</td> <td>24 hour</td> <td>^a 25 µg/m³</td> </tr> </tbody> </table> <p>Table 7: Long term impact assessment criteria for deposited dust</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>^dDeposited dust</td> <td>Annual</td> <td>^b 2 g/m²/month</td> <td>^a 4 g/m²/month</td> </tr> </tbody> </table> <p>Notes to Tables 5-7:</p> <p>a Cumulative (i.e. incremental increase in concentrations due to the Moolarben mine complex plus background concentrations due to all other sources);</p> <p>b Incremental impact (i.e. incremental increase in concentrations due to the Moolarben mine complex on its own) with up to 5 allowable exceedances over the life of the project;</p> <p>c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposit-Matter - Gravimetric Method; and</p>	Pollutant	Averaging period	^a Criterion	Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	^a 25 µg/m ³	Particulate Matter <2.5 µm (PM _{2.5})	Annual	^a 8 µg/m ³	Pollutant	Averaging period	^a Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³	Particulate Matter <2.5 µm (PM _{2.5})	24 hour	^a 25 µg/m ³	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	^d Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month	<p>team revealed no unusual mining operations were occurring at the time.</p> <p>MCO manages air quality in accordance with the Air Quality Management Plan (AQMP) which was developed with advice from qualified experts (Todoroski Air Sciences) and revised in November 2023.</p> <p>Auditors observed best practice air quality management on site including full enclosure of the CHPP and regular spraying with water carts. Personnel noted an extra water cart was hired due to suggestion by production staff.</p> <p>No particulate matter or deposited dust exceedances were recorded in the Annual Reviews for the audit period.</p>	Compliant	
Pollutant	Averaging period	^a Criterion																																
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Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA35	S3 C18	<p>d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents, illegal activities or any other activity agreed by the Secretary.</p> <p>Mine-owned Land</p> <p>The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Moolarben mine complex do not cause exceedances of the criteria listed in Tables 8, 9 and 10 at any occupied residence on mine-owned land (including land owned by another mine) unless:</p> <p>(a) the tenant and landowner has been notified of any health risks associated with such exceedances in accordance with the notification requirements under Schedule 4 of this approval;</p> <p>(b) the tenant of any land owned by the Proponent can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice, and the Proponent uses its best endeavours to provide assistance with relocation and sourcing of alternative accommodation;</p> <p>(c) air mitigation measures such as air filters, a first flush roof water drainage system and/or air conditioning) are installed at the residence, if requested by the tenant and landowner (if the residence is owned by another mine);</p> <p>(d) particulate matter air quality monitoring is regularly undertaken to inform the tenant and landowner of the actual particulate emissions; and</p> <p>(e) data from this monitoring is presented to the tenant in an appropriate format, for a medical practitioner to assist the tenant in making informed decisions on the health risks associated with occupying the property, to the satisfaction of the Secretary.</p>	<p>One resident was required to have data presented in 2021 and 2022. Auditors sighted the letters sent to the tenant and the Mine Dust and You fact sheet that was sent. The tenancy agreement ended in 2022. No other residences have triggered this requirement during the audit period.</p>	Compliant	
PA36	S3 C19	<p>Air Quality Acquisition Criteria</p> <p>If particulate matter emissions generated by the Moolarben mine complex exceed the incremental criteria, or contribute to an exceedance of the relevant cumulative criteria, in Tables 8, 9 and 10 at any residence on privately-owned land or on more than 25% of any</p>	<p>Dust generated by the mining operations has not exceeded the acquisition criteria in the audit period.</p>	Not triggered	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations																																
		<p>privately-owned land (and a dwelling could be built on that land under existing planning controls), then upon receiving a written request for acquisition from the landowner, the Proponent shall acquire the land in accordance with the procedures in conditions 10-11 of Schedule 4.</p> <p>Table 8: Long term land acquisition criteria for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^aCriterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>^a 90 µg/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>^a 25 µg/m³</td> </tr> <tr> <td>Particulate Matter <2.5 µm (PM_{2.5})</td> <td>Annual</td> <td>^a 8 µg/m³</td> </tr> </tbody> </table> <p>Table 9: Short term land acquisition criteria for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^a Criterion</th> <th>Basis</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>^a 50 µg/m³</td> <td>Increment ^a</td> </tr> <tr> <td>Particulate Matter <2.5 µm (PM_{2.5})</td> <td>24 hour</td> <td>^b 25 µg/m³</td> <td>Increment ^a</td> </tr> </tbody> </table> <p>Table 10: Long term land acquisition criteria for deposited dust</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>^c Deposited dust</td> <td>Annual</td> <td>^b 2 g/m²/month</td> <td>^a 4 g/m²/month</td> </tr> </tbody> </table> <p>Notes to Tables 8-10:</p> <p>a Cumulative (i.e. incremental increase in concentrations due to the Moolarben mine complex plus background concentrations due to all other sources);</p> <p>b Incremental impact (i.e. incremental increase in concentrations due to the Moolarben mine complex on its own) with up to 5 allowable exceedances over the life of the project</p> <p>c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis –f Ambient Air - Determination of Part–ulate Matter - De–osited Matter - Gravimetric Method; and</p> <p>d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents, illegal activities or any other activity agreed by the Secretary.</p>	Pollutant	Averaging period	^a Criterion	Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	^a 25 µg/m ³	Particulate Matter <2.5 µm (PM _{2.5})	Annual	^a 8 µg/m ³	Pollutant	Averaging period	^a Criterion	Basis	Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³	Increment ^a	Particulate Matter <2.5 µm (PM _{2.5})	24 hour	^b 25 µg/m ³	Increment ^a	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month			
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PA37	S3 C20	<p>Operating Conditions</p> <p>The Proponent shall:</p>	<p>Odour and fume minimisation is described in section 6.2 of the AQMP, and dust management is described in section 6.1.</p>	Compliant																																	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA38	S3 C20A	Air Quality Management Plan	<p>The dust management system includes meteorological forecasting, real time dust monitoring and real time response triggers.</p> <p>The community complaints register for the audit period were reviewed. Four air-related complaints were received in 2022, two air related complaints were received in 2023 and zero have been received thus far in 2024.</p> <p>The declining trend in air quality related complaints suggests best practice air quality management is in place at Moolarben Coal Complex.</p> <p>Auditors physically observed exemplary dust management in a fully enclosed CHPP and regular spraying with water carts.</p> <p>Meteorological forecasting assessments were viewed by auditors and deemed comprehensive.</p> <p>MCO have data sharing agreements with UCM and WCM to assist with the management of air quality. Additional air quality monitoring data is available to MCO under a data sharing agreement from UCM and WCM, with data made accessible upon request. The most recent request from UCM for MCO data was sighted by auditors.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>The Proponent shall prepare and implement an Air Quality Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA and be submitted to the Secretary for approval by 31 March 2015;</p> <p>(b) describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this approval:</p> <p>(c) describe the air quality management system;</p> <p>(d) include an air quality monitoring program that:</p> <ul style="list-style-type: none"> • uses a combination of real-time and supplementary monitors, including a real-time PM2.5 monitor, to evaluate the performance of the project against the air quality criteria in this approval; • adequately supports the air quality management system; • evaluates and reports on the: <ul style="list-style-type: none"> - the effectiveness of the air quality management system; and - compliance against the air quality operating conditions; • defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents. 	<p>Todoroski Air Sciences and revised in November 2023.</p> <p>MCO provided evidence of the Department's management plan review and approval.</p> <p>Air quality management measures are described in section 6 of the AQMP.</p> <p>The air quality management system is detailed in section 6.1.3 of the AQMP. The air quality management system was reviewed by auditors and deemed comprehensive.</p> <p>The air quality monitoring program is detailed in Section 7.</p> <p>The air quality monitoring program was reviewed by auditors and deemed effective and compliant.</p>		
PA39	S3 C20B	<p>Meteorological Monitoring</p> <p>For the life of the project, the Proponent shall ensure that there is a meteorological station in the vicinity of the site that:</p> <p>(a) complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline; and</p> <p>(b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the NSW Noise Policy for Industry unless a suitable alternative is approved by the Secretary following consultation with the EPA.</p>	<p>The meteorological monitoring station 'WS3' was sighted during site inspection. WS3 is part of the real-time monitoring system and is the primary weather station for the site.</p> <p>Meteorological monitoring is undertaken at MCO, in accordance with NSW Project Approval and EPL requirements. Meteorological Assessments performed using the continuous data provided by WS3 were viewed by auditors.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA40	S3 C20C	<p>Ulan Public School</p> <p>The Proponent shall consult with DoE and, if requested:</p> <p>(a) implement agreed reasonable and feasible measures to ameliorate potential noise and/or dust impacts to Ulan Public School; or</p> <p>(b) on a reasonable basis relating to the adverse effect of noise and/or dust from the project, contribute to or meet reasonable costs toward relocating the school.</p>	Ulan Public School has been “in recess” during the audit period. No mitigation measures required.	Not triggered	
S3 C21-28 Deleted					
Water					
PA41	S3 C29	<p>Water Supply</p> <p>The Proponent shall ensure that:</p> <p>(a) it has sufficient water for all stages of the project, and if necessary, adjust the scale of operations on site to match its available water supply; and</p> <p>(b) any water supply constraints do not compromise any aspect of the environmental performance of the mine.</p> <p>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Proponent is required to obtain the necessary water licences for the project.</p>	<p>Sufficient water is ensured through the UCM Water sharing agreement and Version 7 of the Water Management Plan (WMP) which includes the Site Water Balance (SWB), Surface Water Management Plan (SWMP), the Groundwater Management Plan (GWMP).</p> <p>MCO has a water sharing agreement with UCM as UCM is a water surplus site. MCO takes water from UCM through the water sharing agreement as required.</p> <p>The Ulan Water sharing agreement was sighted during the audit period (Water Sharing Agreement dated 10/08/2009). The term will expire in 2030.</p> <p>In section 7 of the SWB MCO states that they will adjust the scale of operations to match water supply with preference to water captured on-site and water that is sources from UCM's surplus, where practical.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			<p>Section 7 of the WMP details the surface and groundwater monitoring including water take from UCM, Groundwater levels/pressure and Groundwater take. Section 6.1.1 of the Ground water Management Plan (GWMP) states that “Groundwater extraction from all extraction bores is monitored by means of a flowmeter. Operational water balance reviews will be performed monthly, collating all groundwater extractions, in-pit rainfall accumulation and runoff, as well as imported water to inform on site water management.”</p> <p>The site water balance (SWB) indicates that the site's water comes from the following sources:</p> <ul style="list-style-type: none"> • Groundwater inflows to open cut and underground mining operations • Runoff captured from the footprint of the mining disturbance area by the water management system • Groundwater extracted from advanced UG dewatering • Mine water imported from the Ulan Mine Complex under agreement with UCML (up to 1,000 ML/year) • Groundwater extracted from production bores <p>In section 2.3, 2,4,1 and table 2 of the WAMP the required and relevant held water licences under the Water Management Act 2000 and Water Act 1912.</p>		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA42	S3 C30	<p>Compensatory Water Supply</p> <p>The Proponent shall provide a compensatory water supply to any landowner of privately owned land whose water supply is adversely and directly impacted (other than an impact that is negligible) as a result of the project, in consultation with DPIE Water, and to the satisfaction of the Secretary.</p> <p>The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributed to the project. Equivalent water supply should be provided (at least on an interim basis) within 24 hours of the loss being identified.</p> <p>If the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p>If the Proponent is unable to provide an alternative long-term supply of water, then the Proponent shall provide alternative compensation to the satisfaction of the Secretary.</p>	<p>The Environment and Community team were interviewed on site and Annual Reviews and groundwater data has been reviewed. This determined that no water supply on private land has been impacted by Moolarben Coal Operations.</p>	Compliant	
PA43	S3 C31	<p>Water Pollution</p> <p>Unless an EPL authorises otherwise, the Proponent shall comply with section 120 of the POEO Act.</p>	<p>During the period from 1 October 2022 to 11 October 2022, out of specification treated water was released through the Bora Creek location (LDP 01). This was a gradual occurrence during this period in which a total of 91.8 megalitres of treated water was released. The Sodium Bisulphate pump lost prime which resulted in free chlorine which was processed through LDP 01 by further fault in the alarms and the lack of a secondary control. The PIRMP was activated including notification of EPA and other agencies and provision of report. Water quality sampling and stream</p>	Non-compliant	Investigative and remedial actions have been undertaken. No further action required.

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			flow monitoring was undertaken with to assess the impact, which determined that the influenced chlorine levels was below the lower limit. Following a Show Cause, the EPA issued an Official Caution in relation to this incident.		
PA44	S3 C32	Water Management Performance Measures The Proponent shall comply with the performance measures in Table 11 to the satisfaction of the Secretary. Table 11: Water Management Performance Measures	The requirements of Schedule 3 Condition 32 are included in the Water Management Plan.	Compliant	

Feature	Performance Measure
Water Management - General	<ul style="list-style-type: none"> Minimise cumulative water impacts with the other mines in the region Maximise water sharing with the other mines in the region Minimise the use of clean water on site
The Drip	<ul style="list-style-type: none"> Nil impact on the water supply to the Drip
Construction and operation of linear infrastructure	<ul style="list-style-type: none"> Design, install and maintain erosion and sediment controls generally in accordance with the series Managing Urban Stormwater: Soils and Construction including Volume 1, Volume 2A – Installation of Services and Volume 2C – Unsealed Roads Design, install and maintain the infrastructure within 40 m of watercourses generally in accordance with the Guidelines for Controlled Activities on Waterfront Land (DPI 2007), or its latest version Design, installation and maintenance of creek crossings generally in accordance with the Policy and Guidelines for Fish Friendly Waterway Crossings (NSW Fisheries, 2003) and Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries 2003), or their latest versions
Mine Sediment Dams	<ul style="list-style-type: none"> Design, install and maintain the dams generally in accordance with the series Managing Urban Stormwater: Soils and Construction – Volume 1 and Volume 2E Mines and Quarries
Clean water diversion & storage infrastructure	<ul style="list-style-type: none"> Use best endeavours to upgrade the existing clean water systems to capture and convey the 100 year ARI flood Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site
Mine water storages	<ul style="list-style-type: none"> Mine water storage infrastructure is designed to store a 50 year ARI 72 hour storm event On-site storages (including tailings dams, mine infrastructure dams, groundwater storage and treatment dams) are suitably lined to comply with a permeability standard of $< 1 \times 10^{-9}$ m/s
Tailings, acid forming and potentially acid forming materials	<ul style="list-style-type: none"> In-pit emplacement, encapsulation or capping to prevent the migration of pollutants beyond the pit shell
In-pit emplacement of tailings, acid forming and potentially acid forming materials	<ul style="list-style-type: none"> Emplacement, encapsulation and capping to prevent or minimise the migration of pollutants beyond the pit shell of seepage from out of pit emplacement areas Adequate freeboard within the pit void to minimise the risk of discharge to surface waters
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard
Aquatic and riparian ecosystem, including the relevant sections of Moolarben Creek, Bora Creek and the Goulburn River	<ul style="list-style-type: none"> Maintain or improve baseline channel stability Develop site-specific in-stream water quality objectives in accordance with ANZECC 2000 and Using the ANZECC Guidelines and Water Quality Objectives in NSW procedures (DECC 2006), or its latest version
Treated Water Discharge Volume	<ul style="list-style-type: none"> Up to 10ML/day for the following periods (unless the Secretary agrees otherwise): <ul style="list-style-type: none"> until the commencement of mining operations in UG4; and following completion of mining operations in UG4 Up to 15 ML/day during mining operations in UG4 Greater than 15 ML/day during prolonged wet periods, with the approval of EPA.
Treated Water Discharge Quality	<ul style="list-style-type: none"> Electrical conductivity limit of 895 μS/cm (100th percentile discharge limit) for up to 10ML/day until 30 June 2022 (unless the Secretary agrees otherwise) After 30 June 2022 (unless the Secretary agrees otherwise) an alternative electrical conductivity limit for treated water discharges as determined under condition 32A



Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations		
		<table border="1"> <tr> <td>Feature Storages constructed for the Water Treatment Facility</td> <td>Performance Measure <ul style="list-style-type: none"> Brine and feedwater storages designed to store a 100 year ARI 72 hour storm event Brine storages are suitably lined to comply with a permeability standard of $< 1 \times 10^{-9}$ m/s over 1000mm or equivalent standard </td> </tr> </table>	Feature Storages constructed for the Water Treatment Facility	Performance Measure <ul style="list-style-type: none"> Brine and feedwater storages designed to store a 100 year ARI 72 hour storm event Brine storages are suitably lined to comply with a permeability standard of $< 1 \times 10^{-9}$ m/s over 1000mm or equivalent standard 			
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PA45	S3 C32A	<p>Independent Water Quality Study</p> <p>By 1 December 2021, unless the Secretary agrees otherwise, the Proponent must complete an Independent Water Quality Study in accordance with the ANZECC Guidelines, in consultation with EPA and to the satisfaction of the Secretary. The study must:</p> <p>(a) be undertaken by an independent scientific organisation with suitable water expertise whose appointment has been approved by the Secretary;</p> <p>(b) collect and utilise water quality monitoring data in the Goulburn River using locations endorsed by the EPA;</p> <p>(c) determine appropriate background salinity and heavy metal levels for the Goulburn River upstream of the project site;</p> <p>(d) recommend an electrical conductivity limit for treated water discharges to the Goulburn River from the Moolarben Coal Complex based on the process outlined in the ANZECC Guidelines.</p>	<p>a) The 'Moolarben Coal Independent Water Quality Study (IWQS) Report' was completed in February 2022, with approval of the Secretary. DPIE had endorsed the appointment of the nominated experts and its completion of the criteria.</p> <p>b) The EPA was consulted and endorsed the location of the sampling points. Data has then been collected and utilised from these sampling points.</p> <p>c) The appropriate background salinity and heavy metal levels for the upstream Goulburn River were determined and are outlined on page 5 under 'Condition 32A(c) of the IWQS report.</p> <p>d) A recommendation for the electrical conductivity limit of treated water discharges for the Goulburn River was made and is outlined on page 5 under 'Condition 32A(d) of the IWQS report.</p>	Compliant			
PA46	S3 C33	Water Management Plan	The Moolarben Coal Operations Water Management Plan (WMP) Version 7 is dated November 2023, and includes version 4 appendices	Non-compliant	No further action required.		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with DPIE Water, NRAR and the EPA, by suitably qualified and experienced persons whose appointment has been approved by the Secretary and be revised and submitted to the Secretary for approval by 31 October 2016;</p> <p>(a1) include reference to the National Water Quality Management Strategy;</p> <p>(a2) include detailed performance criteria and describe measures to ensure that the Proponent complies with the Water Management Performance Measures (see Table 11);</p> <p>(b) in addition to the standard requirements for management plans (see Condition 3 of Schedule 5), this plan must include a:</p> <p>i. Site Water Balance that:</p> <ul style="list-style-type: none"> • includes details of: <ul style="list-style-type: none"> - sources and security of water supply, including contingency planning for future reporting periods; - water use and management on site, including details of water sharing between neighbouring mining operations; - reporting procedures, including the preparation of a site water balance for each calendar year; • describes the measures that would be implemented to: <ul style="list-style-type: none"> - minimise clean water use on site; - maximise water sharing with the other mines in the region; <p>ii. Surface Water Management Plan, that includes:</p> <ul style="list-style-type: none"> • detailed baseline data on water flows and quality in the water bodies that could be affected by the project; • a detailed description of the water management system on site; • detailed plans, including design objectives and performance criteria, for the: <ul style="list-style-type: none"> - in-pit emplacement areas for tailings, acid forming and potentially acid forming materials; - final voids (see the Rehabilitation Objectives in Table 13); 	<p>of the Site Water Balance (SWB), Surface Water Management Plan (SWMP) and Ground Water Management Plan (GWMP).</p> <p>a) Section 1.5 and 2.4.3 of the WMP address that preparation was in consultation with DPIE Water, NSW DPIE, and the EPA. However, the WMP does not address the necessary consultation with NRAR. DPIE approval of the original WMP was verified in the 2018 and 2021 IEA. Copies of the DPIE endorsement of the original authors have been sighted by the previous Auditor. The WMP was subsequently revised in 2019/2020 and 2023. The revised plan was approved by DPIE on 20 October 2023 and correspondence with the Department was sighted.</p> <p>a1) The National Water Quality Management Strategy is referenced in section 2.4.2 of the WAMP. The strategy is also adequately applied in Section 8.1.1 of the GWMP.</p> <p>a2) The performance measures are summarised in Section 2.1.1 of the WMP. Detailed performance criteria and measures to ensure conformance with those criteria are provided in Attachment A- 'Project Approvals' of the WMP.</p>		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> • detailed performance criteria for the following, including trigger levels for investigating any potentially adverse impacts associated with the project: <ul style="list-style-type: none"> - the water management system; - downstream surface water quality; - downstream flooding impacts and - stream and riparian vegetation health for Moolarben Creek, Bora Creek, and the Goulburn River; • a program to monitor and report on: <ul style="list-style-type: none"> - the effectiveness of the water management system; and - surface water flows and quality, stream and riparian vegetation health in the watercourses that could be affected by the project; - daily flow levels upstream and downstream of the treated mine water discharge point in the Goulburn River Diversion; and - downstream flooding impacts; • reporting procedures for the results of the monitoring program; and • a plan to respond to any exceedances of the performance criteria, and mitigate any adverse surface water impacts of the project; surface water and stream health impact assessment criteria including trigger levels for investigating any potentially adverse surface water impacts; <p>iii. Groundwater Management Plan, that includes:</p> <ul style="list-style-type: none"> • detailed baseline data on groundwater levels, yield and quality in the region and privately-owned groundwater bores that could be affected by the project; • groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts and detailed justification for those trigger levels; • a program to monitor and report on: <ul style="list-style-type: none"> - groundwater inflows to the underground and open cut mining operations; - the seepage/leachate from water storages, emplacements, backfilled voids and final voids; 	<p>b) i. Site Water Balance provides the following information.</p> <ul style="list-style-type: none"> • Water sources, including the security of supply are described in Section 7 of the SWB; • Water use and management with details of water sharing are described in Sections 4 to 7; <ul style="list-style-type: none"> - Water Sharing is described in Section 7.3; - Water management measures are described in Section 4.3 and • Reporting requirements are described in Section 9. <p>ii. The SWMP provides the following information:</p> <ul style="list-style-type: none"> • Baseline data is described in Section 3.4 of the SWMP; • The surface water management system is described in Section 4 of the plan; • The designs and performance criteria for the creek realignments in Section 5.8 of the SWMP and Rehabilitation Management Plan • In-pit emplacement areas are covered in section 5.5 of the SWMP. • Final voids are covered in section 5.4 of the SWMP. • Performance criteria including trigger values for investigating adverse impacts is covered in Section 8 of the SWMP; 		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> - background changes in groundwater yield/quality against mine-induced changes; - impacts of the project on: <ul style="list-style-type: none"> - regional and local (including alluvial) aquifers; - groundwater supply of potentially affected landowners; and - groundwater dependent ecosystems (including the Drip) and riparian vegetation; - brine emplacement in underground workings and potential changes to groundwater and surface water quality; - a program to validate the groundwater model for the project, and compare the monitoring results with modelled predictions; and • a plan to respond to any exceedances of the groundwater assessment criteria. <ul style="list-style-type: none"> iv. a protocol that has been prepared in consultation with the owners of the Ulan and Wilpinjong mines to: <ul style="list-style-type: none"> • minimise cumulative water quality impacts; • review opportunities of increased water sharing between these projects; • co-ordinate water quality and flow monitoring programs as far as practicable; 	<ul style="list-style-type: none"> • Monitoring and Reporting is covered in Section 10 of the plan; and • Annual reporting review and improvement is discussed in Section 9 of the plan. <p>iii. The Groundwater Management Plan provides the following information:</p> <ul style="list-style-type: none"> • Baseline data is provided in Section 4 of the GWMP; • Yield and water quality in the region and privately-owned groundwater bores are covered in section 3.1, Table 2; • The GWMP also references the relevant reports that provide a detailed description of the available baseline data; • Groundwater assessment criteria, including trigger levels are covered in section 8 and appendix A of the GWMP Appendix A gives specific values; • Monitoring and reporting are described in Sections 6 and 10 of the plan; • The program to validate the groundwater model is described in Section 5 of the plan; and • The groundwater trigger and action plan is detailed in Section 8.2. 		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			<p>However, EPL DP01 was not sampled for oil & grease or TSS during discharge in December 2021. DP01 was again not sampled for TSS in April 2023. Sampling has been compliant with this condition at all other periods throughout the audit period.</p> <p>MCO has implemented a number of process improvements in accordance with reported incident notifications.</p>		
PA47	S3 C33A	<p>Brine Management Plan</p> <p>Prior to operating the Water Treatment Facility, the Proponent shall prepare a Brine Management Plan for the project, in consultation with the EPA, and to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared by suitably qualified and experienced persons whose appointment has been approved by the Secretary; (b) detail the methods that would be used to manage brine, the proposed brine storage locations and the volumes of brine that would be managed at each location; (c) detail the measures that would be implemented to avoid and/or minimise impacts from the storage of brine at the surface, and the transfer and disposal of brine in underground workings; (d) include a program to investigate options to decrease the quantity of brine over time; and (e) include a program to monitor potential impacts of brine storage, transfer and disposal in underground workings. <p>Following approval, the Proponent must implement the Brine Management Plan for the project.</p> <p>Note: Water Treatment Facility operations commence following commissioning.</p>	<p>a) The Brine Management Plan was first approved in January 2019; the water treatment facility was commissioned in May 2020. The EPA was consulted but elected to provide no comments. DPIE endorsed the persons who completed the plan.</p> <p>b) Brine management is described in Section 4 of the Brine Management Plan.</p> <p>c) Management measures to minimise the impacts of brine storage, transfer and disposal are described in Section 4.3 of the Brine Management Plan.</p> <p>d) The program to investigate options to decrease brine quantity is detailed in Section 4.3.7 of the Brine Management Plan</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			e) The brine monitoring program is described in Section 5 of the Brine Management Plan		

BIODIVERSITY

PA48	S3 C34	<p>Biodiversity Offset Strategy</p> <p>The Proponent shall implement the biodiversity offset strategy for the project summarised in Table 12, and shown conceptually in Appendix 8, to the satisfaction of the Secretary.</p> <p>Table 12: Summary of Biodiversity Offset Strategy</p> <table border="1"> <thead> <tr> <th>Area</th> <th>Offset Type</th> <th>Minimum Size Hectares</th> </tr> </thead> <tbody> <tr> <td>Area 3 Property 6</td> <td>Conserve: • 6 ha of existing EEC Enhance and conserve: • 2.6 ha of regenerating EEC</td> <td>8.6</td> </tr> <tr> <td>Areas 1, 2 and 3 Properties 6, 10, 12, 13, 14 and 15</td> <td>Enhance existing vegetation: • 1282 ha of native vegetation Revegetate: • 48 ha of existing disturbed land to EEC</td> <td>1330</td> </tr> <tr> <th>Area</th> <th>Offset Type</th> <th>Minimum Size Hectares</th> </tr> <tr> <td>Area 1 Properties 12, 13, 14 and 15</td> <td>Revegetate: • 153 ha of cleared land to native vegetation</td> <td>153</td> </tr> <tr> <td>Clark</td> <td>Enhance existing vegetation: • 300 ha of existing native vegetation • 32 ha of EEC</td> <td>332</td> </tr> <tr> <td>Clifford</td> <td>Enhance existing vegetation: • 18 ha of native vegetation • 62 ha of EEC</td> <td>81</td> </tr> <tr> <td>Elward</td> <td>Enhance existing vegetation: • 146 ha of native vegetation • 24 ha of EEC</td> <td>170</td> </tr> <tr> <td>Property 5</td> <td>Enhance existing vegetation: • 40 ha of native vegetation • 25 ha of EEC</td> <td>65</td> </tr> <tr> <td>Properties 24 and 25</td> <td>Enhance existing vegetation: • 59 ha of native vegetation • 4 ha of EEC</td> <td>63</td> </tr> <tr> <td>Bobadeen</td> <td>Enhance existing vegetation: • 8 ha of native vegetation • 159 ha of EEC</td> <td>167</td> </tr> <tr> <td>Moolarmoo</td> <td>Enhance existing vegetation: • 25 ha of native vegetation • 19 ha of EEC</td> <td>44</td> </tr> </tbody> </table> <p>Note: The EEC referred to in this table is the White Box Yellow Box Blakely's Red Gum Woodland as defined under the BC Act and White Box Yellow Box Blakely's Red Gum Grassy Woodland as defined under the EPBC Act.</p>	Area	Offset Type	Minimum Size Hectares	Area 3 Property 6	Conserve: • 6 ha of existing EEC Enhance and conserve: • 2.6 ha of regenerating EEC	8.6	Areas 1, 2 and 3 Properties 6, 10, 12, 13, 14 and 15	Enhance existing vegetation: • 1282 ha of native vegetation Revegetate: • 48 ha of existing disturbed land to EEC	1330	Area	Offset Type	Minimum Size Hectares	Area 1 Properties 12, 13, 14 and 15	Revegetate: • 153 ha of cleared land to native vegetation	153	Clark	Enhance existing vegetation: • 300 ha of existing native vegetation • 32 ha of EEC	332	Clifford	Enhance existing vegetation: • 18 ha of native vegetation • 62 ha of EEC	81	Elward	Enhance existing vegetation: • 146 ha of native vegetation • 24 ha of EEC	170	Property 5	Enhance existing vegetation: • 40 ha of native vegetation • 25 ha of EEC	65	Properties 24 and 25	Enhance existing vegetation: • 59 ha of native vegetation • 4 ha of EEC	63	Bobadeen	Enhance existing vegetation: • 8 ha of native vegetation • 159 ha of EEC	167	Moolarmoo	Enhance existing vegetation: • 25 ha of native vegetation • 19 ha of EEC	44	Review of Annual Reviews and monitoring data indicated biodiversity offset monitoring is completed in accordance with the Biodiversity Offset Strategy. Site inspection confirmed all sites are meeting criterion, or on track to meet criterion by the target date.	Compliant	
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PA49	S3 C34A	<p>Supplementary Biodiversity Offset Strategy</p> <p>The Proponent shall implement the supplementary biodiversity offset strategy for the project as summarised in Table 12A, and shown conceptually in Appendix 8A, to the satisfaction of the Secretary.</p> <p>Table 12A: Summary of Supplementary Biodiversity Offset Strategy</p> <table border="1"> <thead> <tr> <th>Gilgal property credit type</th> <th>Credits required</th> <th>Gilgal property credits (area)</th> <th>Residual credits</th> </tr> </thead> <tbody> <tr> <td colspan="4">Ecosystem Credits</td> </tr> <tr> <td colspan="4">PCT 281¹</td> </tr> <tr> <td>Rough-Barked Apple - red gum - Yellow Box woodland on alluvial clay to loam soils on valley flats in the northern NSW South Western Slopes Bioregion and Brigalow Belt South Bioregion</td> <td>35</td> <td>35 (5 ha)</td> <td>-</td> </tr> <tr> <td colspan="4">PCT 818¹</td> </tr> <tr> <td>White Box - Grey Gum - red gum - Rough-barked Apple grassy woodland on rich soils on hills in the upper Hunter</td> <td>73</td> <td>0</td> <td>73</td> </tr> <tr> <td colspan="4">PCT 1606</td> </tr> <tr> <td>White Box - Narrow-leaved Ironbark - Blakely's Red Gum shrubby open forest of the central and upper Hunter</td> <td>150</td> <td>150 (14 ha)</td> <td>-</td> </tr> <tr> <td colspan="4">PCT 1060²</td> </tr> <tr> <td>Narrow-leaved Ironbark heathy woodland on sandstone ranges of the Sydney Basin and Brigalow Belt South</td> <td>411</td> <td>411 (53 ha)</td> <td>-</td> </tr> <tr> <td colspan="4">PCT 479³</td> </tr> <tr> <td>Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion</td> <td>204</td> <td>204 (22.5 ha)</td> <td>-</td> </tr> <tr> <td colspan="4">Total</td> </tr> <tr> <td></td> <td>1,437</td> <td>1,033 (121.5 ha)</td> <td>404</td> </tr> <tr> <td colspan="4">Species Credits</td> </tr> <tr> <td colspan="4">Regent Honeyeater</td> </tr> <tr> <td></td> <td>1,568</td> <td>1,568 (221 ha)</td> <td>-</td> </tr> <tr> <td colspan="4">Koala</td> </tr> <tr> <td></td> <td>77</td> <td>04 (8 ha)</td> <td>13</td> </tr> <tr> <td colspan="4">Brush-tailed Rock Wallaby</td> </tr> <tr> <td></td> <td>693</td> <td>693 (88 ha)</td> <td>-</td> </tr> </tbody> </table>	Gilgal property credit type	Credits required	Gilgal property credits (area)	Residual credits	Ecosystem Credits				PCT 281 ¹				Rough-Barked Apple - red gum - Yellow Box woodland on alluvial clay to loam soils on valley flats in the northern NSW South Western Slopes Bioregion and Brigalow Belt South Bioregion	35	35 (5 ha)	-	PCT 818 ¹				White Box - Grey Gum - red gum - Rough-barked Apple grassy woodland on rich soils on hills in the upper Hunter	73	0	73	PCT 1606				White Box - Narrow-leaved Ironbark - Blakely's Red Gum shrubby open forest of the central and upper Hunter	150	150 (14 ha)	-	PCT 1060 ²				Narrow-leaved Ironbark heathy woodland on sandstone ranges of the Sydney Basin and Brigalow Belt South	411	411 (53 ha)	-	PCT 479 ³				Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion	204	204 (22.5 ha)	-	Total					1,437	1,033 (121.5 ha)	404	Species Credits				Regent Honeyeater					1,568	1,568 (221 ha)	-	Koala					77	04 (8 ha)	13	Brush-tailed Rock Wallaby					693	693 (88 ha)	-	<p>Review of Annual Reviews and environmental monitoring data indicated supplementary biodiversity offset monitoring has been completed to a level of satisfaction. All sites are meeting criterion, or on track to meet criterion by the target date.</p>	Compliant	
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		<p>1. Listed as or meets the criteria for White Box-Yellow Box-Blakely's Red Gum Woodland EEC under the BC Act and White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland CEEC under the EPBC Act.</p> <p>2. Under the FBA offsetting option rules PCT 1660 can be used to offset impacts on PCT 1629 Narrow-leaved Stringybark – Grey Gum shrubby open forest on sandstone ridges of the Sydney Basin.</p> <p>3. Under the FBA offsetting option rules PCT 479 can be used to offset impacts on PCT 1661 Narrow-leaved Ironbark - Black Pine - Sifton Bush heathy open forest on sandstone ranges of the upper Hunter and Sydney Basin.</p> <p>4. Under the FBA offsetting option rules PCT 1176 can be used to offset impacts on PCT 1669 Red Ironbark - Grey Gum - Narrow-leaved Stringybark - Brown Bloodwood shrubby open forest on sandstone ranges of the Sydney Basin.</p> <p>Note: The credits in Table 12A have been calculated in accordance with Framework for Biodiversity Assessment of the NSW Biodiversity Offset Policy for Major Projects (OEH, 2014) and may need to be converted to reasonably equivalent 'biodiversity credits', within the meaning of the BC Act, if the credits are to be retired in accordance with the Biodiversity Offsets Scheme of the BC Act.</p>			
PA50	S3 C35	<p>Long Term Security of Offsets</p> <p>By the end of June 2015, unless otherwise agreed by the Secretary, the Proponent shall make suitable arrangements to provide appropriate long-term security for the offset areas in Table 12 in perpetuity, in consultation with BCD and to the satisfaction of the Secretary.</p> <p>Note: The preferred mechanisms for the provision of long-term conservation security are via Biobanking Arrangements and additions to the BCD Estate.</p>	Compliance confirmed in 2015 independent environmental audit. Positive and Restrictive Use Covenants have been obtained for all offset areas listed in Table 12.	Compliant	
PA51	S3 C35A	By 30 September 2021, the Proponent shall make an application to secure the credits associated with the areas of the Gilgal property identified in Table 12A under a Biodiversity Stewardship Agreement, unless otherwise agreed by the Secretary.	Previously DPIE granted an extension of time to 31 March 2022 to allow for the finalisation of property boundary adjustments associated with the Gilgal property.	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA52	S3 C35B	<p>Rehabilitation Offsets</p> <p>Within 12 months of the commencement of activities under MOD 14, unless otherwise agreed by the Secretary, the proponent must, in consultation with BCD, the Department and DAWE and to the satisfaction of the Secretary, develop suitable rehabilitation performance and completion criteria for the vegetation communities to be established in the rehabilitated OC2 and/or OC3 landforms to generate the residual ecosystem and species credits for Koala listed in Table 12A.</p> <p>The performance and completion criteria must include consideration of the effect of climatic conditions, such as drought, the NSW Biodiversity Offsets Policy for Major Projects 2014 and the associated Fact sheet: Mine Site Rehabilitation (OEH, 2014).</p> <p>Notes:</p> <ul style="list-style-type: none"> • The rehabilitation offset performance and completion criteria form a component of the Rehabilitation Management Plan required under condition 69 of this schedule. • The indicative final rehabilitation areas are shown in Appendix 8. 	<p>Application was submitted by 31 March 2022.</p> <p>Compliance confirmed in 2021 independent environmental audit. DPIE approved the rehabilitation criteria on 7th July 2020. Consultation was carried out as required under the condition.</p> <p>Evidence:</p> <p>Letter from DPIE (S O'Donoghue) to MCO (G Chase) titled "Moolarben Coal Complex Stage 1 Project Approval 05_0117 Proposed Rehabilitation Performance and Completion Criteria", dated 7 July 2020. The letter approves the proposed rehabilitation offset criteria.</p> <p>Email from DAWE (Z Neulinger) to MCO (G Chase) titled "Moolarben – DAWE letter – Proposed rehabilitation and completion criteria to generate offset credits [SEC=OFFICAL]", dated 6 May 2020. The email confirms consultation regarding the proposed rehabilitation offset criteria.</p> <p>Letter from BCD (S Carr) to DPIE (S O'Donoghue) titled "Moolarben Coal Mine – Proposed rehabilitation and completion criteria to generate offset credits", dated 27 May 2020. The letter confirms consultation regarding the proposed rehabilitation offset criteria.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA53	S3 C35C	<p>If at the end of 10 years after landform establishment in OC2 and/or OC3, unless otherwise agreed by the Secretary, the rehabilitation does not meet the performance and completion criteria in condition 35B to the satisfaction of the Secretary, the Proponent must retire the relevant number of residual credits listed in Table 12A under other mechanisms provided by the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the Secretary.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Landform establishment is a recognised stage of rehabilitation when the final land shape has been developed prior to growth medium development and ecosystem development. • As landform establishment stage will progressively occur across the mine site, the performance criteria for new areas progressing into the landform establishment stage will need to be assessed by the Secretary on a regular basis, for example every 3 years, to determine whether the requirements of the condition are being met. • In accordance with the NSW Biodiversity Offsets Policy for Major Projects, additional biodiversity credits can be generated for the ongoing management of the rehabilitation area to ensure its biodiversity values are continually improved. Any additional credits could be secured through a Biobanking Agreement and used to offset future developments. 	Time requirement not yet reached.	Not triggered	
PA54	S3 C35D	Notwithstanding the requirements in conditions 35B and 35C, the Proponent may retire the residual credits listed in Table 12A earlier than the specified timeframe in condition 35C by other mechanisms under the BC Act in place of rehabilitation, to the satisfaction of the Secretary.		Noted	
PA55	S3 C35E	<p>Within two years of the determination of Modification 15, unless otherwise agreed by the Secretary, the Proponent must retire the biodiversity credits specified in Table 12B below in accordance with the Biodiversity Offsets Scheme of the BC Act.</p> <p>Table 12B: Summary of Supplementary Biodiversity Offset Strategy (MOD 15)</p>	MCO received an extension of time to retire the biodiversity offset credits required by this consent until 31 May 2024. Auditors sighted the Department's approval of the time extension dated 2 May 2024. This will be required to be audited in the next audit period.	Not triggered	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations																								
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PA56	S3 C35F	<p>Within two years of the determination of Modification 15, unless otherwise agreed with the Secretary, the Proponent must retire ecosystem credits equivalent to the 3.25 ha area of surface disturbance activities approved under Modification 15 located within Offset Area 2 and include at least:</p> <p>(a) 0.75 hectares of PCT 281 - Rough-Barked Apple - red gum - Yellow Box woodland on alluvial clay to loam soils on valley flats in the northern NSW South Western Slopes Bioregion and Brigalow Belt South Bioregion¹; and</p> <p>(b) 2.5 hectares of PCT 479 - Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion.</p>	MCO received an extension of time to retire the biodiversity offset credits required by this consent until 31 May 2024. Auditors sighted the Department's approval of the time extension dated 2 May 2024. This will be required to be audited in the next audit period.	Not triggered																									

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA57	S3 C36	<p>The retirement of ecosystem credits must be carried out in accordance with the Biodiversity Offsets Scheme of the BC Act.</p> <p>Note 1: Portions of this community is listed as or meets the criteria for White Box-Yellow Box-Blakely's Red Gum Woodland EEC under the BC Act and White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland CEEC under the EPBC Act.</p> <p>Biodiversity Management Plan</p> <p>The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with BCD and be submitted to the Secretary for approval by 31 March 2015;</p> <p>(b) describe the short, medium, and long term measures that would be implemented to:</p> <ul style="list-style-type: none"> • manage the remnant vegetation and habitat on the site and in the offset areas; • minimise biodiversity impacts of the project; and • implement the biodiversity offset strategy described in Table 12, including detailed performance and completion criteria; <p>(c) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy described in Table 12, and triggering remedial action (if necessary);</p> <p>(d) include a detailed description of the measures that would be implemented for:</p> <ul style="list-style-type: none"> • enhancing the quality of existing vegetation and fauna habitat; • restoring native vegetation and fauna habitat on the biodiversity offset areas through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features (where necessary); • maximising the salvage of resources within the approved disturbance area - including vegetative, soil and cultural heritage resources – for beneficial reuse in the enhancement of the biodiversity areas or rehabilitation area; 	<p>Plan approved by the Department on 2 September 2020 (still current). “Subsequent revisions of this BioMP will incorporate the Biodiversity Offset Strategy requirements.”</p> <p>Management of remnant vegetation is covered in sections 4 (Vegetation clearance protocol), 5 (Collection and use of locally sourced native seeds and supplementary tube stock planting), 6 (Strategies to manage vegetation onsite and improve vegetation connectivity), 7 (Additional Biodiversity Management Measures), 8 (Biodiversity Monitoring program) and 9 (Biodiversity Offset Strategy) of the BioMP. Additionally, Management Actions and Performance Targets for short term (1- 3 years), Medium term (6-9 years) and Long-term Targets (complex completion) is covered in Section 10 (Table 4). The minimisation of biodiversity impacts is discussed in Sections 6, 7, 8 and 9 of the BioMP. The biodiversity offset strategy is covered in section 9 of the BioMP, performance measures are covered in section 10</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> • rehabilitating the environmental bunds on site as soon as practicable and maintaining the landscaping on the bunds once it has been established; • collecting and propagating seed; • minimising the impacts on fauna on site, including undertaking pre-clearance surveys; • managing any potential conflicts between the proposed restoration works in the biodiversity areas and any Aboriginal heritage values (both cultural and archaeological); • managing salinity; • avoid and mitigate the spread of <i>Phytophthora cinnamomi</i> (<i>P.cinnamomi</i>) with consideration of actions identified in the relevant threat abatement plan; • controlling weeds and feral pests; • controlling erosion; • managing grazing and agriculture on site; • controlling access; and • bushfire management; <p>(e) include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;</p> <p>(f) identify the potential risks to the successful implementation of the biodiversity offset strategy described in Table 12, and include a description of the contingency measures that would be implemented to mitigate against these risks; and</p> <p>(g) include details of who would be responsible for monitoring, reviewing, and implementing the plan.</p>	<p>and completion criteria are detailed in Table 4.</p> <p>Section 10 (Table 4) describes the management actions, performance targets and completion criteria for the BioMP. Remedial action/contingency plans are covered in section 11 of the BioMP. Vegetation and habitat management is covered in sections 4 (Vegetation clearance protocol), 5 (Collection and use of locally sourced native seeds and supplementary tube stock planting), 6 (Strategies to manage vegetation onsite and improve vegetation connectivity) and 7 (Additional Biodiversity Management Measures).</p> <p>Section 1.2 of the plan states that future revisions will incorporate the Biodiversity Offset Strategy requirements under Condition 36, Schedule 3 of PA05_0117 and Condition 39, Schedule 3 of PA08_0135. A letter from the Secretary (dated 20/07/2015) was sighted during the audit regarding staging of MCOs Biodiversity Management Plan. The letter stated that DP&E approved the staging of the biodiversity management plan.</p> <p>As limited details about mitigation measures has been provided only a reference to future revision of the BioMP the proponent has not yet fully complied with this condition. However, as a staged approach has</p>		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			<p>been approved the proponent is not non-compliant.</p> <p>Maximising the salvage of resources (topsoil management) is described in Section 7.5</p> <p>Rehabilitation of environmental bunds is covered in section 7.1.</p> <p>Collecting and propagating seed is covered in section 5.</p> <p>Pre-clearing surveys are covered in section 4.2 and fauna management is covered in section 4.3.</p> <p>The plan states that subsequent revisions of this BioMP will incorporate managing any potential conflicts between the proposed restoration works in the biodiversity areas and any Aboriginal heritage values (both cultural and archaeological).</p> <p>As no details about mitigation measures has been provided only a reference to future revision of the BioMP the proponent has not yet complied with this condition.</p> <p>However, as a staged approach has been approved the proponent is not non-complaint. Salinity is covered in section 7.2.</p> <p>Weeds and federal pest control is covered in section 7.3.</p> <p>Erosion and sediment control is covered in section 7.4 and section 7.5.</p>		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			<p>Grazing and agriculture management is covered in section 7.6.</p> <p>Access management is covered in section 7.7.</p> <p>Bushfire management is covered in section 7.8.</p> <p>The biodiversity monitoring program is described in section 8 of the BioMP, performance is described in section 10 (table 4). These sections referenced seasonal timeframes such as 'Visual follow-up inspections for weeds undertaken annually in spring.</p> <p>As no details about potential risks has been provided only a reference to future revision of the BioMP the proponent has not yet complied with this condition. However as a staged approach has been approved the proponent is not non-complaint.</p> <p>Section 11 of the BioMP provides details of the contingency plan to manage any unexpected impacts and their consequences.</p>		
PA58	S3 C37	<p>Conservation Bond</p> <p>By 30 September 2021 unless otherwise agreed by the Secretary, the Proponent shall lodge a Conservation Bond with the Department to ensure that the biodiversity offset strategy described in Table 12 is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond shall be determined by:</p> <p>(a) calculating the full cost of implementing the biodiversity offset strategy described in Table 12 (other than land acquisition costs); and</p>	<p>The actions required by this condition were due by and completed prior to the audit period. Compliance was confirmed through review of previous audits.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>(b) employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Secretary.</p> <p>If the offset strategy described in Table 12 is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will release the bond.</p> <p>If the offset strategy described in Table 12 is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Secretary will call in all, or part of, the conservation bond, and arrange for the satisfactory completion of the relevant works.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Existing bonds which have been paid for biodiversity offset areas listed in Table 12 remain current and are satisfactory to fulfil the requirements of this condition for those areas; • Alternative funding arrangements for long-term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by BCD as part of a Biobanking Agreement or transfer to conservation reserve estate can be used to reduce the liability of the conservation and biodiversity bond, and • The sum of the bond may be reviewed in conjunction with any revision to the biodiversity offset strategy described in Table 12. 			
HERITAGE					
PA59	S3 C38	<p>Protection of Aboriginal Heritage Items</p> <p>Unless otherwise authorised under the NP&W Act, the Proponent shall ensure that the project does not cause any direct or indirect impact on the identified Aboriginal heritage items located outside the approved disturbance area of the project.</p> <p>Note: Identified Aboriginal heritage items are listed in Appendix 9. The details in Appendix 9 are subject to revision following ongoing survey and assessment in accordance with the Heritage Management Plan required under this Project Approval.</p>	<p>Incident reports from:</p> <p>2021 Annual Review</p> <p>2022 Annual Review</p> <p>2023 Annual Review</p> <p>Interview with Rebecca Shanks (RS) 18.4.24.</p> <p>Adherence to HMP in all parts of the business has ensured no inadvertent harm to heritage sites.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA60	S3 C39	<p>Heritage Management Plan</p> <p>The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the Secretary within six (6) months from the date of approval for MOD 9. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;</p> <p>(b) be prepared in consultation with BCD and the Aboriginal stakeholders (in relation to the management of Aboriginal heritage values);</p> <p>(c) include results of further archaeological survey of the 10 hectares of land (as identified on Figure 10 of Appendix F of the EA) that has not been surveyed, and any land adjacent to the open cut mines that has not been surveyed and may be subject to blasting impacts;</p> <p>(d) include the following for the management of Aboriginal Heritage:</p> <ul style="list-style-type: none"> • a detailed archaeological test excavation and potential salvage program for site S1MC331; • a detailed archaeological test excavation and potential salvage program for sites S1MC343 and S1MC344, if it is determined by a qualified archaeologist that these sites may be subject to impacts associated with blasting; • a description of the measures that would be implemented for: <ul style="list-style-type: none"> - protecting, monitoring and/or managing the heritage sites/items identified in Appendix 9 and any sites identified during the surveys required in (c) above; - conserving the sites outside the surface disturbance area, including measures that would be implemented to secure, analyse and record the sites at risk of subsidence and/or blasting; - managing the discovery of any human remains or previously unidentified Aboriginal objects on site; - maintaining and managing reasonable access for Aboriginal stakeholders to heritage items on site; - ongoing consultation with the Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage both on site and within any Aboriginal heritage conservation areas; and 	<p>HMP version 9 dated October 2023</p> <p>a) The Plan was prepared by Dr Andrew Sneddon and Dr Matthew Whincop who were approved by DP&E 11 Feb 2015, as referenced in the HMP, Section 1.2.</p> <p>b) BCD correspondence regarding environmental management plans was sighted, dated 23 September 2022. BCS was provided the LW401-408 Extraction Plan heritage management plan for consultation during the audit period, through submission via planning portal and distribution by the secretary.</p> <p>Aboriginal community / RAP consultation letters were sighted as evidence of compliance with this condition:</p> <p>c) This survey was apparently undertaken in 2015 by AECOM as referenced in Appendix C to the HMP AECOM 2015a and 2015b.</p> <p>d) AECOM 2016 Archaeological Test Excavation of Aboriginal Rockshelter Sites S1MC331, S1MC343 and S1MC344 has been sighted. It concluded that all three rockshelter sites are of low scientific significance and</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>- ensuring any workers on site receive suitable heritage inductions prior to carrying out any development on site, and that suitable records are kept of these inductions;</p> <ul style="list-style-type: none"> • a strategy for the storage of any heritage items salvaged on site, both during the project and in the long term; <p>(e) include a detailed plan for the implementation of the mitigation and management measures outlined for the specified heritage items in Appendix 10, including archival recording, historical research and archaeological assessment prior to any disturbance.</p>	<p>salvage excavations were not warranted.</p> <p><u>HMP Measures:</u></p> <ul style="list-style-type: none"> - Protecting / managing Aboriginal sites – documented in Section 5. - Protecting / managing historic sites – documented in Section 6. <p><u>Conserving sites outside footprints:</u></p> <ul style="list-style-type: none"> - Documented in Section 5.8. <p>Evidence of the revegetation of areas being undertaken in ways that reduces potential impacts, i.e. water jetting. Also relevant to conservation areas.</p> <p>Examples of Ground Disturbance Permits sighted.</p> <p><u>Managing human remains or unanticipated finds:</u></p> <ul style="list-style-type: none"> - Documented in Sections 5.10 and 5.11. <p>It is of note that some unanticipated finds were discovered during this period. They are very comprehensively reported in a letter to RS from Niche dated 8.6.23. This letter includes detailed discussion of the full process undertaken and demonstrates the very effective functioning of the HMP.</p> <p><u>Managing access for Aboriginal people to sites</u></p>		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			<ul style="list-style-type: none"> - Documented in Section 5.16 <u>Ongoing consultation</u> <ul style="list-style-type: none"> - Documented in Section 5.1 <u>Inductions</u> <ul style="list-style-type: none"> - Documented in Section 7 <u>Artefact storage</u> <ul style="list-style-type: none"> - Documented in Section 5.13 <p>e) Management for specific heritage, Outlined in Section 6 for approach, then documented in Appendix F for status of individual sites in relation to management.</p>		
PA61	S3 C40-53	Deleted		Not triggered	
Transport					
PA62	S3 C54	Road Works Prior to the commencement of mining operations in open cut 2, the Proponent shall divert or close Carrs Gap Road to the satisfaction of Council.	Works associated with this condition were completed prior to the audit period. Compliance was verified in the 2018 IEA.	Compliant	
PA63	S3 C55	Prior to the commencement of mining operations in open cut 3, the Proponent shall divert or close Moolarben Road to the satisfaction of Council. Note: These road works must be constructed in accordance with the relevant TfNSW or Austroads standards, and signposted and lit in accordance AS 1742 – Manual of Uniform Traffic Control Devices and AS/NZS 1158: 2005 – Lighting for Roads and Public Spaces.	Works associated with this Condition were completed prior to this audit period. Compliance was verified in the 2018 IEA.	Compliant	
PA64	S3 C55A	Prior to the commencement of construction works associated with the northern dewatering sites (described in MOD 15), the Proponent must upgrade the intersection of Ulan Road and Saddlers Creek Road to the satisfaction of the appropriate roads authority and in consultation	The construction works related to this condition have not yet commenced.	Not triggered	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		with DPIE Crown Lands. The intersection upgrade is to be designed and constructed in accordance with the Guide to Road Design (Austroads) and any relevant TfNSW supplements.			
PA65	S3 C55B	Prior to the commencement of the operation of the new downcast ventilation shaft compound (described in MOD 15), the Proponent must construct a new intersection on Ulan Road to the satisfaction of the appropriate roads authority. The intersection upgrade is to be designed and constructed in accordance with the Guide to Road Design (Austroads) and any relevant TfNSW supplements.	Operation of the new downcast ventilation shaft compound described in MOD 15 has not yet commenced.	Not triggered	
PA66	S3 C56	<p>Ulan Road Strategy</p> <p>The Proponent shall:</p> <p>(a) work with Council and the owners of the Ulan and Wilpinjong mines to agree to develop a detailed plan for the implementation of the Ulan Road Strategy; and</p> <p>(b) make financial contributions towards the implementation of this detailed plan, in accordance with the requirements in the plan, with its share of the mining companies' contribution for the implementation of the strategy to be proportionate to its share of mining-related traffic to be generated on the road during the life of the strategy.</p> <p>If there is any dispute between the various parties involved in either the development of the detailed plan for the implementation of the strategy, or the implementation of the strategy, then any of the parties may refer the matter to the Secretary for resolution.</p>	Ulan Road Strategy was developed in consultation with Council and the owners of the UCM and WCM and is currently active. Evidence of payments towards road maintenance was sighted by auditors.	Compliant	
PA67	S3 C57	Deleted		Not triggered	
PA68	S3 C58	<p>Traffic Management</p> <p>The Proponent shall:</p> <p>(a) schedule the shift changes on site to occur outside of school bus hours;</p> <p>(b) co-ordinate the shift changes on site with the shift changes of the adjoining Ulan and Wilpinjong mines to minimise the potential cumulative traffic impacts of the shift changes at the three mines; and</p> <p>(c) take all reasonable steps to minimise traffic safety issues and disruption to local road users during road upgrade works.</p>	<p>Emails coordinating shift changes with UCM and WCM were sighted by auditors. The changes of these shifts fall outside of school bus hours.</p> <p>No mine related roadwork was being undertaken at the time of this audit.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA69	S3 C59	<p>The Proponent shall not transport any coal west of the site through Gulgong and Mudgee without the written approval of the Secretary. In seeking this approval, the Proponent shall submit a report to the Secretary that:</p> <p>(a) has been prepared in consultation with Council;</p> <p>(b) demonstrates that the railway line has been suitably upgraded to accommodate the proposed coal train traffic;</p> <p>(c) describes:</p> <ul style="list-style-type: none"> the expected tonnages, train size, number, and rail scheduling of the proposed coal train movements (both laden and unladen); the measures that would be implemented to minimise, mitigate and/or manage the ongoing environmental effects of these coal train movements; and how the performance of these measures would be monitored. 	<p>No coal has been transported west. Relevant Annual Reviews for the audit period state all coal was loaded onto trains via the Train Load-Out in the Moolarben Rail Loop and transported via rail to port (of Newcastle).</p>	Compliant	
PA70	S4 C60	<p>Monitoring of Coal Transport</p> <p>The Proponent shall monitor the:</p> <p>(a) amount of coal transported from the site each year; and</p> <p>(b) date and time of each train movement generated by the project.</p>	<p>The Railing Load Time and Weigher Tracking spreadsheets for 2021-2024 were reviewed by auditors. The amount of coal transported each year is reported in Annual Reviews. Date and time of each movement are tracked in the spreadsheets.</p>	Compliant	
Visual					
PA71	S3 C61	<p>Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct views of the mining operations and infrastructure on site during the project, the Proponent shall implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) to reduce the visibility of these mining operations and infrastructure from the residences on their properties.</p> <p>These mitigation measures must be reasonable and feasible, and must be implemented within a reasonable timeframe.</p> <p>If the Proponent and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these</p>	<p>No written requests were received during the audit period.</p>	Not triggered	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>measures, then either party may refer the matter to the Secretary for resolution.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The additional visual impact mitigation measures must be aimed at reducing the visibility of the mining operations on site from significantly affected residences, and do not require measures to reduce the visibility of the mining operations from other locations on the affected properties. • The additional visual impact mitigation measures do not necessarily have to include the implementation of measures on the affected property itself (i.e. the additional measures could involve the implementation of measures outside the affected property boundary that provide an effective reduction in visual impacts). 			
PA72	S3 C62	<p>Operating Conditions</p> <p>The Proponent shall:</p> <p>(a) implement best management practice to minimise the visual and off-site lighting impacts of the project;</p> <p>(b) ensure no fixed outdoor lights shine above the horizontal;</p> <p>(c) ensure no in-pit mobile lighting rigs shine above the pit wall and other mobile lighting rigs do not shine above the horizontal;</p> <p>(d) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting or its latest version;</p> <p>(e) provide for the establishment of trees and shrubs and/or the construction of mounding or bunding to minimise visual and lighting impacts on the Proponent’s land adjoining public roads with views of the site;</p> <p>(f) ensure that the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape, to the satisfaction of the Secretary.</p>	<p>Off site lighting impacts are controlled under MCO’s Position and Set up Mobile Lighting manual. Auditors did not observe any potential sources of off site light spill during site inspection.</p> <p>Site inspection verified no outdoor lights or mobile lighting rigs shine above horizontal or in pit mobile lighting rigs shine above the pit wall. External lighting was observed to comply with External lighting complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting.</p> <p>The establishment of trees and shrubs as visual screening is provided for as a mitigation measure in Appendix 3 of the Environmental Management Strategy.</p> <p>Auditors observed the blending of the visual appearance of all</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA73	S3 C63	<p>Bushfire Management</p> <p>The Proponent shall:</p> <p>(a) ensure that the project is suitably equipped to respond to any fires on site; and</p> <p>(b) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site.</p>	<p>buildings, structures, facilities and works with the surrounding landscape during site inspection.</p> <p>Maintenance of firefighting equipment is scheduled in SAP. Each piece of equipment has a maintenance strategy along with the Fire System Maintenance Strategy. The history of the implementation of the strategy is recorded in SAP. Auditors sighted fire safety equipment maintenance reports from 2023.</p> <p>During two bushfire events in 2023, MCO provided fire trucks and labour to assist with firefighting</p>	Compliant	
PA74	S3 C64	<p>Waste</p> <p>The Proponent shall:</p> <p>(a) implement all reasonable and feasible measures to minimise the waste (including coal reject) generated by the project;</p> <p>(b) ensure that the waste generated by the project is appropriately stored, handled and disposed of; and</p> <p>(c) monitor and report on effectiveness of the waste minimisation and management measures in the Annual Review.</p>	<p>Auditors reviewed the Waste Management Plan (version 5, July 2023), which was deemed satisfactory in providing for all reasonable and feasible measures to minimise waste.</p> <ul style="list-style-type: none"> Auditors generally observed good waste management practices on site. All waste observed in the workshops was appropriately sorted and stored. Waste oils were observed stored on unbanded pallets adjacent to a sump at the rear of the main workshop area. While secondary containment was not present, this area is 	Compliant	Ensure that waste oils are stored on appropriately banded containers, or alternative location to manage risk of water pollution.

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations						
			<p>confined to the internal mine water network.</p> <p>MCO maintains a Total Integrated Waste Management Service, which manages all waste streams on site and maximises recycling where possible.</p> <p>The effectiveness of waste minimisation and management measures is covered in Section 6.8 of the relevant annual reviews. In 2023, 74% of waste removed from the site was recycled.</p>								
Rehabilitation											
PA75	S3 C65	<p>The Proponent shall rehabilitate the site to the satisfaction of Resources Regulator. This rehabilitation must be generally consistent with the proposed rehabilitation described in the EA (and depicted conceptually in the figure in Appendix 8), and comply with the objectives in Table 13.</p> <p>Table 13: Rehabilitation Objectives</p> <table border="1" data-bbox="421 979 1050 1201"> <thead> <tr> <th data-bbox="488 986 555 1007">Feature</th> <th data-bbox="801 986 875 1007">Objective</th> </tr> </thead> <tbody> <tr> <td data-bbox="421 1058 555 1078">Mine site (as a whole)</td> <td data-bbox="611 1011 1050 1123"> <ul style="list-style-type: none"> • Safe, stable and non-polluting; • Constructed landforms are to drain to the natural environment (excluding the final voids); • Final landforms are to be consistent with the surrounding topography of the area, taking into account relief patterns and principles; and • Minimise visual impact of final landforms as far as is reasonable and feasible. </td> </tr> <tr> <td data-bbox="421 1155 555 1176">Final Voids</td> <td data-bbox="611 1123 1050 1201"> <ul style="list-style-type: none"> • Minimise the size and depth of final voids so far as is reasonable and feasible, subject to meeting the objectives below; • Minimise the drainage catchment of the final void so far as is reasonable and feasible; • Negligible high wall instability risk; </td> </tr> </tbody> </table>	Feature	Objective	Mine site (as a whole)	<ul style="list-style-type: none"> • Safe, stable and non-polluting; • Constructed landforms are to drain to the natural environment (excluding the final voids); • Final landforms are to be consistent with the surrounding topography of the area, taking into account relief patterns and principles; and • Minimise visual impact of final landforms as far as is reasonable and feasible. 	Final Voids	<ul style="list-style-type: none"> • Minimise the size and depth of final voids so far as is reasonable and feasible, subject to meeting the objectives below; • Minimise the drainage catchment of the final void so far as is reasonable and feasible; • Negligible high wall instability risk; 	<p>Rehabilitation Plan version 1 dated August 2022, Section 4</p> <p>Current Moolarben Forward Program</p> <p>2021 Annual Review Section 9</p> <p>2022 Annual Review Section 9</p> <p>2023 Annual Review Section 9</p> <p>Mine site rehabilitation plans are documented in the Rehabilitation Management Plan, and the Forward Program (January 2024 to December 2026) and are generally consistent with the objectives outlined in Table 13 of the Project Approval (PA05_0117). Also found compliant in the previous IEA.</p> <p>The Annual Reviews report on the progressive rehabilitation on site over each reporting year. The most recent AR available on the website</p>	Compliant	
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PA76	S3 C66	<p>Progressive Rehabilitation</p> <p>The Proponent shall rehabilitate the site progressively. That is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies shall be employed when areas prone to dust generation cannot yet be permanently rehabilitated.</p> <p>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 project.</p>	<p>Rehabilitation Plan version 1 dated August 2022, Section 6</p> <p>Current Moolarben Forward Program</p> <p>2021 Annual Review Section 9</p> <p>2022 Annual Review Section 9</p> <p>2023 Annual Review Section 9</p> <p>The progressive rehabilitation of the site is discussed in Sections 6 and 9 of the RMP, and Section 9 of the Annual Reviews.</p> <p>The Forward program also details the process of progressive rehabilitation in both the mining and rehabilitation schedules.</p>	Compliant	
PA77	S3 C67	<p>The Proponent shall progressively landscape the environmental bunds on site.</p>	<p>Completed last audit period.</p> <p>Inspected for rehabilitation success.</p>	Compliant	
PA78	S3 C68	<p>Rehabilitation Management Plan</p> <p>The Proponent shall prepare and implement a Rehabilitation Management Plan for the project to the satisfaction of the Resources Regulator. This plan must:</p> <p>(a) be prepared in consultation with the Department, DPIE Water, BCD, Council and the CCC;</p> <p>(b) be submitted to the Resources Regulator for approval by 31 March 2015;</p> <p>(c) be prepared in accordance with any relevant MEG guideline;</p> <p>(c1) provide for the periodic review and updating of the rehabilitation plans and management strategies to ensure best practice landform design and establishment strategies are employed</p> <p>(d) describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategies in Table 12 and Table 12A;</p>	<p>a) the latest version of RMP (August 2022) was prepared in consultation with the relevant agencies. Sighted DPI Water as only response.</p> <p>b) Compliance determined in previous IEA</p> <p>c) Compliance determined in previous IEA</p> <p>c1) The Rehabilitation Management Plan was reviewed, updated and approved by the Resource Regulator in August 2022.</p> <p>d) Rehabilitation Management Plan dated August 2022, Sections 4 and 6.</p> <p>e) Rehabilitation Management Plan</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>(e) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);</p> <p>(f) describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval, and address all aspects of rehabilitation including mine closure, final landform, and final land use;</p> <p>(g) include interim rehabilitation where necessary to minimise the area exposed for dust generation;</p> <p>(h) include a program to monitor, independently audit and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and</p> <p>(i) build to the maximum extent practicable on the other management plans required under this approval.</p>	<p>dated August 2022, Section 4.1</p> <p>f) Rehabilitation Management Plan dated August 2022, Sections 6, 8, 10</p> <p>g) Rehabilitation Management Plan dated August 2022, Section 6</p> <p>h) Rehabilitation Management Plan dated August 2022, Section 8, 9</p> <p>i) Rehabilitation Management Plan dated August 2022, references the Biodiversity MP, Heritage MP, Water MP, Pollution Incident Response MP, Waste MP</p>		
PA79	S3 C69	<p>The Drip</p> <p>Notwithstanding the approval of Modification 9, there is to be no extraction of the additional coal resource approved under Modification 9 until the land tenure and surrounds associated with the natural feature known as 'the Drip' is resolved to ensure its conservation to the satisfaction of the Secretary and the Office of Environment and Heritage.</p> <p>This does not prohibit the implementation of the components for Modification 9 including construction and operation the approved water management infrastructure upgrade works.</p>	<p>Compliance with this Condition was verified in the 2018 IEA:</p> <p>Letter (dated 13/03/2015) from DP&E stating that the Department was "Satisfied that Condition 69 Schedule 3 is resolved to ensure its conservation".</p> <p>Visual inspection confirmed during site visit.</p>	Compliant	
Greenhouse Gas					
PA80	S3 C71	<p>Gas Drainage</p> <p>The Proponent shall implement all reasonable and feasible measures to minimise the greenhouse gas emissions from the underground mining operations to the satisfaction of the Secretary.</p>	<p>The Greenhouse Gas Minimisation Plan was reviewed by auditors and deemed satisfactory. Section 4 of the plan details potential management measures. Despite low coal seam gas emission levels at Moolarben Coal Complex, MCO monitors and evaluates the feasibility of greenhouse capture or</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			reuse every three years, according to Section 4.1 of the plan.		
PA81	S3 C72	<p>Prior to carrying out underground mining operations, the Proponent shall submit an updated Greenhouse Gas Minimisation Plan to the Secretary. This plan must:</p> <p>(a) identify options for minimising greenhouse gas emissions from underground mining operations, with a particular focus on capturing and/or using these emissions;</p> <p>(b) investigate the feasibility of implementing each option;</p> <p>(c) propose the measures that would be implemented in the short to medium term on site; and</p> <p>(d) include a research program to inform the continuous improvement of the greenhouse gas minimisation measures on site.</p>	Compliance confirmed through review of previous audit.	Compliant	
Subsidence					
PA82	S3 C73	<p>Performance Measures – Natural and Heritage Features</p> <p>The Proponent shall ensure that the project does not cause any exceedances of the performance measures in Table 14, to the satisfaction of the Secretary.</p> <p>Table 14: Subsidence Impact Performance Measures</p>	<p>Annual Reviews for 2022 and 2023 (Jan1- Dec31) with reference to LW401-405 Extraction Plan Report (30/06/2022).</p> <p>Subsidence monitoring results above LW401 to 403 demonstrate measured values within predictions and visual inspections confirm observed impacts within performance measures during audit period.</p> <p>No notifiable incidents associated with the project required for LW401 to 403.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations																										
		<table border="1"> <tr> <td colspan="2">Special Feature</td> </tr> <tr> <td>The Drip and Goulburn River Gorge (see Appendix 7)</td> <td>Nil impact or environmental consequences</td> </tr> <tr> <td colspan="2">Water Resources</td> </tr> <tr> <td>Goulburn River and the bed of the Goulburn River (see Appendix 7)</td> <td>Negligible impact or environmental consequences. Remain outside the zone of recorded subsidence damage for longwall mining.</td> </tr> <tr> <td colspan="2">Land</td> </tr> <tr> <td>Cliff Line 3</td> <td>Minimise subsidence damage</td> </tr> <tr> <td colspan="2">Heritage Sites</td> </tr> <tr> <td>Aboriginal heritage sites 284, 282, 283, 296 and 297 (see Appendix 7)</td> <td>Reduce the likelihood of subsidence damage to low.</td> </tr> <tr> <td>Aboriginal heritage site 280 (see Appendix 7)</td> <td>Reduce the likelihood of subsidence damage to moderate.</td> </tr> <tr> <td>Historic heritage sites</td> <td>No greater subsidence impact or environmental consequences than predicted in the EA.</td> </tr> <tr> <td colspan="2">Mine workings</td> </tr> <tr> <td>First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible impact, negligible consequence or negligible loss</td> <td>To remain long-term stable and non-subsiding.</td> </tr> <tr> <td>Second workings</td> <td>To be carried out only within the longwall mining domains, in accordance with an approved Extraction Plan.</td> </tr> </table> <p>Notes:</p> <ul style="list-style-type: none"> • The locations of the features referred to in Table 14 are shown in Appendix 7. • The Proponent will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this approval. • Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Secretary will be the final arbiter. • The requirements of this condition only apply to the impacts and consequences of mining operations, construction or demolition undertaken following the date of this approval. 	Special Feature		The Drip and Goulburn River Gorge (see Appendix 7)	Nil impact or environmental consequences	Water Resources		Goulburn River and the bed of the Goulburn River (see Appendix 7)	Negligible impact or environmental consequences. Remain outside the zone of recorded subsidence damage for longwall mining.	Land		Cliff Line 3	Minimise subsidence damage	Heritage Sites		Aboriginal heritage sites 284, 282, 283, 296 and 297 (see Appendix 7)	Reduce the likelihood of subsidence damage to low.	Aboriginal heritage site 280 (see Appendix 7)	Reduce the likelihood of subsidence damage to moderate.	Historic heritage sites	No greater subsidence impact or environmental consequences than predicted in the EA.	Mine workings		First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible impact, negligible consequence or negligible loss	To remain long-term stable and non-subsiding.	Second workings	To be carried out only within the longwall mining domains, in accordance with an approved Extraction Plan.			
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PA83	S3 C74	<p>Offsets</p> <p>If the Proponent exceeds the performance measures in Table 14 and the Secretary determines that:</p> <p>(a) it is not reasonable or feasible to remediate the impact or environmental consequence; or</p> <p>(b) remediation measures implemented by the Proponent have failed to satisfactorily remediate the impact or environmental consequence; then the Proponent shall provide a suitable offset to compensate for the impact or environmental consequence, to the satisfaction of the Secretary.</p> <p>Note: Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence.</p> <p>Impacts to the Drip cannot be offset and consequently the proponent shall ensure that the project has no impact on the Drip or the water supply to the Drip.</p>	No exceedances occurred.	Not triggered															
PA84	S3 C75	<p>Performance Measures – Built Features</p> <p>The Proponent shall ensure that the project does not cause any exceedances of the performance measures in Table 15, to the satisfaction of the Secretary.</p> <p>Table 15: Subsidence Impact Performance Measures – Built Features</p> <table border="1"> <thead> <tr> <th colspan="2">Key public infrastructure:</th> </tr> </thead> <tbody> <tr> <td>Gulgong-Sandy Hollow Railway Line Wollar-Wellington 330kV Transmission Line</td> <td>Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired.</td> </tr> <tr> <th colspan="2">Other infrastructure:</th> </tr> <tr> <td>Roads</td> <td>Safe, serviceable and repairable unless the owner agrees otherwise in writing.</td> </tr> <tr> <td>Other built features and improvements, including fences</td> <td>Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated.</td> </tr> <tr> <th colspan="2">Public Safety</th> </tr> <tr> <td>Public safety</td> <td>Negligible additional risk.</td> </tr> </tbody> </table> <p>Notes:</p>	Key public infrastructure:		Gulgong-Sandy Hollow Railway Line Wollar-Wellington 330kV Transmission Line	Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired.	Other infrastructure:		Roads	Safe, serviceable and repairable unless the owner agrees otherwise in writing.	Other built features and improvements, including fences	Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated.	Public Safety		Public safety	Negligible additional risk.	<p>Annual Reviews for 2022 and 2023 (Jan1- Dec31) with reference to LW401-408 Extraction Plan Report (30/06/2022).</p> <p>Subsidence monitoring results demonstrate measured values above LW 104 & 105 were within predictions and visual inspections confirm observed impacts within performance measures.</p>	Compliant	
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		<ul style="list-style-type: none"> The locations of the features referred to in Table 15 are shown in Appendix 7. The Proponent will be required to define more detailed performance indicators for each of these performance measures in Built Features Management Plans or Public Safety Management Plan (see condition 74 below). Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Secretary will be the final arbiter. The requirements of this condition only apply to the impacts and consequences of mining operations undertaken following the date of this approval. Requirements under this condition may be met by measures undertaken in accordance with the Mine Subsidence Compensation Act 1961. Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes. 			
PA85	S3 C76	Any dispute between the Proponent and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 15 is to be settled by the Secretary, following consultation with Resources Regulator. Any decision by the Secretary shall be final and not subject to further dispute resolution under this approval.	No disputes occurred in the audit period	Not triggered	
PA86	S3 C77	<p>Extraction Plan</p> <p>The Proponent shall prepare and implement an Extraction Plan for all second workings on site to the satisfaction of the Secretary. Each extraction plan must:</p> <p>(a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;</p>	Approved Management and Monitoring Plans with TARPS prepared for LW401 to 405 before longwall extraction.	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>(b) be approved by the Secretary before the Proponent carries out any of the second workings covered by the plan;</p> <p>(c) include detailed plans of existing and proposed first and second workings and any associated surface development;</p> <p>(d) include detailed performance indicators for each of the performance measures in Tables 14 and 15;</p> <p>(e) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this approval;</p> <p>(f) describe the measures that would be implemented to ensure compliance with the performance measures in Tables 14 and 15, and manage or remediate any impacts and/or environmental consequences;</p> <p>(g) include a Built Features Management Plan, which has been prepared in consultation with Resources Regulator and the owners of affected public infrastructure, to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings, and which:</p> <ul style="list-style-type: none"> i. addresses in appropriate detail all items of key public infrastructure and other public infrastructure and all classes of other built features; ii. has been prepared following appropriate consultation with the owner/s of potentially affected feature/s; iii. recommends appropriate remedial measures and includes commitments to mitigate, repair, replace or compensate all predicted impacts on potentially affected built features in a timely manner; and iv. in the case of all key public infrastructure, and other public infrastructure except roads, trails and associated structures, reports external auditing for compliance with ISO 31000 (or alternative standard agreed with the infrastructure owner) and provides for annual auditing of compliance and effectiveness during extraction of longwalls which may impact the infrastructure; <p>(h) include a Water Management Plan, which has been prepared in consultation with EPA and DPIE Water, which provides for the management of the potential impacts and/or environmental</p>	<p>Annual Review reports 2022 & 2023 demonstrate compliance with performance measures.</p> <p>Compensation Agreement between MCO and Dronvisa Quarry above LW403 to 405</p>		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>consequences of the proposed second workings on watercourses and aquifers, including:</p> <ul style="list-style-type: none"> i. surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality; ii. a program to monitor and report stream flows, assess any changes resulting from subsidence impacts and remediate and improve stream stability; iii. a program to monitor and report groundwater inflows to underground workings; iv. a program to predict, manage and monitor impacts on groundwater bores on privately-owned land; and <p>(i) include a Biodiversity Management Plan, which has been prepared in consultation with BCD , which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species, populations and their habitats; endangered ecological communities; and water dependent ecosystems;</p> <p>(j) include a Land Management Plan, which has been prepared in consultation with any affected public authorities, to manage the potential impacts and/or environmental consequences of the proposed second workings on land in general;</p> <p>(k) include a Heritage Management Plan, which has been prepared in consultation with BCD and relevant stakeholders for both Aboriginal and historic heritage, to manage the potential environmental consequences of the proposed second workings on both Aboriginal and non-Aboriginal heritage items, and reflects all requirements under conditions 38-39 of schedule 3;</p> <p>(l) include a Public Safety Management Plan, which has been prepared in consultation with DRG, to ensure public safety in the mining area;</p> <p>(m) include a Subsidence Monitoring Program, which has been prepared in consultation with Resources Regulator, to:</p> <ul style="list-style-type: none"> i. describe the on-going subsidence monitoring program; 			

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> ii. provide data to assist with the management of the risks associated with subsidence; iii. validate the subsidence predictions; iv. analyse the relationship between the predicted and resulting subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and v. inform the contingency plan and adaptive management process. vi. (deleted) (n) include a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Tables 14 and 15, or where any such exceedance appears likely; (o) proposes appropriate revisions to the Rehabilitation Management Plan required under condition 68 of Schedule 3; and (p) include a program to collect sufficient baseline data for future Extraction Plans. <p>Note: To identify the longwall mining domains referred to in this condition, see Appendix 2.</p>			
PA87	S3 C78A	<p>Prior to the commencement of second workings in longwall LW12, the Proponent shall:</p> <ul style="list-style-type: none"> (a) prepare a report: <ul style="list-style-type: none"> i. analysing the subsidence, surface water, and groundwater impacts of the cumulative progress of longwall mining for the project, including consideration of data collected from the previously mined panels up to and including commencement in longwall LW11; ii. updating the predicted impacts based on the available local data and current scientific understanding of these relevant fields (demonstrating compliance with the requirements of this approval); (b) commission suitably qualified subsidence and groundwater experts whose appointment has been approved by the Secretary to review the report, and if necessary recommend changes to the monitoring programs and/or mine plan for subsequent panels; and 	Second workings in LW12 have not commenced.	Not triggered	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		(c) submit a copy of the report and expert review to the Department, Resources Regulator, BCD and DPIE Water, including a response to any recommendations contained in the expert review; to the satisfaction of the Secretary. Note: The locations of LW9-LW14 are marked in Appendix 7, figure 7.1.			
PA88	S3 C78	The Proponent shall ensure that the management plans required under conditions 77(g)-(l) above include: (a) an assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this approval; and (b) a detailed description of the measures that would be implemented to remediate predicted impacts.	The requirements are contained within: a) LW401-408 Extraction Plan Report (30/06/2022) b) LW401-408 Extraction Plan Report (30/06/2022)	Compliant	
PA89	S3 C79	First Workings The Proponent may carry out first workings on site other than in accordance with an approved Extraction Plan, provided that Resources Regulator is satisfied that the first workings are designed to remain long-term stable and non-subsiding, except insofar as they may be impacted by approved second workings.	Auditors sighted DPIE letter of first workings satisfaction dated 8 July 2019.	Compliant	
PA90	S3 C80	Payment of Reasonable Costs The Proponent shall pay all reasonable costs incurred by the department to engage suitably qualified, experienced and independent experts to review the adequacy of any aspect of an Extraction Plan.	The Department has not required MCO to pay costs related to PA 05_0117.	Not triggered	

SCHEDULE 4 – Additional Procedures

Notification of Landowners / Tenants

PA91	S4 C1	By the end of March 2015, the Proponent shall: (a) notify in writing the owners of: (a) any land in Table 1A and any land or residence exceeding the criteria in Tables 2A and 2 (respectively) of Schedule 3 that they have the right to require the Proponent to acquire their land at any stage during the project;	Actions required by this condition were required prior to the audit period. Compliance confirmed in 2015 IEA.	Compliant	
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Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>(b) any residence on the land listed in Table 3 and any residence exceeding the criteria in Table 3A of Schedule 3 that they have the right to request the Proponent for additional noise mitigation measures to be installed at their residence at any stage during the project; and</p> <ul style="list-style-type: none"> any privately-owned land within 2 kilometres of the approved open cut mining pit/s that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated; <p>(b) notify the tenants of any mine-owned land of their rights under this approval; and</p> <p>(c) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EA identify that dust emissions generated by the project are likely to be greater than the relevant air quality criteria in Schedule 3 at any time during the life of the project.</p>			
PA92	S4 C2	<p>Prior to entering into any tenancy agreement for any land owned by the Proponent that is predicted to experience exceedances of the recommended dust and/or noise criteria, or for any of the land listed in Table 3 that is subsequently purchased by the Proponent, the Proponent shall:</p> <p>(a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and</p> <p>(b) advise the prospective tenants of the rights they would have under this approval, to the satisfaction of the Secretary.</p>	No new tenancy agreements have been entered	Not triggered	
PA93	S4 C3	<p>As soon as practicable after obtaining monitoring results showing:</p> <p>(a) an exceedance of any relevant criteria in Schedule 3, the Proponent shall notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the project is again complying with the relevant criteria; and</p>	One resident was required to be provided data in 2021. This condition has not been triggered since.	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		(b) (b) an exceedance of the relevant air quality criteria in Schedule 3, the Proponent shall send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).			
Independent Review					
PA94	S4 C4	<p>If an owner of privately-owned land considers the project to be exceeding the criteria in Schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the project on his/her land.</p> <p>If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, the Proponent shall:</p> <p>(a) commission a suitably qualified, experienced and independent expert, whose appointment has been approved by the Secretary, to:</p> <ul style="list-style-type: none"> • consult with the landowner to determine his/her concerns; • conduct monitoring to determine whether the project is complying with the relevant impact assessment criteria in Schedule 3; and • if the project is not complying with these criteria then: <ul style="list-style-type: none"> o determine if more than one mine is responsible for the exceedance, and if so the relative share of each mine regarding the impact on the land; o identify the measures that could be implemented to ensure compliance with the relevant criteria; and <p>(b) give the Secretary and landowner a copy of the independent review.</p>	No requests for independent review have been received.	Not triggered	
PA95	S4 C5-C9	Deleted			
Land Acquisition					
PA96	S4 C10	<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 land at the date of this written request, as if the land was unaffected by the project, having regard to the:</p>	No requests from landowners have been received.	Not triggered	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<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 land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise and/or air quality mitigation measures in conditions 4 and 5 of Schedule 3; <p>(b) the reasonable costs associated with:</p> <ul style="list-style-type: none"> • relocating within the Mid-western Regional local government area, or to any other local government area determined by the Secretary; and • obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and <p>(c) reasonable compensation for any disturbance caused by the land acquisition process.</p> <p>However, if at the end of this period, the Proponent and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.</p> <p>Upon receiving such a request, the Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p> <ul style="list-style-type: none"> • consider submissions from both parties; • determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above; • prepare a detailed report setting out the reasons for any determination; and • provide a copy of the report to both parties. <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>			

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<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 Secretary 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 Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.</p> <p>Within 14 days of this determination, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination.</p> <p>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 Secretary determines otherwise.</p>			
PA97	S4 C11	The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 10 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.	No requests have been received.	Not triggered	

SCHEDULE 5 – Environmental Management, Auditing and Reporting

Environmental Management

PA98	S5 C1	<p>Environmental Management Strategy</p> <p>The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Secretary. This strategy must:</p> <p>(a) be submitted to the Secretary for approval within 6 months of the date of this approval;</p> <p>(b) provide the strategic framework for environmental management of the project;</p> <p>(c) identify the statutory approvals that apply to the project;</p>	<p>Previous audits confirmed Environmental Management Strategy was submitted for approval within 6 months of approval.</p> <p>Auditors reviewed the Environmental Management Strategy and deemed the strategic framework adequate.</p>	Compliant	
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Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;</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 project; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise; • respond to any non-compliance; • respond to emergencies; and <p>(f) include:</p> <ul style="list-style-type: none"> • copies of any strategies, plans and programs approved under the conditions of this approval; and • a clear plan depicting all the monitoring to be carried out in relation to the project. 	<p>Section 4 outlines the statutory approvals that apply to Moolarben Coal Complex.</p> <p>Section 5.1 and Appendix E outline roles, responsibilities, authority and accountability of all key personnel involved in management of the project.</p> <p>Section 5.3 details information dissemination which provides details about the community consultative committee (CCC), information provided on the MCO website and internal communications.</p> <p>Complaints management is the detailed in Section 5.4.</p> <p>Dispute resolution is detailed in Section 5.5</p> <p>Management and reporting of non-compliance is detailed in Section 6.2</p> <p>Emergency response is detailed in Section 5.2 and 6.3.</p> <p>Table 4 provides strategies, plans and programs relevant to the approval, which can be accessed through the Moolarben Coal website.</p> <p>Monitoring plans are contained in each specific environmental management plan and Appendix G of the Environmental Management Strategy provides figures showing monitoring plans.</p>		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA99	S5 C2	<p>Adaptive Management</p> <p>The Proponent must assess and manage project-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this approval and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.</p> <p>Where any exceedance of these criteria and/or performance measures has occurred, the Proponent must, at the earliest opportunity:</p> <p>(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;</p> <p>(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and</p> <p>(c) implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary.</p>	<p>MCO self-reported all non-compliances during the audit period.</p> <ul style="list-style-type: none"> EPL DP01 not sampled for oil & grease and TSS during discharge in December 2021. EPL DP01 EPL discharge point 01 not sampled for TSS. Self-reported incident April 2023. <p>Oil was spilled from an operating vehicle, creating a line along access roads from the OC workshop to the CHPP on 12 March 2024. The incident was responded to and reported in accordance with the PIRMP. Auditors sighted notification to and responses from the EPA and the Department. MCO took corrective measures including notification of supervisors and the Emergency Response Team, notification of NSW Fire and Rescue. NSW RFS then attended the site and commenced clean up of approximately 30 L of oily water, finishing at 3:40am that evening. Oily water was observed to have been contained within the road.</p> <p>A review of the incidents register revealed all incidents have been investigated by MCO and corrective and preventative actions were taken where required.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA100	S5 C3	<p>Management Plan Requirements</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 unpredicted impacts and their consequences;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the project over time;</p> <p>(g) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> • incidents; • complaints; • non-compliances with statutory requirements; and • exceedances of the impact assessment criteria and/or performance criteria; and <p>(h) a protocol for periodic review of the plan.</p>	<p>Auditors reviewed all relevant management plans to the approval:</p> <ul style="list-style-type: none"> - Noise Management Plan - Blasting Management Plan - Air Quality Management Plan - Water Management Plan - Brine Management Plan - Biodiversity Management Plan - Heritage Management Plan - Rehabilitation Management Plan - Extraction Plan - Built Features Management Plan - Public Safety Management Plan <p>Detailed baseline data was found to be included in relevant management plans.</p> <p>Relevant statutory approvals are generally found in Section 2 of MCO's management plans.</p> <p>Relevant limits and specific performance is detailed in Sections 3 and 4 of management plans where relevant.</p> <p>Performance indicators and management measures are detailed in Sections 6 and 7 of management plans.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA101	S5 C4	<p>Annual Review</p> <p>By the end of March each year, or other timing as may be agreed by the Secretary, the Proponent shall review the environmental performance of the project to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the development that was carried out in the previous calendar year, and the development that is proposed to be carried out over the next year;</p>	<p>Monitoring programs and reporting are detailed in sections 7 and 8 of management plans where relevant.</p> <p>Contingency plans can be found in either section 9 or section 11 where relevant.</p> <p>Investigation and improvement of environmental performance is presented in Section 10 of management plans where relevant and is also detailed in relevant annual reviews for the audit period.</p> <p>Management of incidents, complaints, non-compliances and exceedances are generally detailed in Sections 7, 8 and 11.</p> <p>Periodic review of management plans is detailed in Section 7 of the Environmental Management Strategy and generally in Section 10 of each management plan.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the previous calendar 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; <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the project.</p>	<p>Section 4 details the development and operations that have occurred within the reporting period and section 13 provides activities to be completed before the end of the next reporting period.</p> <p>Section 6 details environmental performance including monitoring results and section 10.2 summarises community complaints.</p> <p>Section 12 details any incidents and non-compliances.</p> <p>Comparisons to monitoring results in previous years and identification of trends and discrepancies between predicted and actual impacts is provided in Section 6.</p> <p>Section 13 details measures to be implemented in the following reporting period.</p>		
PA102	S5 C5	<p>Revision of Strategies, Plans and Programs</p> <p>Within 3 months of the submission of:</p> <p>(a) the submission for annual review under condition 4 above;</p> <p>(b) the submission for incident report under condition 7 below;</p> <p>(c) the submission for audit under condition 9 below; or</p> <p>(d) any modification of this approval,</p> <p>the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within four weeks of the review the revised document must be submitted to the Secretary for approval.</p> <p>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.</p>	<p>MCO reviewed all relevant environmental management plans in September 2022 and August 2023. The review identified that updates would be required to the Water Management Plan appendices following the approval of the LW401-408 Extraction Plan, which was approved 14 July 2022. The Surface Water Management Plan and the Groundwater Management Plans were updated to incorporate the additional monitoring and management measures identified in the LW401-408 Extraction Plan and administrative updates.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			<p>The Secretary agreed to the revisions noting consultation with relevant government agencies was required.</p> <p>Auditors sighted letter correspondence between MCO and the Secretary confirming the revision.</p> <p>Section 6 of the Environmental Management Strategy provides for the revision of management plans in accordance with this condition.</p>		
PA103	S5 C6	<p>The Proponent shall operate a Community Consultative Committee (CCC) for the Moolarben mine complex to the satisfaction of the Secretary. 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>Notes:</p> <ul style="list-style-type: none"> • The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval; and • The CCC should be comprised of an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the local community. 	<p>Section 5.3 of the Environmental Management Strategy details information dissemination to the CCC. The CCC was established to the satisfaction of the Secretary and is operated in accordance with 'Community Consultative Committee Guidelines: State Significant Projects 2019'.</p> <p>Minutes from CCC meetings are posted on the Moolarben Coal website.</p>	Compliant	
Reporting					
PA104	S5 C7	<p>Incident Reporting</p> <p>The Proponent shall immediately notify the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the project, the Proponent shall notify the Secretary and any other relevant agencies 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 Secretary and any</p>	<p>During the audit period the following notifications have been made:</p> <ul style="list-style-type: none"> - Water Treatment Plant October 2022 - LDP01 Missed Sample May 2023 - HVAS Missed Sample August 2023 	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		relevant agencies with a detailed report on the incident, and such further reports as may be requested.	- Oil Water Spill Ulan Wollar Road March 2024 Auditors sighted notifications, 7 day reports and responses for the incidents.		
PA105	S5 C8	Regular Reporting The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.	MCO uploads monthly environmental performance reports on the project website and yearly environmental performance reporting in the Annual Reviews. CCC meeting minutes show MCO reports on environmental performance to the CCC.	Compliant	
PA106	S5 C9	Auditing By 31 December 2015, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must: (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval, and any other relevant approvals, relevant EPL/s and/or Mining Lease (including any assessment, plan or program required under these approvals); (d) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and (e) recommend measures or actions to improve the environmental performance of the Moolarben mine complex, and/or any strategy, plan or program required under these approvals. Note: • Notwithstanding the timing referred to above, audits must be carried out prior to the completion of longwall panels 4 and 8. The Proponent	The 2021 Independent Environmental Audit was undertaken by auditors approved by the Secretary, included consultation with relevant agencies, provided an assessment of environmental performance and compliance, reviewed the adequacies of strategies and plans and provided recommendations to improve environmental performance.	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>must liaise with the Department to determine the precise date of these audits.</p> <ul style="list-style-type: none"> This audit team should be led by a suitably qualified auditor, and include experts in the field of subsidence, surface water and groundwater management, noise, ecology and mine rehabilitation. 			
PA107	S5 C10	<p>Within 6 weeks of completing this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary with a response to any recommendations contained in the audit report.</p>	<p>Auditors sighted the 2021 Independent Environmental Audit response table that was submitted to the Secretary. It is available on the Moolarben Coal website.</p>	Compliant	
PA108	S5 C11	<p>Access to Information The Proponent shall:</p> <p>(a) make the following information publicly available on its website:</p> <ul style="list-style-type: none"> the EA; current statutory approvals for the project; approved strategies, plans or programs required under the conditions of this approval; a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval; 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, and the Proponent's response to the recommendations in any audit; any other matter required by the Secretary; and <p>(b) keep this information up to date,</p> <p>(c) investigate and report on reasonable and feasible measures to make predictive meteorological data and real time monitoring data publicly available on its website to the satisfaction of the Secretary.</p>	<p>Auditors reviewed MCO's public facing website prior to site inspection.</p> <p>All of the information specified in this condition was present at the time of the review.</p>	Compliant	

S = Schedule

C = Condition

AUDIT CHECKLIST – PROJECT APPROVAL 08_0135

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Table 1 PROJECT APPROVAL 08_0135

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SCHEDULE 2 - ADMINISTRATIVE CONDITIONS					
Obligation to Minimise Harm to the Environment					
PA109	S2 C1	In addition to meeting the specific performance criteria established under this approval, the Proponent must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the project.	MCO demonstrated a high level of compliance with Project Approvals for Stage 2 of the Moolarben Coal Complex. Auditors noted best practice environmental management during site inspections including rubber noise attenuation installed on dump trucks, effective water management through dam design and proactive rehabilitation.	Compliant	
Terms of Approval					
PA110	S2 C2	The Proponent must carry out the project: (a) generally in accordance with the EA; and (b) in accordance with the statement of commitments and the conditions of this approval.	MCO generally demonstrated compliance with Project Approvals for Stage 2 of the Moolarben Coal Complex.	Compliant	
PA111	S2 C3	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.		Noted	
PA112	S2 C4	The Proponent must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: (c) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this approval; (d) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and (e) the implementation of any actions or measures contained in these documents.	Interviews with personnel on site confirmed no requests from the Department have been received within the audit period.	Not triggered	
Lapsing of Approval					
PA113	S2 C5	If the project has not been physically commenced within 5 years of the date of this approval, then this project approval shall lapse.		Not triggered	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
Limits on Approval					
PA114	S2 C6	<p>Mining Operations</p> <p>The Proponent may carry out mining operations on site until 31 December 2038.</p> <p>Note: Under this approval, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of both the Secretary and Resources Regulator. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.</p>	Auditors reviewed UG1 Longwalls 101 to 105 Extraction Plan which notes mining is currently approved until 31 December 2038. There is no evidence to suggest MCO plans to continue mining in any area including OC4 beyond the approved date.	Noted	
PA115	S2 C7	<p>Coal Extraction</p> <p>The Proponent must not extract more than:</p> <p>(a) 16 million tonnes of ROM coal from the open cut mining operations of the project in any calendar year; and</p> <p>(b) 8 million tonnes of ROM coal from the underground mining operations of the project in any calendar year.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The above limits should be read in conjunction with the extraction, processing and coal transport limits in the Moolarben Coal Stage 1 approval (MP 05_0117). • The total ROM coal extracted from the Moolarben mine complex (open-cut and underground mining) is no more than 24 million tonnes in any calendar year. • No more than 16 million tonnes of coal from the Moolarben mine complex can be processed (washed) in any calendar year. • No more than 22 million tonnes can be transported from the Moolarben mine complex in any calendar year. 	Review of Section 4.1 of Annual Reviews for 2023, 2022 and 2021 confirmed no exceedances of ROM coal extraction limits.	Compliant	
PA116	S2 C8	<p>Coal Processing and Transport</p> <p>The Proponent must ensure that all coal extracted from the project is sent to the Moolarben Stage 1 mine surface infrastructure area for processing and/or transport to market..</p>	Review of Table 8 of Annual Reviews for 2023, 2022 and 2021 confirmed no exceedances of coal washing or handling limits.	Compliant	
PA117	S2 C9	<p>Structural Adequacy</p>	Construction certificates associated with the UG bath house and upgrades to the CHPP were provided by MCO and sighted	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>The Proponent must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates (where applicable) for the proposed building works; and • Part 8 of the EP&A Regulation sets out the requirements for the certification of the project. 	<p>by auditors. Construction certificates associated with the extension works of the UG administration building and the temporary NMS Administration Building have not yet been received. Moolarben is in the process of obtaining appropriate construction certificates required for the UG Administration Building and the temporary NMS Administration building.</p>		
PA118	S2 C10	<p>Demolition</p> <p>The Proponent must ensure that all demolition work on site is carried out in accordance with AS 2601-2001: The Demolition of Structures, or its latest version.</p>	<p>Interviews with MCO personnel and review of Annual Reviews for the audit period confirmed no demolition has occurred during the audit period.</p>	Not triggered	
PA119	S2 C11	<p>Protection of Public Infrastructure</p> <p>Unless the Proponent and the applicable authority agree otherwise, the Proponent must:</p> <p>(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and</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> <p>Note: This condition does not apply to any damage to public infrastructure subject to compensation payable under the Mine Subsidence Compensation Act 1961, or to damage to roads caused as a result of general road usage.</p>	<p>Interview with MCO personnel and review of Annual Reviews for the audit period confirmed there have been no recorded impacts on roads or other infrastructure during the audit period</p>	Not triggered	
PA120	S2 C12	<p>Operation of Plant and Equipment</p> <p>The Proponent must ensure that all plant and equipment used on site, or in connection with the project, is:</p> <p>(a) maintained in a proper and efficient condition; and</p> <p>(b) operated in a proper and efficient manner.</p>	<p>(a) Plant and equipment maintenance plan is driven by work orders in SAP and closed out with completed work orders. Records of maintenance are all kept in SAP. SAP generates Work Order's based off maintenance plans & SMU uploads and work is scheduled into a Daily Shift Log. Asset Management Superintendent Christee-Lee Brakel demonstrated work order process in SAP to auditors. Auditors sighted maintenance plans including oil filtration and inspections. Maintenance occurs on 3 and 12 month schedules,</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			<p>generating work orders with plan date, call date and completion date. Any defect notification goes through AAM who creates a notification in SAP.</p> <p>(b) Training records for operation of plant and equipment are stored in an online document management system called Pegasus, an example of the competencies recorded in Pegasus have been attached.</p>		
PA121	S2 C13	<p>Staged Submission of Strategies, Plans or Programs</p> <p>With the approval of the Secretary, the Proponent may:</p> <p>(a) submit any strategy, plan or program required by this approval on a progressive basis; and</p> <p>(b) combine any strategy, plan, program, review, audit or report required by this approval with any similar strategy, plan, program, review, audit or report required under Project Approval 05_0117 for the Moolarben Coal Project Stage 1.</p> <p>Notes:</p> <ul style="list-style-type: none"> • While any strategy, plan or program may be submitted on a progressive basis, the Proponent will need to ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times; and • 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 to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program. 		Noted	
PA122	S2 C13A	<p>With the agreement of the Secretary, the Proponent 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>		Noted	
PA123	S2 C14	<p>Community Enhancement</p> <p>From the commencement of construction until mining operations under this approval cease, the Proponent must pay to Council a total of \$515 a year for each full-time equivalent employee/contractor at the Moolarben mine complex in excess of 320. This payment is for the provision of infrastructure and</p>	<p>Auditors sighted tax invoices for each year of the audit period confirming payment of Stage 2 VPA pursuant to this condition.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations																																																	
		services generated by the project. It is also to be indexed in accordance with the CPI for the previous quarter.																																																				
SCHEDULE 3 – Environmental Conditions - General																																																						
Noise																																																						
PA124	S3 C1	<p>Noise Criteria</p> <p>The Proponent must ensure that the noise generated by the Moolarben mine complex does not exceed the criteria in Table 3 at any residence on privately-owned land or the other specified locations.</p> <p>Table 3: Noise criteria dB(A)</p> <table border="1"> <thead> <tr> <th rowspan="2">Receiver ID</th> <th>Day</th> <th>Evening</th> <th colspan="2">Night</th> </tr> <tr> <th>L_{Aeq}(15min)</th> <th>L_{Aeq}(15min)</th> <th>L_{Aeq}(15min)</th> <th>L_A(1min)</th> </tr> </thead> <tbody> <tr> <td>30,63</td> <td>39</td> <td>39</td> <td>39</td> <td>45</td> </tr> <tr> <td>63</td> <td>39</td> <td>39</td> <td>39</td> <td>45</td> </tr> <tr> <td>70</td> <td>37</td> <td>37</td> <td>37</td> <td>45</td> </tr> <tr> <td>75</td> <td>36</td> <td>36</td> <td>36</td> <td>45</td> </tr> <tr> <td>All other privately-owned residences</td> <td>35</td> <td>35</td> <td>35</td> <td>45</td> </tr> <tr> <td>Ulan Primary School</td> <td></td> <td>35 (internal when in use)</td> <td></td> <td>-</td> </tr> <tr> <td>Ulan Anglican Church</td> <td></td> <td>35 (internal when in use)</td> <td></td> <td>-</td> </tr> <tr> <td>Goulburn River National Park Munghorn Gap Nature Reserve</td> <td></td> <td>50 when in use</td> <td></td> <td>-</td> </tr> </tbody> </table> <p>Note: To interpret the land referred to in Table 3, see the applicable figures in Appendix 5.</p> <p>Noise generated by the Moolarben mine complex is to be measured in accordance with the relevant requirements of the NSW Noise Policy for Industry. Appendix 6 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.</p> <p>However, these criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	Receiver ID	Day	Evening	Night		L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Aeq} (15min)	L _A (1min)	30,63	39	39	39	45	63	39	39	39	45	70	37	37	37	45	75	36	36	36	45	All other privately-owned residences	35	35	35	45	Ulan Primary School		35 (internal when in use)		-	Ulan Anglican Church		35 (internal when in use)		-	Goulburn River National Park Munghorn Gap Nature Reserve		50 when in use		-	<p>Review of Annual Reviews and Monitoring Reports identified that noise generated by the Moolarben mine complex did not exceed the relevant noise criteria during the audit period.</p> <p>2021: Sighted Annual Review (Section 6.2 and Appendix 3B) and Monthly Compliance Monitoring Reports. No exceedances noted.</p> <p>Review of Annual Reviews and Monitoring Reports identified that noise generated by the Moolarben mine complex did not exceed the relevant noise criteria during the audit period.</p> <p>2021: Sighted Annual Review (Section 6.2 and Appendix 3B) and Monthly Compliance Monitoring Reports. No exceedances noted.</p> <p>2022: Sighted Annual Review (Section 6.2 and Appendix 3B) and Monthly Compliance Monitoring Reports. No exceedances noted.</p> <p>2023: Sighted Annual Review (Section 6.2 and Appendix 3B) and Monthly Compliance Monitoring Reports. No exceedances noted.</p> <p>2024: Sighted Monthly Environmental Monitoring Reports for January to March, prepared by Spectrum Acoustics (January) and EMM (February and March). No exceedances noted.</p> <p>A review of Monthly Environmental Monitoring Reports identified that attended monitoring is undertaken by independent acoustic consultants, in accordance with the relevant guidelines and Noise Management Plan.</p>	Compliant	
Receiver ID	Day	Evening		Night																																																		
	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Aeq} (15min)	L _A (1min)																																																		
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PA125	S3 C2	<p>Land Acquisition Criteria</p> <p>If the noise generated by the Moolarben mine complex exceeds the criteria in Table 4 then upon receiving a written request for acquisition from an owner of the land listed in Table 4, the Proponent must acquire the land in accordance with the procedures in conditions 5 and 6 of Schedule 5.</p> <p>Table 4: Acquisition criteria dB(A) LAeq (15min)</p> <table border="1"> <thead> <tr> <th>Receiver ID</th> <th>Day (LAeq (15min))</th> <th>Evening (LAeq (15min))</th> <th>Night (LAeq (15min))</th> </tr> </thead> <tbody> <tr> <td>63</td> <td>43</td> <td>43</td> <td>42</td> </tr> <tr> <td>All other privately-owned residences</td> <td>40</td> <td>40</td> <td>40</td> </tr> </tbody> </table> <p>Note: To interpret the land referred to Table 4, see the applicable figures in Appendix 5.</p>	Receiver ID	Day (LAeq (15min))	Evening (LAeq (15min))	Night (LAeq (15min))	63	43	43	42	All other privately-owned residences	40	40	40	Review of Annual Reviews and Monitoring Reports identified that noise generated by the Moolarben Mine Complex did not exceed the relevant noise criteria during the audit period. Hence, the Land Acquisition Criteria were not triggered during the audit period.	Not triggered	
Receiver ID	Day (LAeq (15min))	Evening (LAeq (15min))	Night (LAeq (15min))														
63	43	43	42														
All other privately-owned residences	40	40	40														
PA126	S3 C3	<p>If the noise generated by the Moolarben mine complex contributes to exceedances of the relevant criteria in Table 5 on more than 25% of any privately-owned land (and a dwelling could be built on that land under existing planning controls), the Proponent must, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 5 and 6 of Schedule 5.</p> <p>Table 5: Land acquisition criteria</p> <table border="1"> <thead> <tr> <th>Day/Evening/Night LAeq(period)</th> <th>Receiver</th> </tr> </thead> <tbody> <tr> <td>55/50/45</td> <td>All privately-owned land</td> </tr> </tbody> </table> <p>Note: Noise generated by the project is to be measured in accordance with the relevant requirements of the NSW Noise Policy for Industry. Appendix 6 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria. However, these noise criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	Day/Evening/Night LAeq(period)	Receiver	55/50/45	All privately-owned land	Review of Annual Reviews and Monitoring Reports identified that noise generated by the Moolarben mine complex did not exceed the relevant noise criteria during the audit period. Hence, the Land Acquisition Criteria were not triggered during the audit period.	Not triggered									
Day/Evening/Night LAeq(period)	Receiver																
55/50/45	All privately-owned land																
PA127	S3 C4	<p>Noise Mitigation Criteria</p> <p>If the noise generated by the Moolarben mine complex exceeds the criteria in Table 6 at any privately owned residence, then upon receiving a written request the Proponent must implement additional noise mitigation measures (such as double-glazing, insulation and/or air conditioning) at the residence in consultation with the landowner. These measures must be reasonable and</p>	Review of Annual Reviews and Monitoring Reports identified that noise generated by the Moolarben mine complex did not exceed the relevant noise criteria during the audit period. Hence, the Noise Mitigation Criteria were not triggered during the audit period.	Not triggered													

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations												
		<p>feasible, and directed towards reducing the noise impacts of the project on the residence.</p> <p>If within 3 months of receiving this request from the owner, the Proponent and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p>Table 6: Mitigation criteria dB(A) LAeq (15min)</p> <table border="1"> <thead> <tr> <th>Receiver ID</th> <th>Day (LAeq (15min))</th> <th>Evening (LAeq (15min))</th> <th>Night (LAeq (15min))</th> </tr> </thead> <tbody> <tr> <td>63</td> <td>40</td> <td>40</td> <td>39</td> </tr> <tr> <td>All privately owned residences other than those in Table 2</td> <td>37</td> <td>37</td> <td>37</td> </tr> </tbody> </table> <p>Note: To interpret the land referred to Table 6, see the applicable figures in Appendix 5.</p>	Receiver ID	Day (LAeq (15min))	Evening (LAeq (15min))	Night (LAeq (15min))	63	40	40	39	All privately owned residences other than those in Table 2	37	37	37			
Receiver ID	Day (LAeq (15min))	Evening (LAeq (15min))	Night (LAeq (15min))														
63	40	40	39														
All privately owned residences other than those in Table 2	37	37	37														
PA128	S3 C5	<p>Operating Conditions</p> <p>The Proponent must:</p> <p>(a) implement best management practice to minimise the operational and road noise of the project;</p> <p>(b) operate a comprehensive noise management system that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this approval;</p> <p>(c) minimise the noise impacts of the project during meteorological conditions when the noise limits in this approval do not apply (see Appendix 6);</p> <p>(d) only use locomotives and rolling stock that are approved to operate on the NSW rail network in accordance with the noise limits in ARTC's EPL;</p> <p>(e) co-ordinate noise management at the Moolarben mine complex with the noise management at Ulan and Wilpinjong mines to minimise cumulative noise impacts; and</p> <p>(f) carry out regular monitoring to determine whether the Moolarben mine complex is complying with the relevant conditions of this approval,</p>	<p>a) MCO operates in accordance with Noise Management Plan (NMP) (MCO-ENV-PLN_0024, Version 5, October 2020). Section 6 of the NMP details the noise management measures, which include a combination of best management practices, noise source controls, transmission path measures and where necessary, additional mitigation measures (at-property treatments).</p> <p>b) Section 6.3 of the NMP describes the predictive meteorological forecasting model in conjunction with real-time response protocols (Section 6.4 and Section 7.3) as part of a comprehensive noise management system.</p> <p>c) Section 6.1 of the NMP states that an Automatic Weather Station (AWS) will be operated to aid in implementing additional noise mitigation measures during noise enhancing conditions. Section 6.3 of the NMP describes the Environmental Forecasting System, which predicts the presence of favourable and unfavourable noise conditions based on meteorological data and provides predictions of noise risk levels at nearby receivers.</p>	Compliant													

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		to the satisfaction of the Secretary.	<p>d) Section 6.1 of the NMP states MCO will use of locomotives and rolling stock that are approved to operate on the NSW rail network in accordance with the ARTC EPL. Sighted letters from Aurizon (dated 8 January 2024) and Pacific National (dated 8 January 2024) confirming that locomotives utilised in NSW coal haulage activities are compliant with the EPA's Locomotive Class Register.</p> <p>e) MCO has implemented a data sharing protocol with Ulan Coal Mine (UCM) and Wilpinjong Coal Mine (WCM) to assist in cumulative noise management (Section 6.6 of NMP). MCO has entered a data sharing agreement (dated 22 January 2014 – sighted) with UCM to access a directional noise monitoring on Toole Road (ND2) to determine and managed its contribution to cumulative noise at Receiver 258.</p> <p>f) Section 7 of the NMP describes the noise monitoring program developed to assess compliance with the relevant noise criteria.</p> <p>Noise monitoring data was sighted covering the audit period.</p>		
PA129	S3 C6	<p>Noise Management Plan</p> <p>The Proponent must prepare and implement a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA, and submitted to and approved by the Secretary prior to the commencement of any development on site under this approval;</p> <p>(b) describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in this approval;</p> <p>(c) describe the proposed noise management system in detail; and</p> <p>(d) include a monitoring program that:</p> <ul style="list-style-type: none"> • evaluates and reports on: - the effectiveness of the noise management system; 	<p>a) MCO has prepared a NMP (MCO-ENV-PLN_0024, Version 5, October 2020), prepared in consultation with the EPA to the satisfaction of the Secretary.</p> <p>b) Section 6 of the NMP describes the noise management measures to be implemented to ensure compliance with the noise criteria and operating conditions of the approval, provided in Section 4 and Section 2 of the NMP.</p> <p>c) The noise management system is described in detail in Section 6 of the NMP, including management practices, predictive environmental forecasting, real-time triggers and response protocols, and cumulative noise management.</p> <p>d) Section 7 of the NMP describes the noise monitoring program, including attended noise monitoring to evaluate compliance with the relevant noise criteria (Section 7.2);</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> - compliance against the noise criteria in this approval; and - compliance against the noise operating conditions; • includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time (so the real-time noise monitoring program can be used as a better indicator of compliance with the noise criteria in this approval and trigger for further attended monitoring); and • defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents. 	real-time monitoring, including validation monitoring at NA2, NA3, NA10 and NA12 (Section 7.3); a protocol to evaluate and report on the effectiveness of the management system (Section 9); and a compliance assessment protocol, which defines what constitutes a noise incident, and includes a protocol for notifying the Department and EPA (Section 7.2.1 and Section 8).		
PA129.1	S3C6A	The proponent must implement the approved Noise Management Plan	MCO did not record any noise-related exceedances in the audit period. Auditors observed well maintained and functioning noise monitoring equipment during site inspection, as well as effective noise mitigation measures, such as the full enclosure of the CHPP.	Compliant	

Blasting

PA130	S3 C7	<p>Blasting Criteria</p> <p>The Proponent must ensure that blasting on the Moolarben mine complex does not cause exceedances of the criteria in Table 7.</p> <p>Table 7: Blasting criteria</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Airblast overpressure (dB(Lin Peak))</th> <th>Ground vibration (mm/s)</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Residence on privately owned land</td> <td>120</td> <td>10</td> <td>0%</td> </tr> <tr> <td>115</td> <td>5</td> <td>5% of the total number of blasts over a period of 12 months</td> </tr> <tr> <td>All public infrastructure</td> <td>-</td> <td>50 <i>(or a limit determined by the structural design methodology in AS 2187.2-2006, or its latest version, or other alternative limit for public infrastructure, to the satisfaction of the Secretary)</i></td> <td>0%</td> </tr> </tbody> </table> <p>However, these criteria do not apply if the Proponent has a written agreement with the relevant owner to exceed these criteria, and has advised the Department in writing of the terms of this agreement.</p>	Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance	Residence on privately owned land	120	10	0%	115	5	5% of the total number of blasts over a period of 12 months	All public infrastructure	-	50 <i>(or a limit determined by the structural design methodology in AS 2187.2-2006, or its latest version, or other alternative limit for public infrastructure, to the satisfaction of the Secretary)</i>	0%	<p>Review of Annual Reviews and Monitoring Reports identified that airblast overpressure generated by the Moolarben mine complex exceeded the relevant noise criteria during the audit period. Ground vibration from blasting activities did not exceed the criteria at any receiver locations during the audit period.</p> <p>2021: Sighted Annual Review (Section 6.3 and Appendix 3C) and Monthly Compliance Monitoring Reports. Airblast overpressure exceeded 115dB on five occasions between 1 October 2021 and 31 December 2021, but not more than 5% of total blasts over 12-month period.</p> <p>2022: Sighted Annual Review (Section 6.3 and Appendix 3c) and Monthly Compliance Monitoring Reports. Airblast overpressure exceeded 115dB(Lin Peak) on five occasions, but not more than 5% of total blasts over the 12-month period, including one event above 120dB at BM5 on 20 May 2022 (124.1dB). Sighted Blast Event Report provide to the Department on 30 May 2022. The likely causes of the incident were deemed to be orientation of the blast, the initiation</p>	Non-compliant	Implement remedial actions as proposed to the Department..
Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance																	
Residence on privately owned land	120	10	0%																	
	115	5	5% of the total number of blasts over a period of 12 months																	
All public infrastructure	-	50 <i>(or a limit determined by the structural design methodology in AS 2187.2-2006, or its latest version, or other alternative limit for public infrastructure, to the satisfaction of the Secretary)</i>	0%																	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			<p>sequence and/or weather conditions. Proposed measures to prevent or mitigate against reoccurrence included a review of the existing blast model and initiation sequencing for blasts with similar orientation.</p> <p>2023: Sighted Annual Review (Section 6.3 and Appendix 3c) and Monthly Compliance Monitoring Reports. Air blast overpressure exceeded 115dBL on one occasion, but not more than 5% of total blasts over a 12-month period. The limit of 120dBL was not exceeded on any occasions.</p> <p>2024: Sighted Monthly Environmental Monitoring Reports for January to March. One air blast overpressure event noted on 8 February 2024 at 125.8dBL at BM8. Sighted Blast Event Report provide to the Department on 15 February 2024. The likely causes of the incident were deemed to be timing and design of the blast, the orientation and direction of firing and/or weather conditions. Proposed measures to prevent or mitigate against reoccurrence included a review of the pre blast design and modelling and review the pre blast assessments and meteorological checks.</p>		
PA131	S3 C8	<p>Blasting hours The Proponent must only carry out blasting on site between 9 am and 5 pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Secretary.</p>	<p>Approved blasting hours are detailed in Section 3.1 of the Blast Management Plan (BMP) (MCO_ENV_PLN_0023 Version 5 October 2020).</p> <p>2021: Sighted Annual Review Appendix 3C. Confirmed that blasting occurred in accordance with allowable times.</p> <p>2022: Sighted Annual Review Appendix 3C. Confirmed that blasting occurred in accordance with allowable times.</p> <p>2023: Sighted Annual Review Appendix 3C. Confirmed that blasting occurred in accordance with allowable times.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			2024: Sighted 2023 and 2024 Blasting Data.xlsx spreadsheet. Confirmed that blasting occurred in accordance with allowable times.		
PA132	S3 C9	<p>Blasting Frequency</p> <p>The Proponent may carry out a maximum of:</p> <p>(a) 2 blasts a day; and</p> <p>(b) 9 blasts a week, averaged over a calendar year, at the Moolarben mine complex.</p> <p>This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, blast misfires or blasts required to ensure the safety of the mine or its workers.</p> <p>Note: For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.</p>	<p>The approved frequency of blasting activities is detailed in Section 3.1 of the BMP.</p> <p>2021: Sighted Annual Review Appendix 3C. Confirmed that blasting frequency in accordance with S3 C10.</p> <p>2022: Sighted Annual Review Appendix 3C. Confirmed that blasting frequency in accordance with S3 C10.</p> <p>2023: Sighted Annual Review Appendix 3C. Confirmed that blasting frequency in accordance with S3 C9.</p> <p>2024: Sighted 2023 and 2024 Blasting Data.xlsx spreadsheet. Confirmed that blasting frequency in accordance with S3 C9.</p>	Compliant	
PA133	S3 C12	<p>Property Inspections</p> <p>If the Proponent receives a written request from the owner of any privately-owned land within 2 kilometres of any approved open cut mining pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the Proponent must:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:</p> <ul style="list-style-type: none"> • establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and • identify measures that should be implemented to minimise the potential blasting impacts of the project on these buildings and/or structures; and <p>(b) give the landowner a copy of the new or updated property inspection report.</p>	No requests have been received.	Not triggered	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Secretary for resolution.</p>			
PA134	S3 C13	<p>Property Investigations</p> <p>If the owner of any privately-owned land claims that buildings and/or structures on his/her land have been damaged as a result of blasting on the site, then within 2 months of receiving this claim the Proponent must:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and</p> <p>(b) give the landowner a copy of the property investigation report.</p> <p>If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent must repair the damage to the satisfaction of the Secretary.</p> <p>If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution.</p>	No requests have been received.	Not triggered	
PA135	S3 C14	<p>Operating Conditions</p> <p>The Proponent must:</p> <p>(a) implement best management practice to:</p> <ul style="list-style-type: none"> • protect the safety of people and livestock in the surrounding area; • protect public or private infrastructure/property in the surrounding area from any damage; and • minimise the dust and fume emissions of any blasting; <p>(b) ensure that blasting on the site does not damage Aboriginal rock shelter sites S2MC232 (AHIMS No. 36-3-1379) or S2MC233 (AHIMS No. 36-3-1380);</p> <p>(c) operate a suitable system to enable the public to get up-to-date information on the proposed blasting Schedule on site; and</p>	<p>a) Section 6 of the BMP describes the blast management and control measures to protect the safety of people, property, including public infrastructure and livestock from blast emissions including airblast overpressure, ground vibration and dust / fume.</p> <p>b) Section 6.3 of the BMP details the relevant ground vibration goals for Aboriginal rock shelters, and management measures to be implemented to ensure that blasting on site does not damage rock shelter sites. Measures include adjustment of blast designs, as necessary, and use of mobile blast monitors when blasting is within 230m of rock shelters.</p> <p>c) MCO publishes blasting information, including next schedule blast on the MCO website</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		(d) co-ordinate the timing of blasting on site with the timing of blasting at the Ulan and Wilpinjong mines to minimise cumulative blasting impacts, to the satisfaction of the Secretary.	(https://www.moolarbencoal.com.au/page/environment/blasting-information/), and via road signage (for road closures). Confirmed that information is current. MCO also operates and maintains a 24 hour free call Community Response Hotline (1800 556 484). d) MCO has developed a communications protocol with UCM and WCM to avoid cumulative impacts from simultaneous blasting.		
PA136	S3 C15	The Proponent must not undertake blasting on site within 500 metres of: (a) any public road; (b) the Gulgong to Sandy Hollow Railway Line; (c) the Wollar-Wellington 330kV Transmission Line; or (d) any land outside the site not owned by the Proponent, unless the Proponent has: • demonstrated to the satisfaction of the Secretary that the blasting can be carried out closer to the infrastructure or land without compromising the safety of people or livestock or damaging the infrastructure and/or other buildings and structures; and • updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the infrastructure or land; or • a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the infrastructure or land, and the Proponent has advised the Department in writing of the terms of this agreement.	MCO has a Road Closure Plan, developed to the satisfaction of Mid-Western Regional Council, and current written agreements with Transgrid and ARTC to undertake blasting within 500m of Ulan Road or Ulan Wollar Road, 500m of the Wollar-Wellington 330kV transmission line and within 500m of Sandy Hollow – Gulgong railway line. Section 6.2.1 of the BMP describes specific measures to manage blasting within 500m of infrastructure assets. Review of the Annual Reviews for 2021, 2022 and 2023 identified that no blasting was undertaken within 500m of any public road, railway line, 330kV powerline or private land.	Compliant	
PA137	S3 C16	Blast Management The Proponent must prepare and implement a Blast Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with the EPA, and submitted to and approved by the Secretary prior to conducting any blasting on site; (b) describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this approval;	a) MCO has prepared a MMP (MCO-ENV-PLN_0023, Version 6, October 2020), prepared in consultation with the EPA and to the satisfaction of the Secretary. b) Section 6 of the BMP describes the blast management and control measures that are implemented to ensure compliance with the blast criteria and operating conditions. c) In accordance with Section 6.2 of the BMP, MCO and TransGrid have agreed to alternative ground vibration	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations												
		(c) propose and justify any alternative ground vibration limits for public infrastructure in the vicinity of the site (if relevant); and (d) include a monitoring program for evaluating and reporting on compliance with the blasting criteria and operating conditions of this approval.	limits for tension towers (50mm/s) and suspension towers (100mm/s). d) Section 7 of the BMP describes the blast monitoring program to evaluate compliance with the blasting criteria and operating conditions of the approval. Sighted Monthly Environmental Monitoring Reports to confirm that blast monitoring is undertaken in accordance with the BMP.														
PA137.1	S3 C16A	The proponent must implement the approved Blast Management Plan	Auditors found general compliance with the Blast Management Plan. Although two exceedances occurred, MCO were found to have implemented all measures detailed in the plan. Investigations found the non-compliances to be the result of unexpected and unpredictable conditions. It has been recommended that MCO review blasting controls and updated the Blast Management Plan where necessary.	Compliant													
AIR QUALITY																	
PA138	S3 C17	Odour The Proponent must ensure that no offensive odours are emitted from the site, as defined under the POEO Act, unless otherwise authorised by an EPL.	One odour related complaint was received by MCO on 28 January 2022. The complaint was made from Cooks Gap. Investigation by the Environment and Community team revealed no unusual mining operations were occurring at the time, suggesting the odour was not attributable to MCO	Compliant													
PA139	S3 C18	Air Quality Criteria The Proponent must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Moolarben mine complex do not cause exceedances of the criteria listed in Tables 8, 9 and 10 at any residence on privately-owned land. Table 8: Long term impact assessment criteria for particulate matter	MCO manages air quality in accordance with the Air Quality Management Plan (AQMP) which was developed with advice from qualified experts at Todoroski Air Sciences and revised in November 2023. Auditors observed best practice air quality management on site including full enclosure of the CHPP and regular spraying with water carts. Personnel noted an extra water cart was hired due to suggestion of requirement by production staff. No particulate matter or deposited dust exceedances were recorded in the Annual Reviews for the audit period.	Compliant													
		<table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^a Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>^a 90 µg/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>^a ^d 25 µg/m³</td> </tr> <tr> <td>Particulate Matter <2.5 µm (PM_{2.5})</td> <td>Annual</td> <td>^a ^d 8 µg/m³</td> </tr> </tbody> </table>	Pollutant	Averaging period	^a Criterion	Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	^a ^d 25 µg/m ³	Particulate Matter <2.5 µm (PM _{2.5})	Annual	^a ^d 8 µg/m ³			
Pollutant	Averaging period	^a Criterion															
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³															
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Particulate Matter <2.5 µm (PM _{2.5})	Annual	^a ^d 8 µg/m ³															
		Table 9: Short term impact assessment criterion for particulate matter															

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations																	
		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #d9d9d9;">Pollutant</th> <th style="background-color: #d9d9d9;">Averaging period</th> <th style="background-color: #d9d9d9;">^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>^a 50 µg/m³</td> </tr> <tr> <td>Particulate Matter <2.5 µm (PM_{2.5})</td> <td>24 hour</td> <td>^b 25 µg/m³</td> </tr> </tbody> </table> <p>Table 10: Long term impact assessment criteria for deposited dust</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #d9d9d9;">Pollutant</th> <th style="background-color: #d9d9d9;">Averaging period</th> <th style="background-color: #d9d9d9;">Maximum increase in deposited dust level</th> <th style="background-color: #d9d9d9;">Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>^c Deposited dust</td> <td>Annual</td> <td>^b 2 g/m²/month</td> <td>^a 4 g/m²/month</td> </tr> </tbody> </table> <p>Notes to Tables 8-10:</p> <p>a Total impact (i.e. incremental increase in concentrations due to the complex plus background concentrations due to all other sources);</p> <p>b Incremental impact (i.e. incremental increase in concentrations due to the complex on its own) with up to 5 allowable exceedances over the life of the project;</p> <p>c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and</p> <p>d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents, illegal activities or any other activity agreed by the Secretary.</p>	Pollutant	Averaging period	^d Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³	Particulate Matter <2.5 µm (PM _{2.5})	24 hour	^b 25 µg/m ³	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month			
Pollutant	Averaging period	^d Criterion																				
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³																				
Particulate Matter <2.5 µm (PM _{2.5})	24 hour	^b 25 µg/m ³																				
Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level																			
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month																			
PA140	S3 C19	<p>Mine-owned Land</p> <p>The Proponent must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Moolarben mine complex do not cause exceedances of the criteria listed in Tables 11, 12 and 13 at any occupied residence on mine-owned land (including land owned by another mining company) unless:</p> <p>(a) the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under Schedule 5 of this approval;</p> <p>(b) the tenant of any land owned by the Proponent can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice;</p>	<p>One resident was required to have data presented in 2021 and 2022. Auditors sighted the letters sent to the tenant and the Mine Dust and You fact sheet that was sent. The tenancy agreement ended in 2022. No other residences have triggered this requirement during the audit period.</p>	Compliant																		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations																													
		<p>(c) air mitigation measures such as air filters, a first flush roof water drainage system and/or air conditioning) are installed at the residence, if requested by the tenant or landowner (if the residence is owned by another mining company);</p> <p>(d) air quality monitoring is regularly undertaken to inform the tenant or landowner (if the residence is owned by another mining company) of the actual particulate emissions at the residence; and</p> <p>(e) data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property, to the satisfaction of the Secretary.</p>																																
PA141	S3 C20	<p>Air Quality Acquisition Criteria</p> <p>If particulate matter emissions generated by the Moolarben mine complex exceed the incremental criteria, or contribute an exceedance of the relevant cumulative criteria, in Tables 11, 12 and 13 at any residence on privately-owned land or on more than 25% of any privately-owned land (and a dwelling could be built on that land under existing planning controls), then upon receiving a written request for acquisition from the landowner, the Proponent must acquire the land in accordance with the procedures in conditions 5 and 6 of Schedule 5.</p> <p>Table 11: Long term land acquisition criteria for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^a Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>^a 90 µg/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>^a 4.25 µg/m³</td> </tr> </tbody> </table> <p>Table 12: Short term land acquisition criteria for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^a Criterion</th> <th>Basis</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>^b 50 µg/m³</td> <td>Increment^b</td> </tr> <tr> <td>Particulate Matter <2.5 µm (PM_{2.5})</td> <td>24 hour</td> <td>^b 25 µg/m³</td> <td>Increment^b</td> </tr> </tbody> </table> <p>Table 13: Long term land acquisition criteria for deposited dust</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>^c Deposited dust</td> <td>Annual</td> <td>^b 2 g/m²/month</td> <td>^a 4 g/m²/month</td> </tr> </tbody> </table> <p>Notes to Tables 11-13:</p>	Pollutant	Averaging period	^a Criterion	Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	^a 4.25 µg/m ³	Pollutant	Averaging period	^a Criterion	Basis	Particulate matter < 10 µm (PM ₁₀)	24 hour	^b 50 µg/m ³	Increment ^b	Particulate Matter <2.5 µm (PM _{2.5})	24 hour	^b 25 µg/m ³	Increment ^b	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month	Dust generated by the mining operations has not exceeded the acquisition criteria in the audit period.	Not triggered	
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Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA142	S3 C21	<p>Operating Conditions</p> <p>The Proponent must:</p> <p>(a) implement best management practice to minimise the off-site odour, fume and particulate matter (including PM10 and PM2.5) emissions of the project;</p> <p>(b) implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site;</p> <p>(c) minimise any visible off-site air pollution generated by the project;</p> <p>(d) minimise the surface disturbance of the site;</p> <p>(e) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this approval;</p> <p>(f) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see Note d above under Table 13); and</p> <p>(g) co-ordinate the air quality management at the Moolarben mine complex with the air quality management at the Ulan and Wilpinjong mines to minimise cumulative air quality impacts, to the satisfaction of the Secretary.</p>	<p>Overburden material was placed beyond the approved disturbance boundary of the Open Cut 4 area on 28 March 2023. MCO reported the incident the following day, within the required notification period. The incident was rectified as soon as MCO became aware of the issue. Auditors sighted the Warning Letter received from the DPE on 26/07/2023. DPE were satisfied appropriate reactionary measures had been taken and minimal harm to the environment was caused. Nonetheless, auditors determined this incident as a non-compliance to the requirement of minimising the surface disturbance of the site.</p>	<p>Non-compliant</p>	<p>Implement remedial actions as proposed to the Department.</p>

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA143	S3 C22	<p>Air Quality Management Plan</p> <p>The Proponent must prepare and implement an Air Quality Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA, and submitted to and approved by the Secretary prior to the commencement of any development on site;</p> <p>(b) describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this approval;</p> <p>(c) describe the air quality management system;</p> <p>(d) include an air quality monitoring program that:</p> <ul style="list-style-type: none"> • uses a combination of real-time and supplementary monitors to evaluate the performance of the project against the air quality criteria in this approval; • adequately supports the air quality management system; • evaluates and reports on the: <ul style="list-style-type: none"> - the effectiveness of the air quality management system; - compliance with the air quality criteria; - compliance with the air quality operating conditions; and <p>defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents.</p>	<p>The Air Quality Management Plan (AQMP) which was developed with advice from qualified experts at Todoroski Air Sciences and revised in November 2023.</p> <p>MCO provided evidence of the DPE's management plan review and approval.</p> <p>Air quality management measures are described in section 6 of the AQMP.</p> <p>The air quality management system is detailed in section 6.1.3 of the AQMP. The air quality management system was reviewed by auditors and deemed comprehensive.</p> <p>The air quality monitoring program is detailed in Section 7.</p> <p>The air quality monitoring program was reviewed by auditors and deemed effective and compliant.</p>	Compliant	
PA143.1	S3 C22A	<p>The Proponent must implement the approved Air Quality Management Plan.</p> <p>Note: With the introduction of the EPA's Climate Change Policy and Climate Change Action Plan, the Proponent will be required to prepare and implement a Greenhouse Gas Mitigation Plan and a Climate Change Adaptation Plan in accordance with requirements provided by the EPA.</p>	<p>The community complaints register for the audit period were reviewed. Four air-related complaints were received in 2022, two air related complaints were received in 2023 and zero have been received thus far in 2024.</p> <p>The declining trend in air quality related complaints suggests best practice air quality management is in place at Moolarben Coal Complex.</p> <p>Auditors physically observed exemplary dust management in a fully enclosed CHPP and regular spraying with water carts.</p> <p>Meteorological forecasting assessments were viewed by auditors and deemed comprehensive.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA144	S3 C23	<p>Ulan Public School</p> <p>The Proponent must consult with DoE and, if requested:</p> <p>(a) implement agreed reasonable and feasible measures to ameliorate potential noise and/or dust impacts to Ulan Public School; or</p> <p>(b) on a reasonable basis relating to the adverse effect of noise and/or dust from the project, contribute to or meet reasonable costs toward relocating the school.</p>	Ulan Public School has closed and relocated. No mitigation measures required.	Compliant	
PA145	S3 C24	<p>Meteorological Monitoring</p> <p>For the life of the project, the Proponent must ensure that there is a meteorological station in the vicinity of the site that:</p> <p>(a) complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline; and</p> <p>(b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the NSW Noise Policy for Industry, unless a suitable alternative is approved by the Secretary following consultation with the EPA.</p>	<p>The meteorological monitoring station 'WS3' was sighted during site inspection. WS3 is part of the real-time monitoring system and is the primary weather station for the site.</p> <p>Meteorological monitoring is undertaken at MCO, in accordance with NSW Project Approval and EPL requirements.</p> <p>Meteorological Assessments performed using the continuous data provided by WS3 were viewed by auditors.</p>	Compliant	
Water					
PA146	S3 C25	<p>Water Supply</p> <p>The Proponent must ensure that:</p> <p>(a) it has sufficient water for all stages of the project, and if necessary, adjust the scale of operations on site to match its available water supply; and</p> <p>(b) any water supply constraints do not compromise any aspect of the environmental performance of the mine.</p> <p>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the project.</p>	<p>Sufficient water is ensured through the Ulan Water sharing agreement and Version 7 of the Water Management Plan (WMP) which includes the Site Water Balance (SWB), Surface Water Management Plan (SWMP), the Groundwater Management Plan (GWMP).</p> <p>MCO has a water sharing agreement with UCM as UCM is a water surplus site. MCO takes water from UCM through the water sharing agreement.</p> <p>The Ulan Water sharing agreement was sighted during the audit period (Water Sharing Agreement dated 10/08/2009). The term will expire in 2030.</p> <p>In section 7 of the SWB the Proponent states that they will adjust the scale of operations to match water supply with preference to water captured on-site and water that is sources from UCM's surplus, where practical.</p> <p>Section 7 of the WMP details the surface and groundwater monitoring including water take from UCM, Groundwater</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA147	S3 C26	<p>Compensatory Water Supply</p> <p>The Proponent must provide a compensatory water supply to any landowner of privately owned land whose water supply is adversely and directly impacted (other than an impact that is negligible) as a result of the project, in consultation with DPE Water, and to the satisfaction of the Secretary.</p> <p>The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributable to the project. Equivalent water supply should be provided (at least on an interim basis) within 24 hours of the loss being identified, unless otherwise agreed with the landowner.</p> <p>If the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation</p>	<p>levels/pressure and Groundwater take. Section 6.1.1 of the Ground water Management Plan (GWMP) states that 'Groundwater extraction from all extraction bores is monitored by means of a flow-meter'. 'Operational water balance reviews will be performed monthly, collating all groundwater extractions, in-pit rainfall accumulation and runoff, as well as imported water to inform on site water management'.</p> <p>The site water balance (SWB) indicates that the sites water comes from the following sources:</p> <ul style="list-style-type: none"> • Groundwater inflows to open cut and underground mining operations • Runoff captured from the footprint of the mining disturbance area by the water management system • Groundwater extracted from advanced UG dewatering • Mine water imported from the Ulan Mine Complex under agreement with UCML (1,000 ML/year) • Groundwater extracted from production bores <p>In Section 2.3, 2,4,1 and Table 2 of the WAMP the required and relevant held water licences under the Water Management Act 2000 and Water Act 1912.</p> <p>The Environment and Community team was asked on site and determined that no water supply on private land has been impacted by Moolarben Coal Operations.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations								
		<p>of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p>If the Proponent is unable to provide an alternative long-term supply of water, then the Proponent must provide alternative compensation to the satisfaction of the Secretary.</p>											
PA148	S3 C27	<p>Water Pollution</p> <p>Unless an EPL authorises otherwise, the Proponent must comply with section 120 of the POEO Act.</p>	No water pollution incidents have occurred that are relevant to PA 08_0115.	Compliant									
PA149	S3 C28	<p>Water Management Performance Measures</p> <p>The Proponent must comply with the performance measures in Table 14 to the satisfaction of the Secretary.</p> <p>Table 14: Water Management Performance Measures</p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measure</th> </tr> </thead> <tbody> <tr> <td>Water Management – General</td> <td> <ul style="list-style-type: none"> Minimise cumulative water impacts with the other mines in the region Maximise water sharing with the other mines in the region Minimise the use of clean water on site </td> </tr> <tr> <td>The Drip</td> <td> <ul style="list-style-type: none"> Nil impact on the water supply to the Drip </td> </tr> <tr> <td>Construction and operation of linear infrastructure</td> <td> <ul style="list-style-type: none"> Design, install and maintain erosion and sediment controls generally in accordance with the series <i>Managing Urban Stormwater, Soils and</i> </td> </tr> </tbody> </table>	Feature	Performance Measure	Water Management – General	<ul style="list-style-type: none"> Minimise cumulative water impacts with the other mines in the region Maximise water sharing with the other mines in the region Minimise the use of clean water on site 	The Drip	<ul style="list-style-type: none"> Nil impact on the water supply to the Drip 	Construction and operation of linear infrastructure	<ul style="list-style-type: none"> Design, install and maintain erosion and sediment controls generally in accordance with the series <i>Managing Urban Stormwater, Soils and</i> 	The requirements of Schedule 3 Condition 28, compliance with the performance measures are included the Water Management Plan and in detail in Attachment A.	Compliant	
Feature	Performance Measure												
Water Management – General	<ul style="list-style-type: none"> Minimise cumulative water impacts with the other mines in the region Maximise water sharing with the other mines in the region Minimise the use of clean water on site 												
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Feature	Performance Measure
	<p>Construction including <i>Volume 1, Volume 2A – Installation of Services and Volume 2C – Unsealed Roads</i></p> <ul style="list-style-type: none"> Design, install and maintain the infrastructure within 40 m of watercourses generally in accordance with the <i>Guidelines for Controlled Activities on Waterfront Land (DPI 2007)</i>, or its latest version Design, install and maintain creek crossings generally in accordance with the <i>Policy and Guidelines for Fish Friendly Waterway Crossings (NSW Fisheries, 2003)</i> and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries 2003)</i>, or their latest versions
Mine Sediment Dams	<ul style="list-style-type: none"> Design, install and maintain the dams generally in accordance with the series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 and Volume 2E Mines and Quarries</i>
Clean water diversion & storage infrastructure	<ul style="list-style-type: none"> Design, install and maintain the clean water system to capture and convey the 100 year ARI flood Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site
Mine water storages	<ul style="list-style-type: none"> Mine water storage infrastructure is designed to store a 100 year ARI 72 hour storm event On-site storages (including tailings dams, mine infrastructure dams, groundwater storage and treatment dams) are suitably lined to comply with a permeability standard of $< 1 \times 10^{-9}$ m/s
Tailings, acid forming and potentially acid forming materials	<ul style="list-style-type: none"> In-pit emplacement, encapsulation or capping to prevent the migration of pollutants beyond the pit shell Adequate freeboard within the pit void to minimise the risk of discharge to surface waters
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards
Murragamba and Eastern Creek realignments	<ul style="list-style-type: none"> Increase the overall length of the creek diversions and reduce the overall average bed slope compared to the existing creek alignments Mimic the existing meandering plan form of the low flow channel Include creek corridors which are designed to contain flood flows up to the 1 in 100 year ARI Include low flow channels which are designed to contain a rainfall event of a 1 in 1 year ARI Include riffle/drop structures that are designed for a 1 in 20 year ARI peak flow Incorporate erosion control measures based on vegetation and engineering revetments Incorporate persistent/permanent pools for aquatic habitat Incorporate seepage control/flow loss measures through sections of the creek lines to be constructed over mine waste backfill Revegetate with suitable native riparian vegetation species to restore aquatic biodiversity throughout the realignments
Aquatic and riparian ecosystem, including the relevant sections of Murragamba Creek, Eastern Creek and Wilpinjong Creek	<ul style="list-style-type: none"> Maintain or improve baseline channel stability Develop site-specific in-stream water quality objectives in accordance with ANZECC 2000 and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW procedures (DECC 2006)</i>, or its latest version

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA150	S3 C29	<p>Water Management Plan</p> <p>The Proponent must prepare and implement a Water Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with DPE Water and the EPA, by suitably qualified and experienced persons whose appointment has been approved by the Secretary;</p> <p>(b) be submitted to the Secretary for approval prior to the commencement of any development on site;</p> <p>(c) include reference to the National Water Quality Management Strategy;</p> <p>(d) include detailed performance criteria and describe measure to ensure that the Proponent complies with the Water Management Performance Measures (see Table 14);</p> <p>(e) in addition to the standard requirements for management plans (see condition 3 of Schedule 6), this plan must include a:</p> <p>(i) Site Water Balance that:</p> <ul style="list-style-type: none"> • includes details of: <ul style="list-style-type: none"> - sources and security of water supply, including contingency planning for future reporting periods; - water use and management on site, including details of water sharing between neighbouring mining operations; - reporting procedures, including the preparation of a site water balance for each calendar year; • describes the measures that would be implemented to: <ul style="list-style-type: none"> - minimise clean water use on site; - maximise water sharing with the other mines in the region; <p>(ii) Surface Water Management Plan, that includes:</p> <ul style="list-style-type: none"> • detailed baseline data on water flows and quality in the waterbodies that could be affected by the project; • a detailed description of the water management system on site; • detailed plans, including design objectives and performance criteria, for the: <ul style="list-style-type: none"> - Murrumbidgee and Eastern Creek realignments; 	<p>a) Section 1.5 and 2.4.3 of the WMP address that preparation was in consultation with the EPA. MCO advises the WMP was forwarded on to NRAR and DoL Lands and Water by the Department.</p> <p>b) DPE approval of the original WMP was verified in the 2018 IEA. Copies of the DPE Endorsement Letters for the Authors of the WMP were sighted by the previous Auditor. The WMP was subsequently revised in 2019/2020/2023 and the revised plan was approved by DPIE on 20 October 2020.</p> <p>c) The National Water Quality Management Strategy is referenced in Section 2.4.2 of the WMP.</p> <p>d) The Performance Measures are summarised in Section 2.1.1 of the WMP. Detailed performance criteria and measures to ensure conformance with those criteria are provided in Attachment A to the WMP.</p> <p>e) i. Site Water Balance Provides the following information: <ul style="list-style-type: none"> • Water sources, including the security of supply are described in Section 7 of the SWB; • Water use and management with details of water sharing are described in Sections 4 to 7; <ul style="list-style-type: none"> - Water Sharing is described in Section 7.3; - Water management measures are described in Section 4.3 and - Reporting requirements are described in Section 9. </p> <p>ii. The Surface Water Management Plan (SWMP) provides the following information: <ul style="list-style-type: none"> • Baseline data is described in Section 3.4 of the SWMP; • The surface water management system is described in Section 4 of the plan; </p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> - in-pit emplacement areas for tailings, acid forming and potentially acid forming materials; - final voids (see the Rehabilitation Objectives in Table 14); • detailed performance criteria for the following, including trigger levels for investigating any potentially adverse impacts associated with the project: <ul style="list-style-type: none"> - the water management system; - downstream surface water quality; - downstream flooding impacts and - stream and riparian vegetation health for Moolarben Creek, Bora Creek, Murragamba Creek, Eastern Creek, Wilpinjong Creek and the Goulburn River; • a program to monitor and report on: <ul style="list-style-type: none"> - the effectiveness of the water management system; and - surface water flows and quality, stream and riparian vegetation health in the watercourses that could be affected by the project; and - downstream flooding impacts; • reporting procedures for the results of the monitoring program; and • a plan to respond to any exceedances of the performance criteria, and mitigate any adverse surface water impacts of the project; (iii) Groundwater Management Plan, that includes: <ul style="list-style-type: none"> • detailed baseline data on groundwater levels, yield and quality in the region and privately-owned groundwater bores that could be affected by the project; • groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; • a program to monitor and report on: <ul style="list-style-type: none"> - groundwater inflows to the underground and open cut mining operations; - the seepage/leachate from water storages, emplacements, backfilled voids and final voids; 	<ul style="list-style-type: none"> • The designs and performance criteria for the creek realignments in Section 5.8 of the SWMP and Rehabilitation Management Plan • In-pit emplacement areas are covered in section 5.5 of the SWMP. • Final voids are covered in section 5.4 of the SWMP. • Performance criteria including trigger values for investigating adverse impacts is covered in Section 8 of the SWMP; • Monitoring and Reporting is covered in Section 10 of the plan; and • Annual reporting review and improvement is discussed in Section 9 of the plan. <p>iii. The Groundwater Management Plan provides the following information:</p> <ul style="list-style-type: none"> • Baseline data is provided in Section 4 of the GWMP; • Yield and water quality in the region and privately-owned groundwater bores are covered in section 3.1, Table 2; • The GWMP also references the relevant reports that provide a detailed description of the available baseline data; • Groundwater assessment criteria, including trigger levels are covered in section 8 and Appendix A of the GWMP, Appendix A gives specific values; • Monitoring and reporting are described in Sections 6 and 10 of the plan; • The monitoring of the paleochannel and flows withing Wilpinjong Creek are covered in Section 6.4.2 of the GWMP. • The program to validate the groundwater model is described in Section 5 of the plan; and • The groundwater trigger and action plan is detailed in Section 8.2. <p>iv. Section 2.4.3 of the Water Management Plan described the scope of the study undertaken in consultation with the neighbouring mines. The Study reviewed:</p>		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> - background changes in groundwater yield/quality against mine-induced changes; - brine emplacement in underground workings and potential changes to groundwater and surface water quality; - the permeability, hydraulic gradient, flow direction and connectivity of the palaeochannel and flows within Wilpinjong Creek (requires 3 additional monitoring piezometers within the main trunk of the paleochannel between the open cut 4 boundary and Wilpinjong Creek); - impacts of the project on: <ul style="list-style-type: none"> - regional and local (including alluvial) aquifers; - groundwater supply of potentially affected landowners; and - groundwater dependent ecosystems (including the Drip) and riparian vegetation; - a program to validate the groundwater model for the project, and compare against monitoring results with modelled predictions; and • a plan to respond to any exceedances of the groundwater assessment criteria. <p>(iv) a protocol that has been prepared in consultation with the owners of the Ulan and Wilpinjong mines to:</p> <ul style="list-style-type: none"> • minimise cumulative water quality impacts; • review opportunities of increased water sharing between these projects; • co-ordinate water quality and flow monitoring programs as far as practicable; • undertake joint investigations/studies in relation to complaints/exceedances of trigger levels where cumulative impacts are considered likely; and • co-ordinate modelling programs for validation, re-calibration and re-running of groundwater models. 	<ul style="list-style-type: none"> • The feasibility and potential environmental benefits of increased water sharing between the three mining operations in the region; • The potential for developing regional surface and groundwater monitoring programs to: <ul style="list-style-type: none"> - rationalise the surface and groundwater monitoring programs of the three mining operations in the region; and - improve the monitoring of the individual and cumulative surface and groundwater impacts of these mining operations; - measures to reduce the surface and groundwater impacts of mining in the region; and - any potential changes to existing licences and/or approvals that could facilitate the implementation of these measures. <p>Based on the results of this study and consultation with relevant government agencies, the following actions were implemented:</p> <ul style="list-style-type: none"> • Review of the monitoring network and rationalisation of monitoring points identified several areas where monitoring could be reduced and/or data shared between three mines, without compromising the regional management of the groundwater and surface water resources. The recommended regional monitoring network is consistent with the three individual mines' surface water and groundwater monitoring plans. UCML, MCO and WCPL participate in ongoing sharing of monitoring data where appropriate. • Water sharing between UCML and MCO is undertaken. Details on the water sharing agreement between UCML and MCO is described in the SWB (Appendix 1). • Ongoing discussion and consultation between UCML, MCO and WCPL in order to integrate monitoring rationalisation, and that any changes in water inflows and/or water demand are factored into developing optimal water sharing arrangements throughout the life of all three mines. <p>Contemporary groundwater modelling undertaken for the Moolarben Coal Complex has considered cumulative impacts associated with UCM and WCM.</p>		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA150.1	S3 C29A	The proponent must implement the approved Water Management Plan	Successful implementation of the approved Water Management Plan has been confirmed by the auditors' assessment of compliance with the above conditions through desktop review and site inspection.	Compliant	

Biodiversity

PA151	S3 C30	<p>Biodiversity Offset Strategy</p> <p>The Proponent must implement the biodiversity offset strategy for the project summarised in Table 15 and shown conceptually in Appendix 7 to the satisfaction of the Secretary.</p> <p>Table 15: Summary of the Biodiversity Offset Strategy</p> <table border="1"> <thead> <tr> <th>Area</th> <th>Offset Type</th> <th>Minimum Size hectares (ha)</th> </tr> </thead> <tbody> <tr> <td>Dun Dun East</td> <td> Enhance existing vegetation: <ul style="list-style-type: none"> 1368 ha of native vegetation 408 ha of EEC Regenerate: <ul style="list-style-type: none"> 380 ha of existing grassland to forest/woodland </td> <td>1776</td> </tr> <tr> <td>Dun Dun West</td> <td> Enhance existing vegetation: <ul style="list-style-type: none"> 837 ha of native vegetation 122 ha of EEC Regenerate: <ul style="list-style-type: none"> 307 ha of existing grassland to forest/woodland </td> <td>959</td> </tr> <tr> <td>Avisford 1</td> <td> Enhance existing vegetation: <ul style="list-style-type: none"> 300 ha of native vegetation 102 ha of EEC Regenerate: <ul style="list-style-type: none"> 7 ha of existing grassland to forest/woodland </td> <td>402</td> </tr> <tr> <td>Avisford 2</td> <td> Enhance existing vegetation: <ul style="list-style-type: none"> 203 ha of native vegetation 5 ha of EEC </td> <td>208</td> </tr> <tr> <td>Ulan 18</td> <td> Enhance existing vegetation: <ul style="list-style-type: none"> 291 ha of native vegetation 48 ha of EEC Regenerate: <ul style="list-style-type: none"> 178 ha of existing grassland to forest/woodland </td> <td>339</td> </tr> <tr> <td>Onsite Offset</td> <td> Enhance existing vegetation: <ul style="list-style-type: none"> 420 ha of native vegetation 51 ha of EEC Regenerate: <ul style="list-style-type: none"> 199 ha of existing grassland to forest/woodland </td> <td>471</td> </tr> <tr> <td>Old Bobadeen</td> <td> Enhance existing vegetation: <ul style="list-style-type: none"> 90 ha of native vegetation 400 ha of EEC Regenerate: <ul style="list-style-type: none"> 409 ha of existing grassland to forest/woodland </td> <td>490</td> </tr> <tr> <td>Libertus</td> <td> Enhance existing vegetation: <ul style="list-style-type: none"> 160 ha of native vegetation 18 ha of EEC Regenerate: <ul style="list-style-type: none"> 22 ha of existing grassland to forest/woodland </td> <td>178</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> To identify the areas referred to in Table 15, see the applicable figures in Appendix 7; 	Area	Offset Type	Minimum Size hectares (ha)	Dun Dun East	Enhance existing vegetation: <ul style="list-style-type: none"> 1368 ha of native vegetation 408 ha of EEC Regenerate: <ul style="list-style-type: none"> 380 ha of existing grassland to forest/woodland 	1776	Dun Dun West	Enhance existing vegetation: <ul style="list-style-type: none"> 837 ha of native vegetation 122 ha of EEC Regenerate: <ul style="list-style-type: none"> 307 ha of existing grassland to forest/woodland 	959	Avisford 1	Enhance existing vegetation: <ul style="list-style-type: none"> 300 ha of native vegetation 102 ha of EEC Regenerate: <ul style="list-style-type: none"> 7 ha of existing grassland to forest/woodland 	402	Avisford 2	Enhance existing vegetation: <ul style="list-style-type: none"> 203 ha of native vegetation 5 ha of EEC 	208	Ulan 18	Enhance existing vegetation: <ul style="list-style-type: none"> 291 ha of native vegetation 48 ha of EEC Regenerate: <ul style="list-style-type: none"> 178 ha of existing grassland to forest/woodland 	339	Onsite Offset	Enhance existing vegetation: <ul style="list-style-type: none"> 420 ha of native vegetation 51 ha of EEC Regenerate: <ul style="list-style-type: none"> 199 ha of existing grassland to forest/woodland 	471	Old Bobadeen	Enhance existing vegetation: <ul style="list-style-type: none"> 90 ha of native vegetation 400 ha of EEC Regenerate: <ul style="list-style-type: none"> 409 ha of existing grassland to forest/woodland 	490	Libertus	Enhance existing vegetation: <ul style="list-style-type: none"> 160 ha of native vegetation 18 ha of EEC Regenerate: <ul style="list-style-type: none"> 22 ha of existing grassland to forest/woodland 	178	<p>Review of Annual Reviews and monthly environmental monitoring data indicates biodiversity offset monitoring has been completed to the requirements of the BOS. Desktop review and site inspection confirmed all sites are meeting criterion, or on track to meet criterion by the target date.</p>	Compliant	
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		<ul style="list-style-type: none"> The amount of native vegetation includes forest/woodland and grassland but excludes woodland and grassland EECs. The combined total of native vegetation and EEC on each property equates to the minimum size available as an offset; The amount of grassland available for regeneration includes sparsely vegetated woodland; and The strategy includes the regeneration of existing grassland areas within each offset to woodland communities. 															
PA151.1	S3C30A	<p>Prior to the commencement of secondary workings within the UG2 Extension Area, the Proponent must retire the biodiversity credits specified in Table 15A below in accordance with the Biodiversity Offsets Scheme of the BC Act.</p> <p><i>Table 15A: Credit Liability UG2 Extension Area</i></p> <table border="1"> <thead> <tr> <th>Credit Type</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td>Species Credits</td> <td></td> </tr> <tr> <td>Broad-headed Snake (<i>Hoplocephalus bungaroides</i>)</td> <td>20</td> </tr> <tr> <td>Pink-tailed Worm Lizard (<i>Aprasia parapulchella</i>)</td> <td>22</td> </tr> <tr> <td>Large-Eared Pied Bat (<i>Chalinolobus dwyeri</i>)</td> <td>12</td> </tr> <tr> <td>Eastern Cave Bat (<i>Vespadelus troughtoni</i>)</td> <td>12</td> </tr> </tbody> </table> <p><i>Notes:</i></p> <ul style="list-style-type: none"> The credit liability referred to in Table 15A accounts for offsetting the predicted impacts on threatened species habitat in the onsite offset area (ie double the offset credit requirements for predicted impacts in the offset area). 	Credit Type	Credits Required	Species Credits		Broad-headed Snake (<i>Hoplocephalus bungaroides</i>)	20	Pink-tailed Worm Lizard (<i>Aprasia parapulchella</i>)	22	Large-Eared Pied Bat (<i>Chalinolobus dwyeri</i>)	12	Eastern Cave Bat (<i>Vespadelus troughtoni</i>)	12	Secondary workings have not yet commenced at UG2.	Not triggered	
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PA152	S3 C31	<p>Regeneration Areas</p> <p>The Proponent must ensure that the regeneration of vegetation within the specified areas of the biodiversity offset strategy is focused on the re-establishment of flora species typical of the White Box Yellow Box Blakely's Red Gum Woodland as defined under the Threatened species Conservation Act 1995 and White Box Yellow Box Blakely's Red Gum Grassy Woodland as defined under the EPBC Act.</p>	<p>Offset sites secured to compensate for the loss of White Box Yellow Box Blakely's Red Gum Woodland.</p> <p>Section 6 of Biodiversity Management Plan (BioMP) states that: 'Native vegetation rehabilitation and regeneration areas will target a mosaic of Box Gum Woodland, Sedimentary Ironbark Forest and Grass Woodland communities. Box Gum Woodland associations will be targeted at species consistent with White Box- Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland '.</p> <p>These management zones met most criteria and are on a trajectory to meet all criteria in the long-term or have been actively revegetated to ensure all criteria are met.</p>	Compliant													
PA153	S3 C32	<p>The Proponent must use its best endeavours to work with the DoL Lands and Water to identify and implement any reasonable and feasible regeneration of vegetation tron Crown lands in the vicinity of Pyramul Creek immediately to the south of the 'Dun Dun East' biodiversity offset area.</p>	To be addressed in subsequent revision of BioMP.	Compliant													

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA154	S3 C33	<p>Munghorn Gap Nature Reserve</p> <p>The Proponent must ensure that:</p> <p>(a) the boundary of the project with the Munghorn Gap Nature Reserve is identified and surveyed prior to the commencement of open cut mining; and</p> <p>(b) a 50 meter buffer zone is maintained between the open cut mining and the Munghorn Gap Nature Reserve during the life of the project.</p>	<p>The 2023 compliance report states that “The VCPLMP continues to be implemented”. Auditors observed maintenance of boundary and buffer during site inspection.</p> <p>Compliance with this Condition was verified during the 2018 IEA.</p> <p>A survey was undertaken as part of the mining lease ML1715 by Martin Alexander Burns Survey and Drafting Resources. The survey was viewed during the site inspection (Survey dated 25/03/2015).</p> <p>Management advised that stage 2 mining works which are covered by PA08_0135 began in August 2015.</p> <p>MCO advised that the boundary was demarcated with flagging tape. MCO also use Automated Positioning Systems (APS) alarms to alert plant operators if they are near the boundary.</p>	Compliant	
PA155	S3 C34	<p>Habitat for Threatened Fauna Species</p> <p>The Proponent must ensure that the biodiversity offset strategy provides suitable habitat for all the threatened fauna species confirmed and identified as being potentially present in the disturbance areas.</p> <p>Note: The threatened fauna species confirmed and identified as being potentially present in the disturbance areas are listed in Appendix 7.</p>	<p>The 2023 compliance report states: “During the reporting period the following activities have been undertaken:</p> <ul style="list-style-type: none"> • Land preparation and disturbance in accordance with the VCPLMP, including pre-clearance surveys, salvage of habitat features and fauna management within action areas.” <p>Most sites have recorded the same or increased habitat complexity scores compared to previous monitoring.</p> <p>Section 9 of the BioMP states the following: 'MCO will ensure that the Biodiversity Offset Strategy provides suitable habitat for all the threatened fauna species confirmed and identified as being potentially present in the disturbance areas'.</p>	Compliant	
PA156	S3 C35	<p>Regent Honeyeater Study</p> <p>Within 6 months of the date of this approval, the Proponent must calculate:</p> <p>(a) the impacts generated by the project on the Regent Honeyeater in species credits; and</p> <p>(b) the species credits that would be generated for the Regent Honeyeater from implementation of the offset strategy described in condition 30 above,</p> <p>in accordance with the NSW Biodiversity Offset Policy for Major Projects, and to the satisfaction of BCS.</p>	<p>Auditors sighted a letter from EcoLogical Australia to Yancoal (dated 28/07/2015). The letter shows that the number of credits generated by conservation management (559 ha of existing woodland, 1,439 ha of derived native grassland (DNG) and 1,502 ha of mine site ecological rehabilitation) meets the habitat and offset requirements of the Regent Honeyeater.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
PA157	S3 C36	<p>If the calculations carried out in condition 35 above identify a shortfall of species credits to offset the impacts of the project, then within 24 months of the date of this approval, the Proponent must satisfy the outstanding offset requirements to the satisfaction of BCS. This can be achieved by one or more of the following:</p> <p>(a) acquiring or retiring credits under the Biobanking Scheme in the TSC Act;</p> <p>(b) making payments into an offset fund that has been developed by the NSW Government; and/or</p> <p>(c) providing supplementary measures.</p>	A shortfall was not identified in the study.	Not triggered	
PA158	S3 C37	<p>Vegetation Information System Mapping Data</p> <p>At the request of BCS, the Proponent must provide BCS with detailed vegetation mapping and survey data associated with its lands to be conserved in perpetuity in accordance with this approval. This information is to be provided free of charge.</p>	OEH (BCD) did not request any mapping or survey data during the audit period.	Not triggered	
PA159	S3 C38	<p>Long Term Security of Biodiversity Offsets</p> <p>By 31 December 2015, unless the Secretary agrees otherwise, the Proponent must make suitable arrangements to protect the offset areas in Table 15 in perpetuity, in consultation with BCS and to the satisfaction of the Secretary.</p> <p>Note: The preferred mechanisms for the provision of long-term conservation security are via Biobanking Arrangements and additions to the BCS Estate.</p>	<p>Continuation of compliance from previous period.</p> <p>Positive and Restrictive Use Covenants have been obtained for all offset areas listed in Table 15.</p>	Compliant	
PA160	S3 C39	<p>Biodiversity Management Plan</p> <p>The Proponent must prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with BCS, and submitted to and approved by the Secretary prior to the commencement of any development on site;</p> <p>(b) describe the short, medium, and long term measures that would be implemented to:</p> <ul style="list-style-type: none"> manage the remnant vegetation and fauna habitat on the site; and implement the biodiversity offset strategy; 	<p>Plan approved by DPE on 2 September 2020 (still current).</p> <p>“Subsequent revisions of this BioMP will incorporate the Biodiversity Offset Strategy requirements.”</p> <p>Management of remnant vegetation is covered in sections 4 (Vegetation clearance protocol), 5 (Collection and use of locally sourced native seeds and supplementary tube stock planting), 6 (Strategies to manage vegetation onsite and improve vegetation connectivity), 7 (Additional Biodiversity Management Measures), 8 (Biodiversity Monitoring program) and 9 (Biodiversity Offset Strategy) of the BioMP. Additionally, Management Actions and Performance Targets for short term (1- 3 years), Medium term (6-9 years) and Long-term Targets (complex completion) is covered in Section 10 (Table 4). The</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> • integrate the implementation of the biodiversity offset strategy to the greatest extent practicable with the rehabilitation of the site; (c) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary); (d) include a detailed description of the measures that would be implemented over the next 3 years for: <ul style="list-style-type: none"> • enhancing the quality of existing vegetation and fauna habitat in the biodiversity offset areas; • creating native vegetation and fauna habitat in the biodiversity offset areas and rehabilitation area through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features (where necessary); • maximising the salvage of resources within the approved disturbance area - including vegetative and soil resources – for beneficial reuse in the enhancement of the biodiversity offset areas or rehabilitation area; • collecting and propagating seed; • protecting vegetation and fauna habitat outside the approved disturbance area on-site; • minimising the impacts on fauna on site, including undertaking pre-clearance surveys; • managing any potential conflicts between the proposed enhancement works in the biodiversity offset strategy areas and any Aboriginal heritage values (both cultural and archaeological) in these areas; • managing salinity; • controlling weeds and feral pests; • controlling erosion; • managing grazing and agriculture on site; • controlling access; and • bushfire management; 	<p>minimisation of biodiversity impacts is discussed in Sections 6, 7, 8 and 9 of the BioMP. The biodiversity offset strategy is covered in section 9 of the BioMP, performance measures are covered in section 10 and completion criteria are detailed in Table 4.</p> <p>Section 10 (Table 4) describes the management actions, performance targets and completion criteria for the BioMP. Remedial action/contingency plans are covered in section 11 of the BioMP.</p> <p>Vegetation and habitat management is covered in sections 4 (Vegetation clearance protocol), 5 (Collection and use of locally sourced native seeds and supplementary tube stock planting), 6 (Strategies to manage vegetation onsite and improve vegetation connectivity) and 7 (Additional Biodiversity Management Measures).</p> <p>Section 1.2 of the plan states that future revisions will incorporate the Biodiversity Offset Strategy requirements under Condition 36, Schedule 3 of PA05_0117 and Condition 39, Schedule 3 of PA08_0135. A letter from the Secretary (dated 20/07/2015) was sighted during the audit regarding staging of MCOs Biodiversity Management Plan. The letter stated that DP&E approved the staging of the biodiversity management plan.</p> <p>As limited details about mitigation measures has been provided only a reference to future revision of the BioMP the proponent has not yet fully complied with this condition. However, as a staged approach has been approved the proponent is not non-compliant.</p> <p>Maximising the salvage of resources (topsoil management) is described in Section 7.5</p> <p>Rehabilitation of environmental bunds is covered in section 7.1.</p> <p>Collecting and propagating seed is covered in section 5.</p> <p>Pre-clearing surveys are covered in section 4.2 and fauna management is covered in section 4.3.</p> <p>The plan states that subsequent revisions of this BioMP will incorporate managing any potential conflicts between the</p>		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>(e) include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;</p> <p>(f) identify the potential risks to the successful implementation of the biodiversity offset strategy, and include a description of the contingency measures that would be implemented to mitigate against these risks; and</p> <p>(g) include details of who would be responsible for monitoring, reviewing, and implementing the plan.</p>	<p>proposed restoration works in the biodiversity areas and any Aboriginal heritage values (both cultural and archaeological). As no details about mitigation measures has been provided only a reference to future revision of the BioMP the proponent has not yet complied with this condition. However, as a staged approach has been approved the proponent is not non-complaint. Salinity is covered in section 7.2.</p> <p>Weeds and federal pest control is covered in section 7.3.</p> <p>Erosion and sediment control is covered in section 7.4 and section 7.5.</p> <p>Grazing and agriculture management is covered in section 7.6.</p> <p>Access management is covered in section 7.7.</p> <p>Bushfire management is covered in section 7.8.</p> <p>The biodiversity monitoring program is described in section 8 of the BioMP, performance is described in section 10 (table 4). These sections referenced seasonal timeframes such as 'Visual follow-up inspections for weeds undertaken annually in spring.</p> <p>As no details about potential risks has been provided only a reference to future revision of the BioMP the proponent has not yet complied with this condition. However as a staged approach has been approved the proponent is not non-complaint.</p> <p>Section 11 of the BioMP provides details of the contingency plan to manage any unexpected impacts and their consequences.</p>		
PA160.1	S3 C39A	The proponent must implement the approved Biodiversity Management Plan	Site inspection and review of monthly environmental monitoring data confirmed effective and successful implementation of the Biodiversity Management Plan.	Compliant	
PA161	S3 C40	<p>Conservation Bond</p> <p>By 31 December 2015, the Proponent must lodge a Conservation Bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond must be determined by:</p> <p>(a) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and</p>	Compliance with this condition was verified in the 2015 IEA.	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>(b) employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Secretary.</p> <p>If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will release the bond.</p> <p>If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Secretary will call in all, or part of, the conservation bond, and arrange for the satisfactory completion of the relevant works.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Alternative funding arrangements for long-term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by BCS as part of a Biobanking Agreement or transfer to conservation reserve estate can be used to reduce the liability of the conservation and biodiversity bond, and • The sum of the bond may be reviewed in conjunction with any revision to the biodiversity offset strategy. 			
Heritage					
PA162	S3 C41	<p>Protection of Aboriginal Heritage Items</p> <p>Unless otherwise authorised under the NP&W Act, the Proponent must ensure that the project does not cause any direct or indirect impact on the identified Aboriginal heritage items located outside the approved disturbance area of the project.</p>	<p>Incident reports from:</p> <p>2021 Annual Review</p> <p>2022 Annual Review</p> <p>2023 Annual Review.</p> <p>Interview with Rebecca Shanks (RS) 18.4.24.</p>	Compliant	
PA163	S3 C42-C43	<p>Additional Survey</p> <p>42. Prior to carrying out any development on site, unless the Secretary agrees otherwise, the Proponent must:</p> <p>(a) carry out additional archaeological survey work in the vicinity of the proposed Stage 2 ROM Coal Facilities in consultation with OEH and Aboriginal stakeholders;</p> <p>(b) undertake a detailed analysis of the significance of the heritage items that are identified during the survey; and</p>	<p>These actions were carried out prior to the audit period.</p>	Not triggered	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations												
		<p>(c) recommend measures to avoid and/or mitigate the impacts of the project on these heritage items,</p> <p>43. Within 12 months of the date of this approval, unless the Secretary agrees otherwise, the Proponent must carry out a detailed investigation into the Aboriginal cultural heritage values of the southern portion of the Dun Dun East biodiversity offset area (Lot 79, DP 704159), in the vicinity of Pyramul Creek, in consultation with OEH and Aboriginal stakeholders, and to the satisfaction of the Secretary.</p>															
PA164	S3 C44	<p>Heritage Conservation Areas</p> <p>The Proponent must implement the heritage conservation strategy described in the EA, summarised in Table 16, to the satisfaction of the Secretary.</p> <p>Table 16: Summary of the Heritage Conservation Strategy</p> <table border="1"> <thead> <tr> <th>Area</th> <th>Sites</th> <th>Minimum Size hectares (ha)</th> </tr> </thead> <tbody> <tr> <td>Murrumbidgee Creek Management Area</td> <td>40 sites - 5 of high significance, 6 of medium and 29 of low</td> <td>154</td> </tr> <tr> <td>Powers Conservation Area</td> <td>10 sites - 1 of high significance, 2 of medium and 7 of low significance</td> <td>63</td> </tr> <tr> <td>Red Hills Conservation Area</td> <td>42 sites - 2 of high significance, 9 of medium and 31 of low significance</td> <td>107</td> </tr> </tbody> </table>	Area	Sites	Minimum Size hectares (ha)	Murrumbidgee Creek Management Area	40 sites - 5 of high significance, 6 of medium and 29 of low	154	Powers Conservation Area	10 sites - 1 of high significance, 2 of medium and 7 of low significance	63	Red Hills Conservation Area	42 sites - 2 of high significance, 9 of medium and 31 of low significance	107	<p>HMP V9, Section 5.2. Table 4: the hectares are the same per conservation area, but site numbers per area are slightly different. This is presumably as data has been updated as a result of more recent work.</p> <p>Plates 9 and 10 of the Moolarben Audit Heritage images document show photos of the signage at one of these zones, and the additional Bora Creek area.</p> <p>Documents sighted include fence inspections to ensure conservation areas are not breached.</p>	Compliant	
Area	Sites	Minimum Size hectares (ha)															
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PA165	S3 C45	<p>Long Term Security of Conservation Areas</p> <p>Within 18 months of approval of the Heritage Management Plan, unless the Secretary agrees otherwise, the Proponent must make suitable arrangements to protect the heritage conservation areas in Table 16 in perpetuity to the satisfaction of the Secretary.</p> <p>Notes:</p> <ul style="list-style-type: none"> The protection of the Aboriginal heritage conservation area/s may be combined with the protection of the biodiversity offset areas required under condition 30 of this approval. 	<p>HMP reference: Section 5.2.1</p> <p>Covenants have been prepared and implemented over these areas confirmed through documentation review and interviews with RS.</p>	Compliant													
PA166	S3 C46	<p>Heritage Management Plan</p> <p>The Proponent must prepare and implement a Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;</p>	<p>HMP version 9 dated October 2023</p> <p>a) The Plan was prepared by Dr Andrew Sneddon and Dr Matthew Whincop who were approved by DP&E 11 Feb 2015, as referenced in the HMP, Section 1.2.</p> <p>b) Aboriginal community / RAP consultation letters were sighted as evidence of compliance with this condition.</p>	Compliant													

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>(b) be prepared in consultation with Heritage NSW and the Aboriginal stakeholders (in relation to the management of Aboriginal heritage values);</p> <p>(c) be submitted to and approved by the Secretary prior to construction, unless the Secretary agrees otherwise;</p> <p>(d) include a description of the measures that would be implemented for:</p> <ul style="list-style-type: none"> • managing the discovery of human remains or previously unidentified heritage items on site; and • ensuring any workers on site receive suitable heritage inductions prior to carrying out any development on site, and that suitable records are kept of these inductions; <p>(e) include the following for the management of Aboriginal Heritage:</p> <ul style="list-style-type: none"> • a detailed plan of management for the Murrumbidgee Creek, Red Hills and Powers conservation areas; • a description of the measures that would be implemented for: <ul style="list-style-type: none"> - protecting, monitoring and/or managing (including any proposed archaeological investigations and/or salvage measures) the heritage items identified in the EA; - managing the discovery of previously unidentified Aboriginal items on site; - conserving the sites outside the surface disturbance area, including measures that would be implemented to secure, analyse and record the sites at risk of subsidence; - maintaining and managing reasonable access for Aboriginal stakeholders to heritage items on site and within any Aboriginal heritage conservation areas; - ongoing consultation with the Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage both on site and within any Aboriginal heritage conservation areas; and • a strategy for the storage of any heritage items salvaged on site, both during the project and in the long term; <p>(f) include a detailed plan for the implementation of the mitigation and management measures outlined for the specified heritage</p>	<p>c) BCD correspondence regarding environmental management plans was sighted, dated 23 September 2022. BCS was provided the LW401-408 Extraction Plan heritage management plan for consultation during the audit period, through submission via planning portal and distribution by the secretary.</p> <p>d) HMP Measures:</p> <p>Managing human remains or unanticipated finds:</p> <ul style="list-style-type: none"> - Documented in Sections 5.10 and 5.11 <p>Inductions</p> <ul style="list-style-type: none"> - Documented in Section 7 <p>e) Murrumbidgee Creek, Red Hills and Powers conservation areas PoMs</p> <ul style="list-style-type: none"> - Section 5.2 of the HMP <p>HMP measures for:</p> <ul style="list-style-type: none"> O Protecting / managing Aboriginal sites – documented in Section 5. O Protecting / managing historic sites – documented in Section 6. <p>Managing unanticipated finds:</p> <ul style="list-style-type: none"> - Documented in Section 5.10 <p>Conserving sites outside footprints:</p> <ul style="list-style-type: none"> - Documented in Section 5.8 <p>Managing access for Aboriginal people to sites</p> <ul style="list-style-type: none"> - Documented in Section 5.16 <p>Ongoing consultation</p> <ul style="list-style-type: none"> - Documented in Section 5.1 <p>Artefact storage</p> <ul style="list-style-type: none"> - Documented in Section 5.13 <p>f) Management for specific heritage, Outlined in Section 6 for approach, then documented in Appendix F for status of individual sites in relation to management.</p>		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		items in Appendix 8, including archival recording, historical research and archaeological assessment prior to any disturbance.			
PA166.1	S3 C46A	The Proponent must implement the approved Heritage Management Plan.	Site inspection confirmed adequate implementation of the Heritage Management Plan. The Heritage Specialist noted successful heritage conservation outcomes.	Compliant	
Transport					
PA167	S3 C47	<p>Ulan Road Strategy</p> <p>The Proponent must:</p> <p>(a) work with Council and the owners of the Ulan and Wilpinjong mines to develop to a detailed plan for the implementation of the Ulan Road Strategy; and</p> <p>(b) make financial contributions towards the implementation of this detailed plan, in accordance with the requirements in the plan, with its share of the mining companies' contribution for implementation of the strategy to be proportionate to its share of mining-related traffic to be generated on the road during the life of the strategy.</p> <p>If there is any dispute between the various parties involved in either the development of the detailed plan or the implementation of the strategy, then any of the parties may refer the matter to the Secretary for resolution.</p>	Ulan Road Strategy was developed in consultation with Council and the owners of UCM and WCM and is currently active. Evidence of payments towards road maintenance was sighted by auditors.	Compliant	
PA168	S3 C48	<p>Ulan-Wollar Road Site Access</p> <p>The Proponent must design, construct, and maintain the site access intersection off Ulan-Wollar Road to the satisfaction of Council.</p>	Ulan-Wollar Road Site Access was designed and constructed prior by contractors to Mid-Western Regional Council prior to the audit period. The Council agreement was sighted during the 2018 IEA. Auditors noted the intersection was in good condition.	Compliant	
PA169	S3 C49	<p>Cope Road Maintenance</p> <p>The Proponent must pay Council \$480,000 (in 2013 dollar value) for the maintenance of Cope Road. This payment must be:</p> <p>(a) made in 4 instalments of \$120,000 over the first four years of mining operations, with the first payment to be made on the commencement of mining operations on site;</p> <p>(b) indexed in accordance with the CPI for the previous quarter.</p>	The action required by this condition has been completed prior to the audit period. Compliance with the condition was confirmed by review of the 2018 Independent Environmental Audit, in which invoices for the contributions were sighted.	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
Visual					
PA170	S3 C50	<p>The Proponent must:</p> <p>(a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the project;</p> <p>(b) ensure no fixed outdoor lights shine above the horizontal or above the building line or any illuminated structure;</p> <p>(c) ensure no in-pit mobile lighting rigs shine above the pit wall and other mobile lighting rigs do not shine above the horizontal;</p> <p>(d) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version;</p> <p>(e) provide for the establishment of trees and shrubs and/or the construction of mounding or bunding to minimise visual and lighting impacts on the Proponent’s land adjoining public roads with views of the site;</p> <p>(f) ensure that the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape,</p> <p>to the satisfaction of the Secretary.</p>	<p>A number of visual mitigation measures are stipulated by the EMS including:</p> <ul style="list-style-type: none"> - Trees and shrubs will be planted to provide a visual screen along Cope Road and Saddlers Creek Road. - Investigating the feasibility of targeted vegetation screen planting for affected properties along Ridge Road' - Building-up out-of-pit embankments first so that continued operations are obscured by the embankment. Seeding and grassing embankment outer faces visually exposed to private residents as soon as practically possible to soften the view. - As far as practically possible, and where mine safety allows, management protocols will be established and implemented to: - Locate mobile lighting plant to be directed away from private residences. - Direct stationary lighting sources below the horizontal to minimise potential light spill. - Design lighting systems that minimise light spillage. - Avoid lighting of light coloured surfaces that have greater reflectivity. <p>Auditors inspected visual and lighting management during site inspection. Auditors observed screening to be in good condition and lighting to be directed appropriately.</p> <p>Offsite lighting impacts are controlled under MCO’s Position and Set up Mobile Lighting manual. Auditors did not observe any potential sources of offsite light spill during site inspection.</p> <p>External lighting was observed to comply with External lighting complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting.</p> <p>The establishment of trees and shrubs as visual screening is provided for as a mitigation measure in Appendix 3 of the Environmental Management Strategy.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			Auditors observed the blending of the visual appearance of all buildings, structures, facilities and works with the surrounding landscape during site inspection.		
Bushfire Management					
PA171	S3 C51	The Proponent must: (a) ensure that the project is suitably equipped to respond to any fires on site; and (b) assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site.	Maintenance of firefighting equipment is scheduled in SAP. Each piece of equipment has a maintenance strategy along with the Fire System Maintenance Strategy. The history of the implementation of the strategy is recorded in SAP. 2021 auditors sighted correspondence from the RFS confirming that MCO assists the local RFS and Emergency services through training, drills and response to incidents. During 2023, MCO assisted RFS in two bushfire events by providing firefighting equipment and human resources to aid in firefighting. Auditors reviewed firefighting equipment maintenance reports from 2023. MCO has a Bush Fire Management plan which is reviewed annually to address and mitigate bushfire risk.	Compliant	
Waste					
PA172	S3 C52	The Proponent must: (a) implement all reasonable and feasible measures to 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) monitor and report on effectiveness of the waste minimisation and management measures in the Annual Review.	Auditors reviewed the Waste Management Plan Version 5 (July 2023), which was deemed satisfactory in providing for all reasonable and feasible measures to minimise waste. Auditors observed good waste management practices on site. All waste observed in the workshops was appropriately sorted and stored. MCO maintains a Total Integrated Waste Management Service, which manages all waste streams on site and maximises recycling where possible. The effectiveness of waste minimisation and management measures is covered in Section 6.8 of the relevant annual reviews. In 2023, 74% of waste removed from the site was recycled.	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations				
Rehabilitation									
PA173	S3 C53	<p>Rehabilitation Objectives</p> <p>The Proponent must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EA (and depicted conceptually in the figures in Appendix 9), and comply with the objectives in Table 17.</p> <p>Table 17: Rehabilitation Objectives</p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>Mine site (as a whole)</td> <td> <ul style="list-style-type: none"> • Safe, stable and non-polluting; • Constructed landforms drain to the natural environment (excluding final voids); and • Minimise visual impact of final landforms as far as is reasonable and feasible. • Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems that is compatible with the </td> </tr> </tbody> </table>	Feature	Objective	Mine site (as a whole)	<ul style="list-style-type: none"> • Safe, stable and non-polluting; • Constructed landforms drain to the natural environment (excluding final voids); and • Minimise visual impact of final landforms as far as is reasonable and feasible. • Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems that is compatible with the 	<p>Not yet complete, but rehabilitation on site progressing, and tracking to compliance.</p> <p>Rehabilitation Plan version 1 dated August 2022, Section 4 Current Moolarben Forward Program 2021 Annual Review Section 9 2022 Annual Review Section 9 2023 Annual Review Section 9</p> <p>Mine site rehabilitation plans are documented in the Rehabilitation Management Plan, and the Forward Program (January 2024 to December 2026) and are generally consistent with the objectives outlined in Table 17 of the Project Approval. The Annual Reviews report on the progressive rehabilitation on site over each reporting year. The most recent AR available on the website is 2022. Section 9 details the rehabilitation status on site.</p> <p>Assessment of completed rehabilitation areas during site inspection (18 April 2024), as well as areas being prepped for future rehabilitation. The site inspection found the site rehabilitation procedures and on ground processes to be suitable and generally successful in establishing a stable landform and meeting targeted vegetation outcomes.</p> <p>It was noted, the significant efforts made on the rehab area subject to heating appears stable.</p> <p>All bushland rehabilitation, of various ages, appears on track and developing towards meeting final criteria as backed up by monitoring reports. It is noted the challenges ahead with the conversion of pasture rehab back to bushland, however I'm confident the progress made to date will continue and there is adequate resources and focus on ensuring successful conversion.</p> <p>Biodiversity offset areas were inspected with evidence of maintenance and supplementary plantings observed. Much</p>	Compliant	
Feature	Objective								
Mine site (as a whole)	<ul style="list-style-type: none"> • Safe, stable and non-polluting; • Constructed landforms drain to the natural environment (excluding final voids); and • Minimise visual impact of final landforms as far as is reasonable and feasible. • Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems that is compatible with the 								

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		<table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td></td> <td> <ul style="list-style-type: none"> conservation values of the adjacent Munghorn Gap Nature Reserve and Goulburn River National Park, that is comprised of: <ul style="list-style-type: none"> 1502 ha of open woodland including Grey Box – Narrow-leaved Ironbark shrubby woodland on hills of the Hunter Valley, North Coast and Sydney Basin; Scribbly Gum – Brown Bloodwood woodland of the southern Brigalow Belt South; Rough-barked Apple – Coast Banksia shrubby woodland on Warkworth Sands of the central Hunter Valley, Sydney Basin; and White Box Yellow Box Blakely's Red Gum Woodland (EEC); aquatic habitat areas (within the diverted creek lines and retained water features); habitat for threatened fauna species; and wildlife corridors. </td> </tr> <tr> <td>Final Voids</td> <td> <ul style="list-style-type: none"> Minimise the size and depth of final voids so far as is reasonable and feasible, subject to meeting the objectives below Minimise the drainage catchment of the final void so far as is reasonable and feasible; Negligible high wall instability risk; The size and depth of the final voids must be designed having regard to their function as long-term groundwater sinks, to ensure that groundwater flows across the back-filled pit towards the final void; and Minimise risk of flood interaction for all flood events up to and including the Probable Maximum Flood level. </td> </tr> <tr> <td>Water quality</td> <td> <ul style="list-style-type: none"> Water retained on site is fit for the intended land use (s) for the post-mining domain(s) The potential ecological, hydrological and geomorphic impacts from post-mining water discharges on receiving creeks are assessed and appropriate mitigation measures are effectively implemented as part of the closure plan. </td> </tr> <tr> <td>Surface infrastructure</td> <td> <ul style="list-style-type: none"> To be decommissioned and removed, unless DRG agrees otherwise. </td> </tr> <tr> <td>Degraded riparian areas along Wilpinjong Creek and along Muragamba and Eastern Creeks downstream of the mined areas to the boundary of the Wilpinjong mine.</td> <td> <ul style="list-style-type: none"> Restore channel stability; Restore riparian and aquatic ecosystem function; and Include compensatory aquatic habitat areas. </td> </tr> <tr> <td>Community</td> <td> <ul style="list-style-type: none"> Ensure public safety; and Minimise adverse socio-economic effects associated with mine closure. </td> </tr> </tbody> </table> <p>Note: The Proponent must prepare and implement a Rehabilitation Management Plan in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992.</p>	Feature	Objective		<ul style="list-style-type: none"> conservation values of the adjacent Munghorn Gap Nature Reserve and Goulburn River National Park, that is comprised of: <ul style="list-style-type: none"> 1502 ha of open woodland including Grey Box – Narrow-leaved Ironbark shrubby woodland on hills of the Hunter Valley, North Coast and Sydney Basin; Scribbly Gum – Brown Bloodwood woodland of the southern Brigalow Belt South; Rough-barked Apple – Coast Banksia shrubby woodland on Warkworth Sands of the central Hunter Valley, Sydney Basin; and White Box Yellow Box Blakely's Red Gum Woodland (EEC); aquatic habitat areas (within the diverted creek lines and retained water features); habitat for threatened fauna species; and wildlife corridors. 	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Community	<ul style="list-style-type: none"> Ensure public safety; and Minimise adverse socio-economic effects associated with mine closure. 																		
PA174	S3 C54	<p>Progressive Rehabilitation</p> <p>The Proponent must rehabilitate the site progressively as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation</p>	<p>Rehabilitation Plan version 1 dated August 2022, Section 6</p> <p>Current Moolarben Forward Program</p> <p>2021 Annual Review Section 9</p> <p>2022 Annual Review Section 9</p> <p>2023 Annual Review Section 9</p>	Compliant															

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>strategies must be employed when areas prone to dust generation cannot be permanently rehabilitated.</p> <p>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 project.</p>	<p>The progressive rehabilitation of the site is discussed in Sections 6 and 9 of the RMP, and Section 9 of the 2022 Annual Review.</p> <p>The Forward program also details the process of progressive rehabilitation in both the mining and rehabilitation schedules.</p>		
PA175	S4 C55	<p>Long Term Security of Rehabilitated Areas</p> <p>Prior to relinquishing the mining lease that covers the site, unless the Secretary agrees otherwise, the Proponent must make suitable arrangements to protect the rehabilitation areas with conservation value in perpetuity, in consultation with BCS and to the satisfaction of the Secretary.</p>	Not triggered.	Not triggered	
PA176	S3 C56	Deleted		Not triggered	
SCHEDULE 4 – Environmental Conditions – Underground Mining					
Subsidence					
PA177	S4 C1	<p>Performance Measures – Natural and Heritage Features</p> <p>The Proponent must ensure that the project does not cause any exceedances of the performance measures in Table 18, to the satisfaction of the Secretary.</p> <p>Table 18: Subsidence Impact Performance Measures</p>	<p>Annual Reviews for 2021 and 2022 (Jan1- Dec31) with reference to LW104-105 Extraction Plan Report (11/06/2020).</p> <p>Subsidence monitoring results demonstrate measured values above LW 104 & 105 were within predictions and visual inspections confirm observed impacts within performance measures.</p> <p>No notifiable incidents associated with the project required for LW104 and 105.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>Water Resources</p> <p>Drainage Lines (DL1 – DL7)</p> <p>Land</p> <p>Cliffs C7, C9 and C10</p> <p>Other cliffs</p> <p>Minor cliffs Rock face features Steep slopes</p> <p>Biodiversity</p> <p>Threatened species, threatened populations, or endangered ecological communities</p> <p>Heritage Sites</p> <p>Aboriginal heritage site S2MC 236 (AHIMS No s 36-3-0016 and 36-3-0134)</p> <p>Historic heritage sites</p> <p>Mine workings</p> <p>First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible subsidence impacts or negligible environmental consequences</p> <p>Second workings</p>	<p>No greater subsidence impacts or environmental consequences than predicted in the EA</p> <p>Negligible environmental consequences (that is occasional rockfalls, displacement or dislodgement of boulders or slabs or fracturing, that in total do not impact more than 0.5% of the total face of such cliffs within any longwall mining domain)</p> <p>No greater subsidence impacts or environmental consequences than predicted in the EA</p> <p>Minor environmental consequences (that is, occasional rockfalls, displacement of or dislodgment of boulders or slabs, or fracturing, that in total do not impact more than 5% of the total face area of each such type of feature within any longwall mining domain)</p> <p>Negligible subsidence impacts or environmental consequences</p> <p>No greater subsidence impact or environmental consequences than predicted in the EA</p> <p>To remain long-term stable and non-subsiding</p> <p>To be carried out only in accordance with an approved Extraction Plan</p>		
		<p>Notes:</p> <ul style="list-style-type: none"> The locations of the features referred to in Table 18 are shown in Appendix 4 and excludes features subject to impacts from the UG2 Extension Area which are subject to separate performance measures listed in Table 18A. The Proponent will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this approval. Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Secretary will be the final arbiter. 			

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> The requirements of this condition only apply to the impacts and consequences of mining operations, construction or demolition undertaken following the date of this approval. 			
PA178	S4 C2	<p>Offsets</p> <p>If the Proponent exceeds the performance measures in Table 18 and the Secretary determines that:</p> <p>(a) it is not reasonable or feasible to remediate the impact or environmental consequence; or</p> <p>(b) remediation measures implemented by the Proponent have failed to satisfactorily remediate the impact or environmental consequence;</p> <p>then the Proponent must provide a suitable offset to compensate for the impact or environmental consequence, to the satisfaction of the Secretary.</p> <p>Note: Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence.</p>		Not triggered	
PA178.1	S4 C2A	For the UG2 Extension Area, the Proponent must ensure that the project does not cause any exceedances of the performance measures in Table 18A to the satisfaction of the secretary.	Mining in the UG2 extension area has not yet commenced.	Not triggered	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations																															
<p><i>Table 18A: Subsidence Impact Performance Measures for UG2 Extension Area</i></p> <table border="1"> <thead> <tr> <th colspan="2" data-bbox="389 331 517 347">Water Resources</th> </tr> </thead> <tbody> <tr> <td data-bbox="389 352 696 368">Drainage Line 8</td> <td data-bbox="703 352 1055 389">No greater subsidence impacts or environmental consequences than predicted in the EA</td> </tr> <tr> <th colspan="2" data-bbox="389 389 434 405">Land</th> </tr> <tr> <td data-bbox="389 410 472 426">Other cliffs</td> <td data-bbox="703 410 1055 446">No greater subsidence impacts or environmental consequences than predicted in the EA</td> </tr> <tr> <td data-bbox="389 451 517 496">Minor cliffs Rock face features Steep slopes</td> <td data-bbox="703 451 1055 544">Minor environmental consequences (that is, occasional rockfalls, displacement of or dislodgment of boulders or slabs, or fracturing, that in total do not impact more than 5% of the total face area of each such type of feature within any longwall mining domain)</td> </tr> <tr> <th colspan="2" data-bbox="389 544 483 560">Biodiversity</th> </tr> <tr> <td data-bbox="389 564 696 601">Threatened species, threatened populations, or endangered ecological communities</td> <td data-bbox="703 564 1055 580">Negligible environmental consequences</td> </tr> <tr> <td data-bbox="389 606 696 643">Habitat for Broad-headed Snake, Pink-tailed Worm Lizard, Large-eared Pied Bat and Eastern Cave Bat</td> <td data-bbox="703 606 1055 627">No greater subsidence impacts than predicted in the EA</td> </tr> <tr> <td data-bbox="389 647 696 700">Known maternity / breeding cave for Large-eared Pied Bat and Eastern Cave Bat Onsite Offset Area</td> <td data-bbox="703 647 1055 716">Negligible subsidence impacts¹ and environmental consequences No greater environmental consequences than predicted in the EA</td> </tr> <tr> <th colspan="2" data-bbox="389 716 495 732">Heritage Sites</th> </tr> <tr> <td data-bbox="389 737 555 753">Aboriginal heritage sites</td> <td data-bbox="703 737 1055 774">No greater subsidence impact or environmental consequences than predicted in the EA</td> </tr> <tr> <th colspan="2" data-bbox="389 774 501 790">Mine workings</th> </tr> <tr> <td data-bbox="389 794 696 871">First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible subsidence impacts or negligible environmental consequences</td> <td data-bbox="703 794 1055 810">To remain long-term stable and non-subsiding</td> </tr> <tr> <td data-bbox="389 876 510 892">Second workings</td> <td data-bbox="703 876 1055 912">To be carried out only in accordance with an approved Extraction Plan</td> </tr> </tbody> </table> <p data-bbox="376 920 999 962">¹ Negligible subsidence impacts are defined as an impact which does not result in loss of, or change to the characteristics of, a maternity roost (breeding habitat).</p> <p data-bbox="376 979 421 995">Notes:</p> <ul data-bbox="376 995 1055 1166" style="list-style-type: none"> The locations of the features referred to in Table 18A are shown in Figure 4.3 in Appendix 4, but only relate to those features within the UG2 Extension Area. The Proponent will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this approval. Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Secretary will be the final arbiter. The requirements of this condition only apply to the impacts and consequences of mining operations, construction or demolition undertaken following the date of approval of MOD 4. 						Water Resources		Drainage Line 8	No greater subsidence impacts or environmental consequences than predicted in the EA	Land		Other cliffs	No greater subsidence impacts or environmental consequences than predicted in the EA	Minor cliffs Rock face features Steep slopes	Minor environmental consequences (that is, occasional rockfalls, displacement of or dislodgment of boulders or slabs, or fracturing, that in total do not impact more than 5% of the total face area of each such type of feature within any longwall mining domain)	Biodiversity		Threatened species, threatened populations, or endangered ecological communities	Negligible environmental consequences	Habitat for Broad-headed Snake, Pink-tailed Worm Lizard, Large-eared Pied Bat and Eastern Cave Bat	No greater subsidence impacts than predicted in the EA	Known maternity / breeding cave for Large-eared Pied Bat and Eastern Cave Bat Onsite Offset Area	Negligible subsidence impacts ¹ and environmental consequences No greater environmental consequences than predicted in the EA	Heritage Sites		Aboriginal heritage sites	No greater subsidence impact or environmental consequences than predicted in the EA	Mine workings		First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible subsidence impacts or negligible environmental consequences	To remain long-term stable and non-subsiding	Second workings	To be carried out only in accordance with an approved Extraction Plan	<p>UG1 included the built features in table 19 of the consolidated consent, and was mined during the audit period. Annual Reviews for the audit period were reviewed and no indicators were exceeded during the audit period. Monitoring was completed in compliance with the BFMP's.</p>	Compliant	
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PA179	S4 C3	<p>Performance Measures – Built Features</p> <p>The Proponent must ensure that the project does not cause any exceedances of the performance measures in Table 19, to the satisfaction of the Secretary.</p> <p>Table 19: Subsidence Impact Performance Measures – Built Features</p>																																		

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		<p>Notes:</p> <ul style="list-style-type: none"> • The locations of the features referred to in Table 19 are shown in Figures 2.4 and 4.4 in Appendix 4. • The Proponent will be required to define more detailed performance indicators for each of these performance measures in Built Features Management Plans or Public Safety Management Plan (see condition 5 below). • Measurement and/or monitoring of compliance with performance measures and performance indicators is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans. In the event of a dispute over the appropriateness of proposed methods, the Secretary will be the final arbiter. • The requirements of this condition only apply to the impacts and consequences of mining operations undertaken following the date of this approval. 																			

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> Requirements under this condition may be met by measures undertaken in accordance with the Mine Subsidence Compensation Act 1961. Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes. 			
PA180	S4 C4	Any dispute between the Proponent and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 19 is to be settled by the Secretary, following consultation with Resources Regulator. Any decision by the Secretary shall be final and not subject to further dispute resolution under this approval.	No disputes were reported during the audit period.	Not triggered	
PA181	S4 C5	<p>Extraction Plan</p> <p>The Proponent must prepare and implement an Extraction Plan for all second workings on site to the satisfaction of the Secretary. Each extraction plan must:</p> <p>(a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;</p> <p>(b) be approved by the Secretary before the Proponent carries out any of the second workings covered by the plan;</p> <p>(c) include detailed plans of existing and proposed first and second workings, overlying surface features and any associated surface development;</p> <p>(d) include detailed performance indicators for each of the performance measures in Tables 18, 18A and 19;</p> <p>(e) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this approval;</p> <p>(f) describe the measures that would be implemented to ensure compliance with the performance measures in Tables 18 and 19, and manage or remediate any impacts and/or environmental consequences;</p> <p>(g) include a Built Features Management Plan, which has been prepared in consultation with Resources Regulator and the owners of affected public infrastructure, to manage the potential</p>	<p>Auditors reviewed UG1 Longwalls 101 to 105 Extraction Plan. Approved Management and Monitoring Plans with TARPS prepared for LW104 to 105 before longwall extraction.</p> <p>Annual Review reports 2021 & 2022 demonstrate compliance with performance measures.</p> <p>Monitoring lines G,H,I and Essential Energy Monitoring Line were not monitored during October 2021 as required by Subsidence Monitoring Plan. The Subsidence Monitoring Program requires each Monitoring Line to be monitored within 3 months following completion of longwall recovery from each longwall. Monitoring line G, H, and the Essential Energy Monitoring line were monitored in January 2022 and Monitoring Line I was monitored during December 2021</p>	Non-compliant	No further actions are required. Mining in UG1 is complete and no active subsidence is occurring.

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>subsidence impacts and/or environmental consequences of the proposed second workings, and which:</p> <ul style="list-style-type: none"> • addresses in appropriate detail all items of key public infrastructure and other public infrastructure and all classes of other built features; • has been prepared following appropriate consultation with the owner/s of potentially affected feature/s; • recommends appropriate remedial measures and includes commitments to mitigate, repair, replace or compensate all predicted impacts on potentially affected built features in a timely manner; and • in the case of all key public infrastructure, and other public infrastructure except roads, trails and associated structures, reports external auditing for compliance with ISO 31000 (or alternative standard agreed with the infrastructure owner) and provides for annual auditing of compliance and effectiveness during extraction of longwalls which may impact the infrastructure; <p>(h) include a Water Management Plan, which has been prepared in consultation with EPA and DPE Water, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on watercourses and aquifers, including:</p> <ul style="list-style-type: none"> • detailed baseline data on: <ul style="list-style-type: none"> - watercourses and/or waterbodies that could be affected by subsidence; - groundwater levels, yield and quality in overlying strata and the region; • surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality; • a program to monitor and report stream flows, assess any changes resulting from subsidence impacts and remediate and improve stream stability; • a program to monitor and report groundwater inflows to underground workings; 			

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> • a program to predict, manage and monitor impacts on groundwater bores on privately-owned land; • a program to: <ul style="list-style-type: none"> - confirm the location and saturated extent of the palaeochannel adjacent to the extents of underground 1 second workings, including drilling of additional investigation bores; - validate, and if necessary revise, the groundwater model for the palaeochannel; and - monitor and report on the groundwater impacts of underground 1 second workings on the palaeochannel; and a program to monitor and report on the predicted groundwater impacts on the paleochannel adjacent to underground 1 boundary; • a program to monitor and report on groundwater impacts of the UG2 mining area second workings, including the installation of at least two additional nested standpipes to investigate and, if identified, monitor perched water in the overlying strata; and (i) include a Biodiversity Management Plan, which has been prepared in consultation with BCS • establishes baseline data for existing habitat, including vegetation condition and threatened species habitat; • provides for the management of potential impacts and/or environmental consequences of second workings on terrestrial flora and fauna, with a specific focus on threatened species, populations and endangered ecological communities; and • includes impact assessment criteria to ensure compliance with the relevant performance measures in Tables 18 and 18A; • includes a monitoring program designed to detect and monitor maternity / breeding caves for the Eastern Cave Bat and Large-eared Pied Bat within the UG2 Mining Area; (j) include a Land Management Plan, which has been prepared in consultation with any affected public authorities, to manage the potential impacts and/or environmental consequences of the proposed second workings on land in general; (k) include a Heritage Management Plan, which has been prepared in consultation with Heritage NSW and relevant stakeholders for both Aboriginal and historic heritage, to manage 			

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		<p>the potential environmental consequences of the proposed second workings on both Aboriginal and non-Aboriginal heritage items, and reflects all requirements under conditions 41-46 of Schedule 3;</p> <p>(l) include a Public Safety Management Plan, which has been prepared in consultation with Resources Regulator, to ensure public safety in the mining area;</p> <p>(m) include a Subsidence Monitoring Program, which has been prepared in consultation with Resources Regulator, to:</p> <ul style="list-style-type: none"> • describe the on-going subsidence monitoring program; • provide data to assist with the management of the risks associated with subsidence; • validate the subsidence predictions; • analyse the relationship between the predicted and resulting subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and • inform the contingency plan and adaptive management process • monitor the subsidence impacts of the project to ensure compliance with the performance measures in Tables 18, 18A and 19, including an appropriate trigger action response plan to ensure early detection of and response to potential exceedances of the performance measures; • monitor non-conventional subsidence impacts on cliffs, the Munghorn Gap Nature Reserve and any other sensitive features, including a trigger action response plan that enables early detection of any adverse or excessive non-conventional behaviour <p>(n) include a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Tables 18 and 19, or where any such exceedance appears likely;</p> <p>(o) proposes appropriate revisions to the Rehabilitation Management Plan required under condition 56 of Schedule 3; and</p> <p>(p) include a program to collect sufficient baseline data for future Extraction Plans.</p> <p>Note: To identify the longwall mining domains referred to in this condition, see Appendix 2.</p>			

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PA182	S4 C6	<p>The Proponent must ensure that the management plans required under conditions 5(g)-(l) above include:</p> <p>(a) an assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this approval; and</p> <p>(b) a detailed description of the measures that would be implemented to remediate predicted impacts.</p>	<p>Auditors reviewed UG1 Longwalls 101 to 105 Extraction Plan. The requirements of (a) and (b) are both present in the June 2020 version of the extraction plan.</p>	Compliant	
PA182.1	S4 C6A	<p>Bat Monitoring Program</p> <p>Within twelve months of the determination of Modification 4, the Proponent must commence targeted bat surveys for any maternity / breeding caves for the Eastern Cave Bat and Large-eared Pied Bat in the UG2 Mining Area. Surveys must be undertaken during breeding season for the two bat species and continue until the completion of secondary extraction within the UG2 Mining Area. The monitoring program must be generally consistent with the methodology outlined in the EA for Modification 4.</p>	<p>The time period for this condition has not yet been triggered. Modification 4 was determined 22 December 2023. MCO representatives reported that the consultant for bat studies has been engaged.</p>	Not triggered	
PA183	S4 C7	<p>First Workings</p> <p>The Proponent may carry out first workings on site other than in accordance with an approved Extraction Plan, provided that Resources Regulator is satisfied that the first workings are designed to remain long-term stable and non-subsiding, except insofar as they may be impacted by approved second workings.</p>	<p>No first workings were carried out on site other than those approved in extractions plans.</p>	Not triggered	
PA184	S4 C7A	<p>Second Workings under Palaeochannel</p> <p>The Proponent must ensure that the longwall panels of the project do not underlie any saturated section of the palaeochannel in the vicinity of Wilpinjong Creek, unless it has demonstrated that it has obtained the necessary water licences, to the satisfaction of the Secretary.</p>	<p>Subsidence specialist reviewed LW101-105 Extraction Plan (Jun 2020) and was satisfied this condition has been complied with.</p>	Compliant	
PA185	S4 C8	<p>Payment of Reasonable Costs</p> <p>The Proponent must pay all reasonable costs incurred by the department to engage suitably qualified, experienced and independent experts to review the adequacy of any aspect of an Extraction Plan.</p>	<p>The Department requested payment of costs associated with the IPAUM review of MCO MOD4. MCO paid these costs on 19/10/2023.</p>	Compliant	
PA186	S4 C9	<p>Gas Drainage</p>	<p>The Greenhouse Gas Minimisation Plan was reviewed by auditors and deemed satisfactory. Section 4 of the plan details</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		The Proponent must implement all reasonable and feasible measures to minimise the greenhouse gas emissions from the underground mining operations to the satisfaction of the Secretary.	potential management measures. Despite low coal seam gas emission levels at Moolarben Coal Complex, MCO monitors and evaluates the feasibility of greenhouse capture or reuse every three years, according to Section 4.1 of the plan.		
PA187	S4 C10	<p>Prior to carrying out underground mining operations, the Proponent must submit an updated Greenhouse Gas Minimisation Plan to the Secretary. This plan must:</p> <p>(a) identify options for minimising greenhouse gas emissions from underground mining operations, with a particular focus on capturing and/or using these emissions;</p> <p>(b) investigate the feasibility of implementing each option;</p> <p>(c) propose the measures that would be implemented in the short to medium term on site; and</p> <p>(d) include a research program to inform the continuous improvement of the greenhouse gas minimisation measures on site.</p>	Compliance confirmed through review of previous audit.	Compliant	
SCHEDULE 5 – Additional Procedures					
Notification of Landowners / Tenants					
PA188	S5 C1	<p>Within 1 month of the date of this approval, the Proponent must:</p> <p>(a) notify in writing the owners of:</p> <ul style="list-style-type: none"> any residence or land exceeding the criteria in Tables 4 or 5 (respectively) of Schedule 3 that they have the right to require the Proponent to acquire their land at any stage during the project; any residence exceeding the criteria in Table 6 of Schedule 3 that they have the right to request the Proponent for additional noise mitigation measures to be installed at their residence at any stage during the project; and any privately-owned land within 2 kilometres of the approved open cut mining pit/s that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated; <p>(b) notify the tenants of any mine-owned land of their rights under this approval; and</p>	No residences are required to be notified under this condition.	Compliant	

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		(c) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EA identify that dust emissions generated by the project are likely to be greater than the relevant air quality criteria in Schedule 3 at any time during the life of the project.			
PA189	S5 C2	<p>Prior to entering into any tenancy agreement for any land owned by the Proponent that is predicted to experience exceedances of the recommended dust and/or noise criteria, or for any of the land listed in Table 3 that is subsequently purchased by the Proponent, the Proponent must:</p> <p>(a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and</p> <p>(b) advise the prospective tenants of the rights they would have under this approval, to the satisfaction of the Secretary.</p>	No new tenancy agreements have been entered.	Not triggered	
PA190	S5 C3	<p>As soon as practicable after obtaining monitoring results showing:</p> <p>(a) an exceedance of any relevant criteria in Schedule 3, the Proponent must notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the project is again complying with the relevant criteria; and</p> <p>(b) an exceedance of the relevant air quality criteria in Schedule 3, the Proponent must send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).</p>	One residence was required to have air quality data presented in 2021. The condition has not been triggered since.	Compliant	
Independent Review					
PA191	S5 C4	If an owner of privately-owned land considers the project to be exceeding the criteria in Schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the project on his/her land.	No requests for independent review have been received.	Not triggered	

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		<p>If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, the Proponent must:</p> <p>(a) commission a suitably qualified, experienced and independent expert, whose appointment has been approved by the Secretary, to:</p> <ul style="list-style-type: none"> • consult with the landowner to determine his/her concerns; • conduct monitoring to determine whether the project is complying with the relevant impact assessment criteria in Schedule 3; and • if the project is not complying with these criteria then: <ul style="list-style-type: none"> o determine if more than one mine is responsible for the exceedance, and if so the relative share of each mine regarding the impact on the land; o identify the measures that could be implemented to ensure compliance with the relevant criteria; and <p>(b) give the Secretary and landowner a copy of the independent review.</p>			
Land Acquisition					
PA192	S5 C5	<p>Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent 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 land at the date of this written request, as if the land was unaffected by the project, 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 land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise mitigation measures in conditions 2 and 6 of Schedule 3; <p>(b) the reasonable costs associated with:</p>	No land acquisition requests have been received in the audit period.	Not triggered	

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		<ul style="list-style-type: none"> • relocating within the Mid-Western Regional Council local government area, or to any other local government area determined by the Secretary; and • obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and <p>(c) reasonable compensation for any disturbance caused by the land acquisition process.</p> <p>However, if at the end of this period, the Proponent and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.</p> <p>Upon receiving such a request, the Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p> <ul style="list-style-type: none"> • consider submissions from both parties; • determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above; • prepare a detailed report setting out the reasons for any determination; and • provide a copy of the report to both parties. <p>Within 14 days of receiving the independent valuer's report, the Proponent must make a binding written offer to the landowner to purchase the land at 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 Secretary 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 Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report of the</p>			

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>party that disputes the independent valuer's determination and any other relevant submissions.</p> <p>Within 14 days of this determination, the Proponent must make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination.</p> <p>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 Secretary determines otherwise.</p>			
PA193	S5 C6	The Proponent must pay all reasonable costs associated with the land acquisition process described in condition 5 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.	No land acquisition requests have been received and the condition has not been triggered.	Not triggered	

SCHEDULE 6 – Environmental Management, Reporting and Auditing

Environmental Management

PA194	S6 C1	<p>Environmental Management Strategy</p> <p>The Proponent must prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Secretary. This strategy must:</p> <p>(a) be submitted to the Secretary for approval prior to the commencement of any development on the site;</p> <p>(b) provide the strategic framework for environmental management of the project;</p> <p>(c) identify the statutory approvals that apply to the project;</p> <p>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;</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 project; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise; • respond to any non-compliance; 	<p>Auditors reviewed the Environmental Management Strategy and deemed the strategic framework adequate.</p> <p>Section 4 outlines the statutory approvals that apply to Moolarben Coal Complex.</p> <p>Section 5.1 and Appendix E outline roles, responsibilities, authority and accountability of all key personnel involved in management of the project.</p> <p>Section 5.3 details information dissemination which provides details about the community consultative committee (CCC), information provided on the MCO website and internal communications.</p> <p>Complaints management is detailed in Section 5.4.</p> <p>Dispute resolution is detailed in Section 5.5</p> <p>Management and reporting of non-compliance is detailed in Section 6.2</p> <p>Emergency response is detailed in Section 5.2 and 6.3.</p>	Compliant	
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Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> respond to emergencies; and (f) include: <ul style="list-style-type: none"> copies of any strategies, plans and programs approved under the conditions of this approval; and a clear plan depicting all the monitoring to be carried out in relation to the project. 	<p>Table 4 provides strategies, plans and programs relevant to the approval, which can be accessed through the Moolarben Coal website.</p> <p>Monitoring plans are contained in each specific environmental management plan and Appendix G of the Environmental Management Strategy provides figures showing monitoring plans.</p>		
PA194.1	S6 C1A	The Proponent must implement the approved Environmental Management Strategy.	Auditors observed effective management across environmental aspects. MCO generally demonstrated compliance with the PAs and the EPL. Auditors note appropriate environmental management measures are in place where required. Review of annual reviews, environmental management plans and community complaints along with observations made during site inspection confirmed operations are generally conducted in line with the EMS.	Compliant	
PA195	S6 C2	<p>Adaptive Management</p> <p>The Proponent must assess and manage project-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedules 3 & 4. Any exceedance of these criteria and/or performance measures constitutes a breach of this approval and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.</p> <p>Where any exceedance of these criteria and/or performance measures has occurred, the Proponent must, at the earliest opportunity:</p> <p>(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;</p> <p>(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and</p> <p>(c) implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary.</p>	<p>MCO self-reported all non-compliances that they were aware of.</p> <p>A review of the incidents register revealed all incidents have been investigated by MCO and corrective and preventative actions were taken where required.</p> <p>For example, the oil spill line incident / non-compliance against S3 C31 was actively reported by the machine operator and appropriate clean up occurred promptly. This incident was reported by MCO.</p> <p>No remediation measures have been requested by the Secretary.</p>	Compliant	
PA196	S6 C3	Management Plan Requirements	Auditors reviewed all relevant management plans to the approval:	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>The Proponent must 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 unpredicted impacts and their consequences;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the project over time;</p> <p>(g) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> • incidents; • complaints; • non-compliances with statutory requirements; and • exceedances of the impact assessment criteria and/or performance criteria; and <p>(h) a protocol for periodic review of the plan.</p>	<ul style="list-style-type: none"> - Noise Management Plan - Blasting Management Plan - Air Quality Management Plan - Water Management Plan - Brine Management Plan - Biodiversity Management Plan - Heritage Management Plan - Rehabilitation Management Plan - Extraction Plan - Built Features Management Plan - Public Safety Management Plan <p>Detailed baseline data was found to be included in relevant management plans.</p> <p>Relevant statutory approvals are generally found in Section 2 of MCO's management plans.</p> <p>Relevant limits and specific performance is detailed in Sections 3 and 4 of management plans where relevant.</p> <p>Performance indicators and management measures are detailed in Sections 6 and 7 of management plans.</p> <p>Monitoring programs and reporting are detailed in sections 7 and 8 of management plans where relevant.</p> <p>Contingency plans can be found in either section 9 or section 11 where relevant.</p> <p>Investigation and improvement of environmental performance is presented in Section 10 of management plans where relevant and is also detailed in relevant annual reviews for the audit period.</p> <p>Management of incidents, complaints, non-compliances and exceedances are generally detailed in Sections 7, 8 and 11.</p> <p>Periodic review of management plans is detailed in Section 7 of the Environmental Management Strategy and generally in Section 10 of each management plan.</p>		
PA197	S6 C4	Annual Review	Auditors review the relevant Annual Reviews for the reporting period:	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>By the end of March each year, or as otherwise agreed by the Secretary, the Proponent must review the environmental performance of the project to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the development that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the previous calendar year, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> • relevant statutory requirements, limits or performance measures/criteria; • monitoring results of previous years; and • relevant predictions in the EA; <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the project.</p>	<p>- 2021 Annual Review - 2022 Annual Review - 2023 Annual Review</p> <p>The 2023 Annual Review has been submitted but not approved at the time of the audit.</p> <p>Section 4 details the development and operations that have occurred within the reporting period and section 13 provides activities to be completed before the end of the next reporting period.</p> <p>Section 6 details environmental performance including monitoring results and section 10.2 summarises community complaints.</p> <p>Section 12 details any incidents and non-compliances.</p> <p>Comparisons to monitoring results in previous years and identification of trends and discrepancies between predicted and actual impacts is provided in Section 6.</p> <p>Section 13 details measures to be implemented in the following reporting period.</p>		
PA198	S6 C5	<p>Revision of Strategies, Plans and Programs</p> <p>Within 3 months of the submission of:</p> <p>(a) the submission of annual review under condition 4 above;</p> <p>(b) the submission of an incident report under condition 7 below;</p> <p>(c) the submission of an audit under condition 9 below; or</p> <p>(d) any modification to the conditions of this approval or MP 05_0117 (unless the conditions require otherwise),</p> <p>the Proponent must review and, if necessary, revise the strategies, plans, and programs required under this approval to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Secretary for approval.</p>	<p>MCO reviewed all relevant environmental management plans in September 2022. The review identified that updates would be required to the Water Management Plan appendices following the approval of the LW401-408 Extraction Plan, which was approved 14 July 2022. The Surface Water Management Plan and the Groundwater Management Plans were updated to incorporate the additional monitoring and management measures identified in the LW401-408 Extraction Plan and administrative updates.</p> <p>The Secretary agreed to the revisions noting consultation with relevant government agencies was required.</p> <p>Auditors sighted letter correspondence between MCO and the Secretary confirming the revision.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.	Section 6 of the Environmental Management Strategy provides for the revision of management plans in accordance with this condition.		
PA199	S6 C6	<p>Community Consultative Committee</p> <p>The Proponent shall operate a Community Consultative Committee (CCC) for the Moolarben mine complex to the satisfaction of the Secretary. 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), and be operating by the end of March 2015.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval; and • The CCC should be comprised of an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the local community. 	<p>Section 5.3 of the Environmental Management Strategy details information dissemination to the CCC. The CCC was established to the satisfaction of the Secretary and is operated in accordance with 'Community Consultative Committee Guidelines: State Significant Projects 2019'.</p> <p>Minutes from CCC meetings are posted on the Moolarben Coal website.</p>	Compliant	
Reporting					
PA200	S6 C7	<p>Incident Reporting</p> <p>The Proponent must immediately notify the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the project, the Proponent shall notify the Secretary and any other relevant agencies 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 Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.</p>	<p>During the audit period the following notifications have been made:</p> <ul style="list-style-type: none"> - Blast overpressure May 2022 - - OC4 Disturbance Boundary March 2023 - LDP01 Missed Sample May 2023 - HVAS Missed Sample August 2023 - Blast overpressure February 2024 - <p>Auditors sighted notifications, 7 day reports and responses for the incidents.</p>	Compliant	
PA201	S6 C8	<p>Regular Reporting</p> <p>The Proponent must provide regular reporting on the environmental performance of the project on its website, in</p>	<p>MCO uploads monthly environmental performance reports on the project website and yearly environmental performance reporting in the Annual Reviews.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.	CCC meeting minutes show MCO reports on environmental performance to the CCC.		
Auditing					
PA202	S6 C9	<p>By 31 December 2015, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent must commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <p>(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</p> <p>(b) include consultation with the relevant agencies;</p> <p>(c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval, and any other relevant approvals, relevant EPL/s and/or Mining Lease (including any assessment, plan or program required under these approvals);</p> <p>(d) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and</p> <p>(e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.</p> <p>Note: This audit team must be led by a suitably qualified auditor, and include experts in noise, air quality, ecology, Aboriginal heritage and any other fields specified by the Secretary.</p>	The 2021 Independent Environmental Audit was undertaken by auditors approved by the Secretary, included consultation with relevant agencies, provided an assessment of environmental performance and compliance, reviewed the adequacies of strategies and plans and provided recommendations to improve environmental performance.	Compliant	
PA203	S6 C10	Within 3 months of commissioning this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.	Auditors sighted the 2021 Independent Environmental Audit response table that was submitted to the Secretary. It is available on the Moolarben Coal website.	Compliant	
Access to Information					
PA204	S6 C11	<p>The Proponent must:</p> <p>(a) make the following information publicly available on its website:</p> <ul style="list-style-type: none"> • the EA; • current statutory approvals for the project; 	<p>Auditors reviewed MCO's public facing website prior to site inspection.</p> <p>All of the information specified in this condition was present at the time of the review.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> • approved strategies, plans or programs required under the conditions of this approval; • a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval; • 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, and the Proponent's response to the recommendations in any audit; • any other matter required by the Secretary; and <p>(b) keep this information up to date,</p> <p>(c) investigate and report on reasonable and feasible measures to make predictive meteorological data and real time monitoring data publicly available on its website to the satisfaction of the Secretary.</p>			

S = Schedule
C = Condition

AUDIT CHECKLIST – EPBC 2007/3297

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Table 1: EPBC 2007/3297

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
Conditions attached to the approval					
E1	1	<p>In order to protect the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland listed ecological community, the person taking the action shall make suitable arrangements within 12 months of this approval to:</p> <p>(a) transfer at least 130 hectares of the White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grassland listed ecological community to the NSW Minister for Climate Change Environment and Water to offset, on a "like for like" basis, the 65 hectares that would be cleared by the project at an offset ratio of 2:1 ; and</p> <p>(b) provide the NSW Department of Environment and Climate Change (DECC) with funds (which at the discretion of DECC may include an in-kind contribution) to cover any reasonable costs associated with the transfer and ongoing management of this land.</p>	<p>The tasks relating to this condition were completed prior to the audit period.</p> <p>The funds for the transfer and ongoing management of 135ha were paid to OEH on 29 September 2008.</p> <p>The dedication of land for incorporation into the Goulburn River National Park was completed in December 2010.</p>	Compliant	
E2	2	<p>In order to protect the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland listed ecological community, the person taking the action shall in accordance with the Rehabilitation and Offset Management Plan (See Condition 3 below):</p> <p>(a) revegetate at least 38 hectares of disturbed land on the "Red Hills" property with Yellow Box-White Box-Blakely's Red Gum vegetation;</p> <p>(b) revegetate at least 143 hectares of cleared land on the "Red Hills" property with suitable native vegetation to improve wildlife corridor linkages;</p>	<p>Revegetation works were undertaken in a prior audit period with on-going maintenance works undertaken. Supplementary plantings were undertaken in 2021 and 2022. An area of land associated with the Drip has been gifted to the National Parks Estate.</p> <p>MCO continues to conserve Area 1, Area 2 and Area 3 (>1262ha). Offset security mechanisms (Covenants on title) have been executed by MCO and the NSW Department of Planning, Industry and Environment.</p>	Compliant	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		(c) conserve and enhance at least 1262 hectares of existing native vegetation onsite; and (d) make suitable arrangements to protect these offset areas from development in the long term, to the satisfaction of the Minister for the Environment and Water Resources (the Minister).			
E3	3	<p>In order to protect the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland listed ecological community, the person taking the action shall prepare and implement a detailed Rehabilitation and Offsets Management Plan for the project to the satisfaction of the Minister for the Environment and Water Resources. The proponent shall progressively rehabilitate the site to the satisfaction of Minister for the Environment and Water Resources and the NSW Department of Primary Industries, in general accordance with the proposed Rehabilitation and Offset Management Plan. The Rehabilitation and Offset Management Plan must include:</p> <p>(a) the rehabilitation objectives for the site, vegetation offsets and landscaping; (b) 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 vegetation offsets; and • landscape the environmental bunds; <p>(c) performance and completion criteria for the rehabilitation of the site, implementation of the vegetation offsets, and landscaping of the environmental bunds; (d) a detailed description of the measures that would be implemented over the next</p>	<p>The Landscape Management Plan was approved by the Department of Agriculture, Water and the Environment (DAWE) in 2011.</p> <p>The NSW Project Approval Rehabilitation Management Plan was updated in accordance with the Resources Regulator amendments to mining lease conditions relating to rehabilitation through amendments to the Regulation under the Mining Act 1992. The latest revision of the Rehabilitation Management Plan was undertaken in August 2022.</p>	Compliant	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>3 years including the progressive rehabilitation of mining areas and progressive implementation of the vegetation offset areas referred to in Condition 2.</p> <p>(e) a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria (see (c) above);</p> <p>(t) a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and</p> <p>(g) details of who would be responsible for monitoring, reviewing, and implementing the plan.</p> <p>Coal mining operations must not commence until the plan has been approved. The approved plan must be implemented.</p>			
E4	4	In order to protect the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland listed ecological community, the person taking the action must, by 1 July each year after the commencement of operations, provide a certificate stating that they have complied with the conditions of approval.	MCO publishes yearly EPBC Compliance reports on the public facing Moolarben Coal website. This was agreed upon with DAWE in 2019. The compliance reports detail compliance and provide evidence against each condition of approval.	Compliant	
E5	5	Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.	This Independent Environmental Audit has examined compliance with the conditions of all EPBC approvals.	Compliant	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
E6	6	If the Minister believes that it is necessary or desirable for the better protection of the listed threatened species and ecological communities to do so, the Minister may request that the person taking the action make specified revisions to the plans, reports or management strategies approved pursuant to paragraphs 1, 2, and 3, and submit the revised plan, report or strategy for the Minister's approval. The person taking the action must comply with any such request. The revised approved plan, report or strategy must be implemented.	Noted.	Noted	
E7	7	If at any time after 5 years from the date of this approval, the Minister notifies the person taking the action in writing that the Minister is not satisfied that there has been substantial commencement of coal mining operations, the action must not thereafter be commenced without the written agreement of the Minister.	Commencement of coal mining operations occurred before the lapse of 5 years from this approval. Action commenced 2009.	Not triggered	

AUDIT CHECKLIST – EPBC 2008/4444

Content

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Table 1: EPBC 2008/4444

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
Conditions of approval					
E8	1	The approval holder must not clear more than 1,534 hectares of native vegetation within the defined footprint at Schedule 1.	By the end of the reporting period for the 2023 EPBC Compliance Report (March 2024), 920 Ha of the approved 1,534 Ha of native vegetation within the defined footprint had been disturbed.	Compliant	
E9	2	To mitigate the impacts of the proposal on the Large-eared Pied Bat, Southern Long-eared Bat, Regent Honeyeater, Swift Parrot and the Spotted-tall Quon, the approval holder must prepare and submit, prior to the proposed date of commencement of the action, a mine site Vegetation Clearance Protocol and Landscape Management Plan (VCPLMP) for the Minister's written approval. The VCPLMP must; <ul style="list-style-type: none"> a. Delineate areas to be cleared, describe pre-clearance survey methods, specify actions to minimise fauna impacts and detail vegetation clearance procedures. b. Require collection and stockpiling of habitat features important to threatened fauna species for reinstatement in rehabilitation areas. c. Require use of native, locally sourced seed for propagation for rehabilitation activities. d. Specify a two-stage clearing protocol where non-habitat trees are cleared 24 hours prior to any habitat trees being cleared, to encourage fauna to move out of an area. The approval holder must not commence until the VCPLMP is approved by the Minister. The approved VCPLMP must be implemented.	VCPLMP was approved by the Minister on 29 May 2015. Action commenced 2 August 2015. The VCPLMP continues to be implemented.	Compliant	
E10	3	To compensate for the loss of 123.3 hectares of the White Box-Yellow Box- Blakely's Red Gum Grassy Woodland and Derived Native Grassland (WBGW) ecological community and 902 hectares of habitat for	The Biodiversity Offset Management Plan was approved by the DAWE on 14 December 2021.	Compliant	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>EPBC listed threatened species, the approval holder must prepare and submit (within 3 months after the approval), a Biodiversity Offset Management Plan (BOMP) for the proposed EPBC Offset Areas, for the Minister's written approval. The BOMP must;</p> <p>a. Identify those lands described as the Offset Areas at Schedule 2 (Figures 1-7) of this notice that are necessary to achieve the outcomes required by the Environmental Offsets Policy 2012. This must include offset attributes, shapefiles, textual descriptions and maps to clearly define the location and boundaries of the offset area(s).</p> <p>b. Provide a survey and description of the current condition (prior to any management activities) of the offset areas identified in Condition 3a.</p> <p>c. Detail management actions and regeneration and revegetation strategies to be undertaken on the offset areas to improve the ecological quality of these areas, including:</p> <p>(i) a description and timeframe of measures that would be implemented to improve the condition of the ecological communities on the site;</p> <p>(ii) performance and completion criteria for evaluating the management of the offset area, and criteria for triggering remedial action;</p> <p>(iii) a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;</p> <p>(iv) a description of potential risks to the successful implementation of the plan, a description of the measures that will be implemented to mitigate against these risks and a description of the contingency measures that will be implemented if defined triggers arise; and</p> <p>(v) details of who would be responsible for monitoring, reviewing, and implementing the plan.</p>	<p>The requirements of this conditions are addressed in the below section of the BOMP:</p> <p>a) Section 2 and Appendix 1</p> <p>b) Section 3</p> <p>c) Sections 4, 5, 6 & 7</p>		

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		The approved BOMP must be published on the approval holder's internet web site, within 1 month of being approved and for a period of 5 years thereafter. The approved BOMP must be implemented.			
E11	4	To compensate for the loss of 123.3 hectares of the White Box-Yellow Box- Blakely's Red Gum Grassy Woodland and Derived Native Grassland (WBGW) ecological community and 902 hectares of habitat for EPBC listed threatened species, within 24 months of the date of this approval, the approval holder must secure the lands identified as the Offset Areas at Schedule 2 (Figures 1-7) of this notice as a biodiversity offset by a legal instrument under relevant nature conservation legislation on the title of the land. This instrument must: <ul style="list-style-type: none"> a. provide for the protection of the land in perpetuity; b. prevent any future development activities, including mining and mineral extraction; c. ensure the active management of the land; and d. be provided to the Department within 3 months of it being issued, as evidence of compliance with this condition. 	Eight (8) Offsets (Old Bobaddeen, On-site, Avisford 1, Avisford 2, Libertus, Ulan 18, Dun Dun East, and Dun Dun West) were secured in accordance with Condition 4 of EPBC 2008/4444 in a previous reporting period.	Compliant	
E12	5	The approval holder must undertake management and monitoring of water resources in accordance with the project approval for Application Number 08-0135 issued by the NSW Planning Assessment Commission under the Environmental Planning and Assessment Act 1979 (NSW) on 30 January 2015.	The Moolarben Complex Water Management Plan stipulates management and monitoring of water resources under the project approvals for MCC. Auditors found MCO generally compliant with water management and monitoring conditions of PA 08-0135.	Compliant	
E13	6	Upon request, the approval holder shall supply the groundwater monitoring data for the Moolarben Coal Project to the Department, NSW Government agencies, operators of the Ulan and/or Wilpinjong mines or other adjacent mine operators. A protocol for	Section 5.5 of the Moolarben Complex Water Management Plan provides a protocol for the supply of data.	Compliant	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		the supply of the data will be included in the project's Water Management Plan.			
E14	7	The approval holder must make available to the Minister on request, all plans or programs and any review of plans or programs produced pursuant to Condition 5.	Noted.	Noted.	
E15	8	Within 30 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	This action was completed in a previous period. The action commenced 2 August 2015. Notification in writing was sent on 13 August 2015.	Compliant	
E16	9	The approval holder must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement the BOMP and VCPLMP, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	Noted.	Noted.	
E17	10	Within three months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the BOMP and VCPLMP as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published.	Auditors reviewed the annual EPBC compliance reports relevant to the audit period. The reports provide a statement of compliance with each condition of the EPBC approvals along with where evidence can be found.	Compliant	
E18	11	Non-compliance with any of the conditions of this approval must be reported to the Department within 2 business days of becoming aware of the non-compliance.	No non-compliances were reported by MCO, nor found by auditors.	Not triggered	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
E19	12	Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted, and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.	This audit has been undertaken to comply with this condition.	Compliant.	
E20	13	If the approval holder wishes to carry out any activity otherwise than in accordance with the Plans as specified in the conditions, the approval holder must submit to the Department for the Minister's written approval a revised version of that Plan. The approval holder must not commence the varied activity until the Minister has approved the varied Plan in writing. The Minister will not approve a varied plan unless the revised Plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised Plan, that Plan must be implemented in place of the Plan originally approved.	Noted.	Not Applicable.	
E21	14	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the Minister may request that the approval holder make specified revisions to the Plan specified in the conditions and submit the revised Plan for the Minister's written approval. The approval holder must comply with any such request. The revised approved Plan must be implemented. Unless the Minister has approved the revised Plan then the approval holder must continue to implement the Plan originally approved.	Noted.	Noted.	
E22	15	If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.	Commencement of coal mining operations occurred before the lapse of 5 years from this approval. Action commenced 2 August 2015.	Compliant	

AUDIT CHECKLIST – EPBC 2013/6926

Content

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Table 1: EPBC 2013/6926

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
Conditions of approval					
E23	1	The approval holder must not clear more than 171 :4 hectares of native vegetation within the defined footprint at Schedule 1, Figures 1 and 2.	At the end of the 2023 EPBC Compliance Report period 134 Ha of the approved 171.4 Ha of native vegetation within the defined footprint had been disturbed	Compliant.	
E24	2	To assist in mitigating the impacts of the proposal on the Large-eared Pied Bat, Southern Long-eared Bat, Regent Honeyeater, Swift Parrot, Spotted-tail Quoll and the Koala; the approval holder must prepare and submit a mine site Vegetation Clearance Protocol and Landscape Management Plan (VCPLMP) for the Minister's written approval. The VCPLMP must; <ul style="list-style-type: none"> a. Delineate areas to be cleared, describe pre-clearance survey methods, specify actions to minimise fauna impacts and detail vegetation clearance procedures. b. Require collection and stockpiling of habitat features important to threatened fauna species for reinstatement in rehabilitation areas. c. Require use of native, locally sourced seed for propagation for rehabilitation activities. d. Specify a two stage clearing protocol where non-habitat trees are cleared 24 hours prior to any habitat trees.in their proximity being cleared, to encourage fauna to move out of an area. e. Include a revegetation strategy to improve connectivity between isolated vegetation patches (including between Munghom Gap Nature Reserve, Goulbum River National Park and Dexter Mountain). 	VCPLMP was approved by the minister on 17 December 2014. The VCPLMP continues to be implemented.	Compliant.	
E25	3	The approval holder must not commence until the VCPLMP is approved by the Minister. The approved VCPLMP must be implemented.	VCPLMP was approved by the Minister on 17 December 2014. Action commenced on 23 December 2014.	Compliant.	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
E26	4	<p>To compensate for the loss of 16.5 hectares of the White Box-Yellow Box- Blakely's Red Gum Grassy Woodland and Derived Native Grassland (>NBGW) ecological community and 171.4 hectares of habitat for EPBC listed threatened species, the approval holder must prepare and submit a Biodiversity Offset Management Plan (BOMP) for the proposed EPBC offset sites, for the Minister's written approval. The BOMP must;</p> <p>a. Identify those lands described as the Offset Areas at Schedule 2 (Figures 1-5) of this notice that are necessary to achieve the outcomes required by the Environmental Offsets Policy 2012 (or subsequent published revisions). This must include offset attributes, shapefiles, textual descriptions and maps to clearly define the location and boundaries of the offset area(s).</p> <p>b. Provide a survey and description of the current condition (prior to any management activities) of the offset areas identified in Condition 4a.</p> <p>c. Detail management actions and regeneration and revegetation strategies to be undertaken on the offset areas to improve the ecological quality of these areas, including:</p> <p>(i) a description and timeframe of measures that would be implemented to improve the condition of the ecological communities on the site; •</p> <p>(ii) performance and completion criteria for evaluating the management of the offset' area, and criteria for triggering remedial action;</p> <p>(iii) a program to monitor and report on the effectiveness of these measures, and</p>	<p>The VCPLMP continues to be implemented.</p> <p>A Biodiversity Offset Management Plan (BOMP) was approved by the Minister on 17 December 2014.</p> <p>The requirements of this conditions are addressed in the below section of the BOMP:</p> <p>a) Section 2 and Appendix 1 b) Section 3 c) Sections 4, 5, 6 & 7</p>	Compliant.	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>progress against the performance and completion criteria;</p> <p>(iv) a description of potential risks to the successful implementation of the plan, a description of the measures that will be implemented to mitigate against these risks and a description of the contingency measures that will be implemented if defined triggers arise; and</p> <p>(v) details of who would be responsible for monitoring, reviewing, and implementing the plan.</p>			
E27	5	The approval holder must not commence the action until the BOMP is approved by the Minister. The approved BOMP must be published on an internet web site approved by the Department, within 1 month of being approved and for a period of 5 years thereafter. The approved BOMP must be implemented.	<p>A BOMP was approved by the Minister on 17 December 2014.</p> <p>Action commenced on 23 December 2014.</p> <p>The BOMP is located on MCO's website. (www.moolarbencoal.com.au)</p> <p>The BOMP continues to be implemented.</p>	Compliant.	
E28	6	<p>To compensate for the loss of 16.5 hectares of the White Box-Yellow Box- Blakely's Red Gum Grassy Woodland and Derived Native Grassland 0,NBGW) ecological community and 171.4 hectares of habitat for EPBC listed threatened species? The approval holder must secure the lands identified as the Offset Areas at Schedule 2 (Figures 1-5) of this notice as a biodiversity offset by a legal instrument under relevant nature conservation legislation on the title of the land. This instrument must:</p> <p>a. provide for the protection of the land in perpetuity;</p> <p>b. prevent any future development activities, including mining and mineral extraction; and</p> <p>c. ensure the active management of the land.</p> <p>The approval holder must not commence the action until the Department has approved the proposed instrument in writing.</p>	<p>Six (6) Offsets (Bobadeen East, Bobadeen West, Elward, Clifford, Clarke and Property 5) were secured in accordance with Condition 6 of EPBC 2013/6926 in a previous reporting period.</p> <p>DAWE approved the protection mechanism for offsets under EPBC 2013/6926 on 17 December 2014.</p>	Compliant.	
E29	7	The approval holder must provide evidence to the Department of their compliance with Condition 6,	Compliance with this condition was confirmed in previous audits.	Compliant..	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		along with offset attributes, shapefiles and textual descriptions and maps to clearly define the location and boundaries of the offset sites, prior to the commencement of the action.			
E30	8	Within 30 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	Completed in a previous period. Notification in writing sent on 20 January 2015	Compliant.	
E31	9	The approval holder must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement the BOMP and VCPLMP, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	Noted.	Noted.	
E32	10	Within three months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the BOMP and VCPLMP as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published.	Annual EPBC compliance reports are available on Moolarben Coal website. Auditors reviewed the reports and determined compliance.	Compliant.	
E33	11	Non-compliance with any of the conditions of this approval must be reported to the Department within 2 business days of becoming aware of the non-compliance.	No non-compliances occurred.	Noted.	
E34	12	Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted, and a report submitted to the Minister. The independent	This independent environmental audit has assessed compliance with the EPBC approvals.	Compliant.	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.			
E35	13	If the approval holder wishes to carry out any activity otherwise than in accordance with the Plans as specified in the conditions, the approval holder must submit to the Department for the Minister's written approval a revised version of that Plan. The approval holder must not commence the varied activity until the Minister has approved the varied Plan in writing. The Minister will not approve a varied plan unless the revised Plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised Plan, that Plan must be implemented in place of the Plan originally approved.	Noted.	Not Applicable.	
E36	14	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the Minister may request that the approval holder make specified revisions to the Plan specified in the conditions and submit the revised Plan for the Minister's written approval. The approval holder must comply with any such request. The revised approved Plan must be implemented. Unless the Minister has approved the revised Plan then the approval holder must continue to implement the Plan originally approved.	Noted.	Noted.	
E37	15	If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.	Commencement of coal mining operations occurred before the lapse of 5 years from this approval. Action commenced 23 December 2014.	Compliant.	

AUDIT CHECKLIST – EPBC 2017/7974

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Table 1: EPBC 2017/7974

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
Conditions of approval					
E38	1	The approval holder must undertake the Moolarben Coal Project within the development footprint.	MCO RTP 2023 Annual Report At the end of December 2023 MCO had a Total Mine Footprint of 2,187 ha, being 48.55 ha less than described in the FWP.	Compliant.	
E39	2	The approval holder must comply with Condition 34A of Schedule 3 of the NSW Consolidated Project Approvals to implement the supplementary offset strategy, by retiring the required number of credits specified in Table 12A.	Gilgal is owned and managed by Moolarben. Activities are underway to retire the required number of credits specified in Table 12A of the NSW Consolidated Project Approvals through a Biodiversity Stewardship Agreement. Rehabilitation is being undertaken to secure residual credits specified in Table 12A.	Compliant.	
E40	3	The approval holder must comply with Conditions 35A of the NSW Consolidated Project Approvals to secure the credits and/or area at the Gilgal Offset Area (as identified at Attachment B under a Biodiversity Stewardship Agreement, unless otherwise agreed in writing by the Minister. The approval holder may seek agreement from the Minister to use an alternative mechanism to secure the credits and/or area, subject to the additional rules at Condition 20. The approval holder must submit a copy of the Biodiversity Stewardship Agreement to the Minister within ten business days of an agreement being made.	MCO submitted an application in accordance with Condition 35A of the NSW Consolidated Project Approvals to secure the credits and area at the Gilgal Offset Area under a Biodiversity Stewardship Agreement.	Compliant.	
E41	4	The approval holder must provide for the long-term security of the Area 2 (extract) offset area as identified at Attachment B by 30 June 2020. The approval holder must submit details of the security	Area 2 (Extract) offset was secured on 25 August 2020, post the required due date. MCO advised the DAWE on 24 June 2020 that the offsets security mechanism was in	Compliant	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		mechanism to the Minister within ten business days of the mechanism being made.	<p>the final stages of execution and requested an Extension of time to 31 August 2020 to align with the offset security timing as approved by the NSW Department of Planning, Industry and Environment (DPIE) for the same offset area.</p> <p>On 2 July 2020 MCO advised the DAWE of a technical non-compliance as the offset security mechanism for Area 2 (Extract) had been executed by MCO but not the NSW DPIE on 30 June 2020.</p> <p>On 25 August 2020, a 'Positive Covenant' and a 'Restriction on the Use of Land by a Prescribed Authority' under Section 88E(3) of the NSW Conveyancing Act 1919 was executed by MCO and the NSW DPIE to secure the Area 2 (Extract).</p> <p>On 18 September 2020, MCO provided the DAWE with a copy of the Positive and Restrictive Covenants executed by MCO and the NSW DPIE to secure the Area 2 (Extract) offset.</p> <p>This all occurred prior to the audit period. According to the 2023 EPBC Compliance Report, 10 of 16 BOAs have had the executed covenants registered on title, with the remaining six yet to be registered. The staged Biodiversity Management Plan is being implemented and meets the requirements set out in Table 12.</p>		
E42	5	The approval holder must enhance existing native vegetation in the Area 2 (extract) offset area, in accordance with the biodiversity offset strategy required by Condition 34 of the NSW Consolidated Project Approvals, and in accordance with the Biodiversity Management Plan required by Condition	During the reporting period MCO continued works to maintain and enhance the existing native vegetation in the Area 2 (Extract) BOA.	Compliant.	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		36 of Schedule 3 of the NSW Consolidated Project Approvals.			
E43	6	The approval holder must comply with Condition 35B of Schedule 3 of the NSW Consolidated Project Approvals to develop suitable rehabilitation performance and completion criteria for the rehabilitation of OC2 and/or OC3, to generate the required number of residual credits specified in Table 12A of Schedule 3.	Suitable rehabilitation performance and completion criteria for OC2 and/or OC3 have been developed by MCO with approval of the criteria granted by the NSW DPIE on 7 July 2020 in accordance with Condition 35B of Schedule 3.	Compliant.	
E44	7	Unless the approval holder retires the residual credits in accordance with Condition 8, the approval holder must undertake progressive rehabilitation of OC2 and OC3, so as to meet the rehabilitation performance and completion criteria developed in accordance with Condition 6, and in accordance with an approved Rehabilitation Management Plan. The approval holder must also comply with Condition 35C of Schedule 3 of the NSW Consolidated Project Approvals to retire the residual credits if the performance and completion criteria are not achieved in the specified timeframe in Condition 35C, subject to the additional rules at Condition 20.	Continued progressive rehabilitation occurred throughout the reporting period.	Compliant..	
E45	8	The approval holder may retire the residual credits earlier than the specified timeframe in Condition 35C in accordance with Condition 35D of Schedule 3 of the NSW Consolidated Project Approvals, subject to the additional rules at Condition 20. If the approval holder chooses to retire credits early, the approval holder must notify the Department within 30 business days of retiring the credits. Note: the EPBC Act protected matters relevant to the credits in Table 12A of the NSW Consolidated Project Approvals are identified in Attachment C.	Noted.	Noted.	
E46	9	The approval holder must comply with Condition 36 of Schedule 3, and Conditions 3 and 5 of Schedule 5, of the NSW Consolidated Project Approvals to	A revised Biodiversity Management Plan was approved by the NSW DPIE on 2 September 2020.	Compliant.	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		prepare and implement a Biodiversity Management Plan for the Moolarben Coal Project.			
E47	10	The Biodiversity Management Plan implemented in accordance with Condition 9 must be approved by the Department as adequately providing for the management of protected matters on the site and in the offset areas.	The DAWE advised MCO on 14 August 2020 that there is no requirement for the Biodiversity Management Plan to be approved under the EPBC Act.	Compliant.	
E48	11	The approval holder must comply with Condition 33 of Schedule 3, and Conditions 3 and 5 of Schedule 5, of the NSW Consolidated Project Approvals to prepare and implement a revised Water Management Plan for the Moolarben Coal Project.	A revised Moolarben Complex Water Management Plan incorporating EPBC 2017/7974 was approved by DPE on 21 October 2020. The WMP continues to be implemented.	Compliant.	
E49	12	The approval holder must comply with the timing and content requirements of Condition 32A of Schedule 3 of the NSW Consolidated Project Approvals for the completion of an Independent Water Quality Study (IQWS).	The Independent Water Quality Study, in accordance with Condition 32A was required by 1 December 2021. An Extension of Time was granted by NSW Department of Planning and Environment (DPE) until 30 April 2023. The IQWS was submitted in accordance with Condition 32A with DPE acknowledging that all requirements of Condition 32A had been met on 27 July 2023.	Compliant.	
E50	13	The approval holder must ensure that the performance measures recommended in the IQWS are incorporated in a revised version of the Water Management Plan within 12 months of the IWQS being completed and must implement the revised Water Management Plan.	The IWQS was approved by the NSW DPE on 27 July 2023. A revised version of the Moolarben Complex Surface Water Management Plan (SWMP) including the recommendations from the IWQS was submitted to the DPE on 28 August 2023.	Not applicable.	
E51	14	The approval holder must comply with condition 33A of the NSW Consolidated Project Approvals to prepare and implement a Brine Management Plan.	A revised Moolarben Complex Brine Management Plan incorporating EPBC 2017/7974 was approved by DPIE on 21 October 2020. The Brine MP continues to be implemented.	Compliant.	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
E52	15	The approval holder must notify the Department in writing of the date of commencement of works in OC3, within ten business days after the date of commencement of works in OC3.	Notification was provided to DAWE on 18 February 2020 informing on the commencement of works in OC3.	Compliant	
E53	16	The approval holder must notify the Department in writing of the date of commencement of operation of the water treatment facility, within ten business days after the date of commencement of operation of the water treatment facility.	The commencement of operation of the water treatment facility occurred on 18 May 2020. Written notification of commencement of the water treatment facility was provide to DAWE on 27 May 2020.	Compliant	
E54	17	The approval holder must maintain accurate and complete compliance records.	Records from this reporting period provided in MCO_RPT_2023 Annual Report.	Compliant.	
E55	18	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request. Note: Compliance records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the Department's website or through the general media.	Noted.	Compliant.	
E56	19	The approval holder must: a. Submit the Biodiversity Management Plan electronically to the Department for approval by the Minister. b. Publish each plan on its website within 20 business days of the date the plan is approved by the Minister and/or Secretary. c. Exclude or redact sensitive ecological data from plans published on its website or provided to a member of the public.	The DAWE advised MCO on 14 August 2020 that there is no requirement for the Biodiversity Management Plan to be approved under the EPBC Act.	Not applicable.	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
E57	20	<p>The approval holder must use one or a combination of the following methods to retire the credits required for protected matters:</p> <p>a. Retire like-for-like biodiversity credits within the meaning of the Biodiversity Conservation Act 2016 (NSW).</p> <p>b. Make payments into an offsets fund that has been developed by the NSW Government and that has been endorsed by the Minister. The financial contribution or payments into an offset fund must be determined by converting biodiversity credits to an equivalent dollar value through the NSW offsets payment calculator. The approval holder must submit evidence to the Minister of any payments, within ten business days of the payment being made.</p> <p>c. Fund a biodiversity conservation action within the meaning of the Biodiversity Conservation Act 2016 (NSW). The financial contribution to biodiversity conservation actions must be determined by converting biodiversity credits to an equivalent dollar value through the NSW offsets payment calculator. The approval holder must submit to the Minister evidence of and payments within ten business days of the payment being made.</p>	<p>Payment into the Biodiversity Conservations Fund to retire biodiversity credits for Gang-gang</p> <p>Cockatoo, Glossy Black Cockatoo and <i>Tylophora linearis</i> to meet partial Moolarben Stage 1 (PA 05_0117)</p> <p>Modification 15 requirements occurred during the previous reporting period.</p>	Compliant.	
E58	21	<p>The approval holder must prepare a compliance report each year. The timing for preparing the compliance report must be consistent with the requirements of Condition 4 of Schedule 5 of the NSW Consolidated Project Approvals, or otherwise in accordance with an annual date that has been agreed to in writing by the Department. The approval holder must:</p> <p>a. Publish each compliance report on its website within one month of being approved by the Secretary.</p>	<p>EPBC Compliance reports are available on the Moolarben Coal website. Auditors reviewed the compliance reports and deemed them compliant with this condition.</p>	Compliant.	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>b. Notify the Department by email that a compliance report has been published on its website within five business days of the date of publication.</p> <p>c. Exclude or redact sensitive ecological data from compliance reports published on its website.</p> <p>d. Where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within five business days of publication.</p> <p>Note: Compliance reports may be published on the Department's website.</p>			
E59	22	<p>The approval holder must notify the Department in writing of any non-compliance with the conditions or non-compliance with the commitments made in plans that relate to protected matters. The notification must be given no later than two business days after becoming aware of the non-compliance. The notification must specify:</p> <p>a. The condition which is or may be in breach.</p> <p>b. A short description of the non-compliance.</p>	No non-compliances relating to protected matters have occurred in the audit period.	Not triggered.	
E60	23	<p>The approval holder must provide to the Department the details of any non-compliance with the conditions or commitments made in plans that relate to protected matters no later than ten business days after becoming aware of the non-compliance, specifying:</p> <p>a. Any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future.</p> <p>b. The potential impacts of the non-compliance.</p> <p>c. The method and timing of any remedial action that will be undertaken by the approval holder.</p>	Noted.	Noted.	
E61	24	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	This independent environmental audit has been conducted to satisfy this condition.	Compliant.	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
E62	25	For each independent audit, the approval holder must: a. Provide the name and qualifications of the independent auditor and the draft audit criteria to the Department. b. Only commence the independent audit once the audit criteria have been approved in writing by the Department. c. Submit an audit report to the Department within the timeframe specified in the approved audit criteria.	Noted.	Noted.	
E63	26	The approval holder must publish the audit report on its website within ten business days of receiving the Department's approval of the audit report and keep the audit report published on its website until the end date of this approval.	Noted.	Noted.	
E64	27	The approval holder may, at any time, apply to the Minister for a variation to the Biodiversity Management Plan approved by the Minister under condition 10, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act.	Noted.	Noted.	
E65	28	The approval holder may revise the Biodiversity Management Plan approved by the Minister under condition 10, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised Biodiversity Management Plan would not be likely to have a new or increased impact.	Noted.	Noted.	
E66	29	If the approval holder revises the Biodiversity Management Plan without submitting it for approval, the approval holder must:	Noted.	Noted.	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>a. notify the Department in writing that the approved action management plan has been revised and provide the Department with:</p> <p>i. An electronic copy of the revised Biodiversity Management Plan.</p> <p>ii. An explanation of the differences between the approved action management plan and the revised Biodiversity Management Plan.</p> <p>iii. The reasons the approval holder considers that taking the action in accordance with the revised Biodiversity Management Plan would not be likely to have a new or increased impact.</p> <p>iv. Written notice of the date on which the approval holder will implement the revised Biodiversity Management Plan.</p>			
E67	30	<p>If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the revised Biodiversity Management Plan would be likely to have a new or increased impact, then:</p> <p>a. Condition 28 does not apply, or ceases to apply, in relation to the revised Biodiversity Management Plan.</p> <p>b. The approval holder must implement the Biodiversity Management Plan specified by the Minister in the notice.</p>	Noted.	Noted.	
E68	31	<p>At the time of giving the notice under condition 3D, the Minister may also notify that for a specified period of time, condition 28 does not apply for one or more specified action management plans.</p> <p>Note: conditions 28-31 are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised action management plan, at any time, to the Minister for approval.</p>	Noted.	Not Applicable.	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
E69	32	The approval holder must notify the Department in writing of any proposed change to the conditions of the NSW Consolidated Project Approvals referred to in the conditions of this approval, no later than two weeks after formally proposing a change or becoming aware of a change being proposed. The approval holder must also notify the Department in writing of any change to the conditions of the NSW Consolidated Project Approvals referred to in the conditions of this approval, within two weeks of a change being finalised.	Noted.	Not Applicable.	
E70	33	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	Noted.	Not Applicable.	
E71	34	In these conditions, except where contrary intention is expressed, the following definitions are used: Area 2 {extract; offset area means the 'iviodification 14 (EPBC 20n i/974) Offset Area' labelled 'Area 2 (Extract)' identified on the map at Attachment B. The Area 2 (Extract) of approximately 51 ha is part of Area 2 required by Condition 24 of the NSW Consolidated Project Approvals. Approved Rehabilitation Management Plan means the plan required to be prepared and implemented under Condition 68 of Schedule 3 of the NSW Consolidated Project Approvals, in the form approved by the Secretary at that time. Biodiversity Management Plan means the plan required to be prepared and implemented under condition 33 of Schedule 3 of the NSW Consolidated Project Approvals, in the form approved by the Secretary and/or Minister at that time. Biodiversity Stewardship Agreement means a 'biodiversity stewardship agreement' within the meaning of the Biodiversity Conservation Act 2016 (NSW).	Noted.	Noted.	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>Clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds - see the Australian weeds strategy 2017 to 2027 for further guidance).</p> <p>Commencement of operation of the water treatment facility means the first instance of any water being produced from the water treatment facility that is then released offsite. Water treatment operations commence following commissioning.</p> <p>Commencement of works in OC3 means the first instance of any specified activity associated with the action in the 'Open Cut Mining Area' labelled 'OC3' as identified on the map at Attachment A including clearing or construction. Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.</p> <p>Compliance reports means written reports:</p> <ul style="list-style-type: none"> i. Providing accurate and complete details of compliance, and non-compliance with the conditions and the plans. ii. Consistent with the Department's Annual Compliance Report Guidelines (2014). iii. Including a shapefile of any clearance of any protected matters, or their habitat, undertaken within the relevant 12 month period. iv. Annexing a schedule of all plans prepared and in existence in relation to the conditions during the relevant 12 month period. <p>Construction means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; any excavation, grading or breaking of the</p>			

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>ground (including pile driving); the laying of pipes and other prefabricated materials in the ground; but excluding the installation of temporary fences and signage.</p> <p>Department means the Australian Government agency responsible for administering the EPBC Act.</p> <p>Development footprint means any of the 'Existing / Approved Development' areas identified on the map at Attachment A.</p> <p>Independent audit(s) means an audit conducted by an independent and suitably qualified person as detailed in the Department's Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines (2015)</p> <p>Moolarben Coal Project means all actions that are approved under the NSW Consolidated Project Approvals, and subject to EPBC Act approvals 2007/3297, 2008/4444, 2013/6929, and this 2017/7974.</p> <p>Minister means the Australian Government Minister administering the EPBC Act including any delegate thereof.</p> <p>New or increased impact means a new or increased environmental impact or risk relating to any protected matter, when compared to the likely impact of implementing the action management plan that has been approved by the Minister under condition 11, including any subsequent revisions approved by the Minister, as outlined in the Department's Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017).</p> <p>NSW Consolidated Project Approvals means Project Approval 05_0117 for the Moolarben Coal Project Stage 1, and Project Approval 08_0135 for the</p>			

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>Moolarben Coal Project Stage 2, under section 75J of the Environmental Planning and Assessment Act 1979 (NSW), as modified on 19 June 2019. Where condition numbers of the NSW Consolidated Project Approvals are referenced in these conditions, it is a reference to the condition numbers of Project Approval 05_0117.</p> <p>Plan(s) means any of the documents required to be prepared, approved by the Minister, and/or implemented by the approval holder and published on its website, in accordance with these conditions.</p> <p>Protected matter(s) means a matter protected under a controlling provision in Part 3 of the EPBC Act for which this approval has effect.</p> <p>Sensitive ecological data means 'sensitive ecological data' as defined in the Department's Sensitive Ecological Data - Access and Management Policy VI.0 (2016).</p> <p>Secretary means 'Secretary' as defined in the NSW Consolidated Project Approvals.</p> <p>Site means anywhere within the 'Approved Stage 1 Project Boundary' and/or 'Approved Stage 2 Project Boundary' identified on the map at Attachment A.</p> <p>Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.</p>			

AUDIT CHECKLIST – EPL 12932

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Table 1 EPL 12932

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations												
1 Administrative Conditions																	
A1 What the licence authorises and regulates																	
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.</p> <p>Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Coal works</td> <td>Coal works</td> <td>> 5000000 T annual handing capacity</td> </tr> <tr> <td>Extractive activities</td> <td>Extractive activities</td> <td>> 500000 - 2000000 T annually extracted or processed</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>> 5000000 T annual production capacity</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	> 5000000 T annual handing capacity	Extractive activities	Extractive activities	> 500000 - 2000000 T annually extracted or processed	Mining for coal	Mining for coal	> 5000000 T annual production capacity	Noted.	Noted	
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EPL02	A1.2	<p>Notwithstanding A1.1, the scale of the land-based extractive activity authorised under this licence must not exceed 2,000,000 tonnes per annum, being the amount equivalent to the extraction limit approved by the development consent granted under the Environmental Planning and Assessment Act 1979 for the premises specified in A2.</p>	The relevant Annual Reviews for the audit period were reviewed. No exceedances of the coal extraction limit occurred.	Compliant													
A2 Premises or plant to which this licence applies																	
EPL03	A2.1	The licence applies to the following premises:	Noted.	Noted													

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		<p>Premises Details</p> <p>MOOLARBEN COAL MINE 12 ULAN-WOLLAR ROAD ULAN NSW 2850</p> <p>THE PREMISES IS DEFINED AS THE COMBINED EXTENTS OF THE APPROVED STAGE 1 PROJECT BOUNDARY AND THE APPROVED STAGE 2 PROJECT BOUNDARY AS INDICATED IN 'APPENDIX 2: GENERAL LAYOUT OF PROJECT' IN MOOLARBEN STAGE 1 MOD 15 CONSOLIDATED APPROVAL (DPIE - PLANNING PORTAL - SSD APPLICATION NUMBER 05_0117).</p>			
A3 Other activities					
EPL04	A3.1	<p>This licence applies to all other activities carried on at the premises, including:</p> <p>Ancillary Activity</p> <p>Crushing, grinding or separating <30,000 tonnes per year</p>	Noted.	Noted	
A4 Information supplied to the EPA					
EPL05	A4.1	<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <p>a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998;</p> <p>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>The Environment Protection Licence application was viewed by auditors. Site inspection confirmed all activities on site are in line with the application and this licence (extraction and processing of coal). No incidents of activities outside the bounds of the application and licence were reported in the relevant annual reviews for the audit period.</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations																								
2 Discharges to Air and Water and Applications to Land																													
P1 Location of monitoring/discharge points and areas																													
EPL06	P1.1	The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.	Noted.	Noted																									
<table border="1"> <thead> <tr> <th colspan="4"><i>Air</i></th> </tr> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>15</td> <td>Dust monitoring PM10 (TEOM)</td> <td></td> <td>TEOM06 - as indicated on the figure in "Appendix 4 - Moolarben Coal Complex - Air Quality Monitoring Sites" received by the EPA on 8 August 2019 (DOC19/757840-3)</td> </tr> <tr> <td>16</td> <td>Dust monitoring PM10 (HVAS)</td> <td></td> <td>HVAS PM01 - Ulan Village as indicated on the figure in "Appendix 4 - Moolarben Coal Complex - Air Quality Monitoring Sites" received by the EPA on 8 August 2019 (DOC19/757840-3)</td> </tr> <tr> <td>17</td> <td>Dust monitoring PM10 (TEOM)</td> <td></td> <td>TEOM01 - Ulan School as indicated on the figure in "Appendix 4 - Moolarben Coal Complex - Air Quality Monitoring Sites" received by the EPA on 8 August 2019 (DOC19/757840-3)</td> </tr> <tr> <td>27</td> <td>Dust monitoring PM10 & PM2.5 (TEOM)</td> <td></td> <td>TEOM07 - Ulan Road near southern Winchester Crescent as indicated on the figure in "Appendix 4 - Moolarben Coal Complex - Air Quality Monitoring Sites" received by the EPA on 8 August 2019 (DOC19/757840-3)</td> </tr> </tbody> </table>						<i>Air</i>				EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	15	Dust monitoring PM10 (TEOM)		TEOM06 - as indicated on the figure in "Appendix 4 - Moolarben Coal Complex - Air Quality Monitoring Sites" received by the EPA on 8 August 2019 (DOC19/757840-3)	16	Dust monitoring PM10 (HVAS)		HVAS PM01 - Ulan Village as indicated on the figure in "Appendix 4 - Moolarben Coal Complex - Air Quality Monitoring Sites" received by the EPA on 8 August 2019 (DOC19/757840-3)	17	Dust monitoring PM10 (TEOM)		TEOM01 - Ulan School as indicated on the figure in "Appendix 4 - Moolarben Coal Complex - Air Quality Monitoring Sites" received by the EPA on 8 August 2019 (DOC19/757840-3)	27	Dust monitoring PM10 & PM2.5 (TEOM)		TEOM07 - Ulan Road near southern Winchester Crescent as indicated on the figure in "Appendix 4 - Moolarben Coal Complex - Air Quality Monitoring Sites" received by the EPA on 8 August 2019 (DOC19/757840-3)
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EPL07	P1.2	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.	Noted.	Noted																									
EPL08	P1.3	The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.	Noted.	Noted																									

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
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<i>Water and land</i>			
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Discharge to waters. Discharge water quality monitoring.	Discharge to waters. Discharge water quality monitoring.	Discharge to Goulburn River Diversion near Bora Creek junction indicated as EPA Monitoring Point No. 1 on figure "Appendix 4 - Proposed Discharge Points" received by the EPA on 17 December 2020 (DOC20/1044327)
2	Discharge to waters. Discharge water quality monitoring.	Discharge to waters. Discharge water quality monitoring.	Discharge from Open Cut 1 Sediment Dam 106 indicated as EPA Monitoring Point No. 2 on figure "Appendix 4 - Proposed Discharge Points" received by the EPA on 17 December 2020 (DOC20/1044327)
5	Effluent discharge and monitoring	Effluent discharge and monitoring	Discharge point EFF01 indicated as EPA Monitoring Point No. 5 on figure "Appendix 4" received by the EPA on 30 September 2021 (DOC21/912942)
22	Effluent discharge and monitoring	Effluent discharge and monitoring	Discharge point EFF02 indicated as EPA Monitoring Point No. 22 on figure "Appendix 4 - Proposed Discharge Points" received by the EPA on 17 December 2020 (DOC20/1044327)
23	Effluent discharge and monitoring	Effluent discharge and monitoring	Discharge point EFF03 indicated as EPA Monitoring Point No. 23 on figure "Appendix 4 - Proposed Discharge Points" received by the EPA on 17 December 2020 (DOC20/1044327)
24	Stormwater discharge & monitoring point	Stormwater discharge & monitoring point	Stormwater sediment dams indicated as EPA Identification No. 24 on figure "Appendix 4 - Proposed Discharge Points" received by the EPA on 17 December 2020 (DOC20/1044327)

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations	
	26	Stormwater discharge & monitoring point	Stormwater discharge & monitoring point	Stormwater sediment dams indicated as EPA Identification No. 26 on figure "Appendix 4 - Proposed Discharge Points" received by the EPA on 17 December 2020 (DOC20/1044327)		
	28	Discharge to waters. Discharge water quality monitoring.	Discharge to waters. Discharge water quality monitoring.	Discharge to Moolarben Creek from Dam 202 LDP indicated as EPA Identification No. 28 on figure "Appendix 4 - Proposed Discharge Points" received by the EPA on 17 December 2020 (DOC20/1044327)		
	29	Stormwater discharge & monitoring point	Stormwater discharge & monitoring point	Stormwater sediment dams indicated as EPA Identification No. 29 on figure "Appendix 4 - Proposed Discharge Points" received by the EPA on 17 December 2020 (DOC20/1044327)		
	31	Stormwater discharge & monitoring point	Stormwater discharge & monitoring point	Stormwater sediment dams indicated as EPA Identification No. 31 on figure "Appendix 4 - Proposed Discharge Points" received by the EPA on 17 December 2020 (DOC20/1044327)		
	33	Stormwater discharge & monitoring point	Stormwater discharge & monitoring point	Stormwater sediment dams indicated as EPA identification No. 33 on figure "Appendix 4 - Proposed Discharge Points" received by the EPA on 17 December 2020 (DOC20/1044327)		
	35	Stormwater discharge & monitoring point	Stormwater discharge & monitoring point	Stormwater sediment dams indicated as EPA identification No. 35 on figure "Appendix 4 - Proposed Discharge Points" received by the EPA on 17 December 2020 (DOC20/1044327)		
	48	Effluent discharge & monitoring	Effluent discharge & monitoring	Discharge point EFF04 indicated as EPA identification No. 48 on figure "Appendix 4 - Proposed Discharge Points" received by the EPA on 17 December 2020 (DOC20/1044327)		
	51	Stormwater discharge & monitoring point	Stormwater discharge & monitoring point	Stormwater sediment dams indicated as EPA identification No. 51 on figure "Appendix 4 - Proposed Discharge Points" received by the EPA on 17 December 2020 (DOC20/1044327)		
	52	Stormwater discharge and monitoring point	Stormwater discharge and monitoring point	Stormwater sediment dams indicated as EPA identification No. 52 on figure "Appendix 4 - Proposed Discharge Points" received by the EPA on 17 December 2020 (DOC20/1044327)		
EPL09	P1.4	The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.	Noted.	Noted		

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations																								
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3 Limit Conditions

L1 Pollution of waters

EPL10	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.	During the period from 1 October 2022 to 11 October 2022, out of specification treated water was released through the Bora Creek location (LDP 01). This was a gradual occurrence during this period in which a total of 91.8 megalitres of treated water was released. The Sodium Bisulphate pump lost prime which resulted in free chlorine which was processed through LDP 01 by further fault in the alarms and the lack of a secondary control. The PIRMP was activated including notification of EPA and other agencies and provision of report. Water quality sampling and stream flow monitoring was undertaken with to assess the impact, which	Non-compliant	Investigative and remedial actions have been undertaken. No further action required.
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Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			determined that the influenced chlorine level was below the lower limit. Following a Show Cause, the EPA issued an Official Caution in relation to this incident.		
L2 Concentration limits					
EPL11	L2.1	For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	Auditors reviewed Annual Reviews and monthly environmental monitoring reports for the audit period. No exceedances were recorded in the audit period.	Compliant	
EPL12	L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Noted.	Noted	
EPL13	L2.3	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.	Noted.	Noted	
EPL14	L2.4	Water and/or Land Concentration Limits	Noted	Noted	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations																																																																		
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EPL15	L2.5	<p>The total suspended solids and turbidity limits specified under Condition L2.4 for the sediment basins identified as EPA licence discharge points 24, 26, 29, 31, 33, 35, 51 and 52 do not apply when the discharge occurs solely as a result of rainfall measured at the premises which exceeds;</p> <ul style="list-style-type: none"> - a total of 44 millimetres of rainfall over any consecutive 5 day period. <p>Note: A 44mm rainfall depth is defined by the publication Managing urban stormwater: soils and construction (Landcom 2004) as the rainfall depth in millimetres for a 95th percentile 5 day rainfall events for the Central Tablelands consistent with the storage capacity (recommended minimum design criteria) for Type D sediment retention basins for mines and quarries (Vol 2E of the Landcom 2004).</p>	Noted.	Noted																																																																			
EPL16	L2.6	The concentration limit for Total Suspended Solids (TSS) and turbidity under condition L2.4 for licence	Noted.	Noted																																																																			

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations						
		<p>discharge points 24, 26, 29, 31, 33, 35, 51 and 52 is deemed not to have been breached where:</p> <p>(a) the sample complies with the turbidity limit at the time of the discharge; and</p> <p>(b) the EPA is advised within 3 working days of completion of the TSS testing, of any TSS results above the licence limit.</p> <p>Note: The purpose of this condition is to expediate the assessment and subsequent discharge of the clarified water from the sediment basins.</p>									
L3 Volume and mass limits											
EPL17	L3.1	<p>For each discharge point or utilisation area specified below (by a point number), the volume/mass of:</p> <p>a) liquids discharged to water; or;</p> <p>b) solids or liquids applied to the area;</p> <p>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>megalitres per day</td> <td>20</td> </tr> </tbody> </table>	Point	Unit of Measure	Volume/Mass Limit	1	megalitres per day	20	<p>Auditors reviewed the relevant Annual Reviews and Environmental Monitoring Reports for the audit period.</p> <p>No discharges exceeded the volume/mass limit stipulated by the table.</p>	Compliant	
Point	Unit of Measure	Volume/Mass Limit									
1	megalitres per day	20									
EPL18	L3.2	<p>The volume discharge limit for point 1 in the table under condition L3.1 only applies when mining operations at the premises include that undertaken in area 'UG4'.</p>		Noted							
L4 Waste											
EPL17	L4.1	<p>The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.</p> <p>Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.</p> <p>Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the</p>	<p>Waste is managed under the Waste Management Plan. No waste is received at the site.</p> <p>MCO disposes of their own tyres via burial in open cut pits. A tyre burial register is used to track the amount of tyres disposed of. Auditors reviewed the In-Pit Buried Tyre Register and the Tyre Burial process checklist form.</p>	Compliant							

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
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table below. This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
T140	Tyres	Heavy vehicle waste tyres generated onsite	Waste disposal (application to land)	The total volume of tyres disposed of at the premises must not exceed 650 tonnes per annum

L5 Noise limits

EPL21	L5.1	<p>Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.</p> <p>POINT 41</p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day, Evening, Night</td> <td>LAeq (15 minute)</td> <td>-</td> <td>37</td> </tr> <tr> <td>Night</td> <td>Night-LA1 (1 minute)</td> <td>-</td> <td>45</td> </tr> </tbody> </table> <p>POINT 42</p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day, Evening, Night</td> <td>LAeq (15 minute)</td> <td>-</td> <td>36</td> </tr> <tr> <td>Night</td> <td>Night-LA1 (1 minute)</td> <td>-</td> <td>45</td> </tr> </tbody> </table> <p>POINT 43</p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day, Evening, Night</td> <td>LAeq (15 minute)</td> <td>-</td> <td>35</td> </tr> </tbody> </table> <p>POINT 44</p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> </tbody> </table>	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day, Evening, Night	LAeq (15 minute)	-	37	Night	Night-LA1 (1 minute)	-	45	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day, Evening, Night	LAeq (15 minute)	-	36	Night	Night-LA1 (1 minute)	-	45	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day, Evening, Night	LAeq (15 minute)	-	35	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Noise at MCC is managed under the Noise Management Plan. Auditors reviewed Annual Reviews and monthly noise monitoring reports for the audit period. No noise exceedances at any of the monitoring points were present in the data.	Compliant	
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)																																						
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Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations												
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Day, Evening, Night	L _{Aeq} (15 minute)	-	35														
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)														
Day, Evening, Night	L _{Aeq} (15 minute)	-	50														
EPL22	L5.2	For the purpose of Condition L5.1: a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays; b) Evening is defined as the period from 6pm to 10pm; and c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays	Noted.	Noted													
EPL23	L5.3	The noise limits set out in condition L5.1 apply under all meteorological conditions except for the following: a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or c) Stability category G temperature inversion conditions.	Noted.	Noted													
EPL24	L5.4	For the purpose of condition L5.3: a) Data recorded by the meteorological station identified as EPA Licence Point 25 must be used to determine meteorological conditions; and	Auditors inspected WS03 (Point 25) off Ulan Road during site inspection. Under the Noise Management Plan, WS03 is used to determine meteorological	Compliant													

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.	conditions, evident through pre-blasting procedure viewed by auditors. Section 7.4 Meteorological Monitoring of the Noise Management Plan stipulates temperature inversion classes (stability categories) are to be determined using the sigma-theta method.		
EPL25	L5.5	To determine compliance: a) with the Leq(15 minute) noise limits in condition L5.1, the noise measurement equipment must be located: i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or ii) within 30 metres of a dwelling façade, but not closer than 3 metres where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable iii) within approximately 50 metres of the boundary of a National Park or Nature Reserve. b) with the LA1(1 minute) noise limits in condition L5.1, the noise measurement equipment must be located within 1 metre of a dwelling façade. c) with the noise limits in condition L5.1, the noise measurement equipment must be located: i) at the most affected point at a location where there is no dwelling at the location; or ii) at the most affected point within an area at a location prescribed by conditions L5.5(a) or L5.5(b).	Auditors sighted multiple noise monitoring locations during site inspection. Auditors were satisfied that the equipment were appropriately located as required by this condition. Figure 4 of the Noise Management Plan identifies noise monitoring locations.	Compliant	
EPL26	L5.6	A non-compliance of L5.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured: (a) at a location other than an area prescribed by condition L5.5(a) and L5.5(b); and/or (b) at a point other than the most affected point at a location.	Noted.	Noted	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
EPL27	L5.7	For the purposes of determining the noise generated at the premises the modification factors in Fact Sheet C of the Noise Policy for Industry (EPA, 2017) must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.	The Noise Management Plan stipulates modifying factors from Fact Sheet C of the Noise Policy for Industry are used where required.	Compliant	
L6 Blasting					
EPL28	L6.1	Blasting in or on the premises must only be carried out between 9 am and 5 pm, Monday to Saturday. Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.	Auditors reviewed the Blast Management Plan, the relevant Annual Reviews for the audit period and blast data spreadsheets and pre-blasting assessment sheets. Blasting hours are referenced in the Blast Management Plan and pre-blasting assessments ensure blasting is not carried out outside the approved hours.	Compliant	
EPL29	L6.2	Blasting at the premises is limited to the following: a) A maximum of 2 blasts per day; and b) A maximum of 9 blasts per week averaged over a 12 month reporting period. Note: 1. This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately owned land, blast misfires or blasts required to ensure the safety of the mine or its workers. 2. For the purposes of the above condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.	Auditors reviewed the blast data spreadsheet and Annual Reviews for the audit period. No blasting frequencies were exceeded during the audit period.	Compliant	
EPL30	L6.3	The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to	Exceedances of 120 dB airblast overpressure occurred on 20 May 2022 and 8 February 2024.	Non-compliant	No further action required.

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		measure this are not to be taken into account in determining whether or not the limit has been exceeded.	The Blast Management Plan has been reviewed since the May 2022 blasting incident. Auditors reviewed MCO's response letter to the Department dated 15 March 2024. Auditors believe appropriate investigation was undertaken.		
EPL31	L6.4	The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Auditors reviewed Annual Reviews for the audit period. Table 13 of relevant Annual Reviews contains a blast monitoring summary. Exceedances of 115dB (Lin Peak) did not occur over 5% of the time in a yearly period.	Compliant	
EPL32	L6.5	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Auditors reviewed Annual Reviews relevant to the audit period. No ground vibration exceedances were recorded.	Compliant	
EPL33	L6.6	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded. 1. The airblast overpressure and ground vibration levels in conditions L6.3 to L6.6 do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the licensee and land owner.	Noted.	Noted	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		2. "Noise sensitive locations" includes buildings used as a residence, hospital, school, child care centres, places of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building.			
EPL34	L6.7	<p>Offensive blast fume must not be emitted from the premises.</p> <p>Definition: Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:</p> <ol style="list-style-type: none"> 1. are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted, or 2. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted. 	Auditors reviewed the incidents and community complaints recorded for the audit period. There were no cases of complaints related to blast fumes attributable to operations at MCC.	Compliant	

4 Operating Conditions

O1 Activities must be carried out in a competent manner

EPL35	O1.1	<p>Licensed activities must be carried out in a competent manner.</p> <p>This includes:</p> <ol style="list-style-type: none"> a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity. 	<p>Waste Tracking certificates were viewed by auditors.</p> <p>Auditors observed high quality waste management practices during site inspection. Environmental controls were observed to be adequate, and operations were organised and competent.</p> <p>Training records for operation of plant and equipment are stored in an online document management system called Pegasus. Auditors sighted Pegasus competencies during the audit.</p>	Compliant	
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Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
O2 Maintenance of plant and equipment					
EPL36	O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.	Auditors viewed maintenance records and work orders for plant and machinery in SAP. Auditors observed competent operation of plant and equipment during site inspection and viewed training competencies in Pegasus.	Compliant	
O3 Dust					
EPL37	O3.1	All areas in or on the premises must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (which includes dust).	Auditors observed shift scheduling and effective employment of water carts for dust suppression. Auditors observed an example of best practice dust mitigation where operations staff had put forward that a hire water cart was required to keep dust at bay. The hire water cart was commissioned and observed by auditors on site. Auditors noted the CHPP is fully enclosed to minimise dust impacts. Odour and fume minimisation and dust management are covered in Section 6 of the Air Quality Management Plan The dust management system in includes meteorological forecasting, real time dust monitoring and real time response triggers. No unusually elevated dust levels attributable to MCO were recorded through air quality monitoring.	Compliant	
EPL38	O3.2	Any activity in or on the premises must be carried out by such practicable means as to prevent or minimise the emission into the air of air pollutants (which includes dust).	No visible off-site air pollution was observed during the site investigation. Water carts for dust suppression were sighted by the Auditor, including an extra hire water cart.	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			<p>Extensive rehabilitation of previously mined areas has occurred and is being undertaken, contributing to minimised dust levels.</p> <p>Dust mitigation measures in the Air Quality Management Plan include the use of water carts as necessary and practicable on all trafficked areas to minimise excessive visible dust, enforcement of speed limits, use of dust aprons and water injection systems during drilling, fitting, inspection and maintenance of dust suppression systems to stationary plant (such as dump hopper and transfer stations).</p>		
EPL39	O3.3	Any plant in or on the premises must be operated by such practicable means as to prevent or minimise the emission into the air or air pollutants (which includes dust).	<p>Auditors sighted maintenance routines and work orders in SAP and training competencies in Pegasus.</p> <p>Physical site inspection confirmed plant is operate din a responsible manner. No visible air pollution was observed.</p>	Compliant	
O4 Effluent application to land					
EPL40	O4.1	Effluent application must not occur in a manner that causes surface runoff.	<p>Mid-Western Regional Council has approved water supply, sewage and stormwater drainage works at MCO.</p> <p>Wastewater from the open cut offices, workshop and bath houses is collected and treated on site in an effluent disposal system located near the open cut offices, CHPP Offices, Project Offices and underground Administration Offices.</p> <p>Auditors observed no effluent utilisation areas beyond mine boundaries. No surface runoff was seen during site</p>	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
			inspection and no related incidents were recorded in the audit period.		
EPL41	O4.2	Spray from effluent application must not drift beyond the boundary of the premises.	<p>Irrigation areas utilise surface irrigation within the site boundaries.</p> <p>All sewage treatment facility designs have been reviewed and approved by Council.</p> <p>Excess effluent that cannot be processed onsite is collected and transported off-site by a suitably licenced contractor. Waste tracking records were sighted by auditors.</p> <p>Auditors did not observe spray from effluent application beyond the mine boundaries.</p>	Compliant	
EPL42	O4.3	<p>The quantity of effluent applied to the utilisation area(s) must not exceed the capacity of the utilisation area(s) to effectively utilise the effluent.</p> <p>For the purpose of this condition, “effectively utilise” includes the ability of the soil to absorb the nutrient, salt and hydraulic loads and the applied organic material without causing harm to the environment.</p>	<p>The Surface Water Management Plan controls effluent application.</p> <p>Excess effluent that cannot be processed onsite is collected and transported off-site by a suitably licenced contractor. Waste tracking records were sighted by auditors.</p>	Compliant	
O5 Processes and management					
EPL43	O5.1	All chemicals, fuels and explosives must be handled and stored in a bunded area which complies with the specifications of the relevant Australian Standard and legislative requirements.	<p>Auditors reviewed the Dangerous Goods Management Plan (rev 16). The DGMP was deemed generally adequate to ensure DGs are handled in a safe and compliant manner.</p> <p>However, waste oils were observed stored on unbunded pallets adjacent to a sump at the rear of the main workshop area. While secondary containment was not present, this area is confined to the internal mine water network.</p>	Non-compliant	Consideration may be given to storage of these items on a covered hardstand area.

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
EPL44	O5.2	Contingency and emergency management plans must be developed and implemented for the spill of any chemical and fuel.	The Pollution Incident Response Management Plan is immediately implemented in the event of a spill of chemical or fuel resulting in a pollution incident. This is evident from interview of the Environment and Community Manager with regard to the oil spill line incident in March 2024. Spill kits were observed by auditors during site inspection.	Compliant	
O6 Other operating conditions					
EPL45	O6.1	The sediment basins identified as EPA identification no. (licence discharge points) 24, 26, 29, 31, 33, 35, 51 and 52 under condition P1.3 must be drained or pumped out as necessary to maintain each basins design storage capacity, within 5 days following rainfall.	The surface water system at MCC is managed under the Surface Water Management Plan. Sediment dams have been constructed larger than the design storage capacity requirement calculated in accordance with the 'Blue Book'. Pump facilities were observed at each sediment basin inspected. No incidents of overflow were reported during the audit period.	Compliant	
EPL46	O6.2	Water discharged to comply with condition O6.1 may only be discharge to waters from sediment basins identified under licence discharge points 24, 26, 29, 31, 33, 35, 51 and 52 where the water complies with the discharge limit specified under condition L2.4 for licence discharge points 24, 26, 29, 31, 33, 35, 51 and 52.	Noted.	Noted	
EPL47	O6.3	The licensee must also undertake maintenance as necessary to desilt basins identified as under licence discharge points 24, 26, 29, 31, 33, 35, 51 and 52 in order to retain each basins design storage capacity.	The Surface Water Management Plan controls discharge and requires desilting of erosion and sediment control structures to be undertaken as necessary. No basins were observed to have reached storage capacity during site inspection.	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
5 Monitoring and Recording Conditions					
M1 Monitoring records					
EPL48	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.	MCO was observed to be compliant with monitoring recording and maintenance.	Compliant	
EPL49	M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Auditors reviewed monthly environmental monitoring reports, which report on data required to be collected by the EPL. Auditors were satisfied the records are legible, kept for the required time period and produced when requested. Auditors also reviewed some examples of sampling records. Records from greater than four years ago were sighted, as well as current sheets.	Compliant	
EPL50	M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	The date, time and monitoring points of samples are displayed in the monthly environmental monitoring reports. The names of the collectors are on the original sampling sheets.	Compliant	
M2 Requirement to monitor concentration of pollutants discharged					
EPL51	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:	Auditors reviewed MCO's monthly environmental monitoring reports and Section 7 of the Air Quality Management Plan, which outlines the Air Quality Monitoring Program. Auditors inspected HVAS' during site inspection and noted all equipment was well maintained. Auditors are satisfied air quality monitoring undertaken in the audit period has been in line with the	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations																								
			requirements of this condition. There was an instance of a missed sample for PM10 at Point 16, caused by a power trip to the HVAS. Power was reinstated and the EPA notification was viewed by auditors. Due to the circumstance of power loss this is not considered a non-compliance.																										
EPL52	M2.2	Air Monitoring Requirements POINT 15,17,27 <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>PM10</td> <td>micrograms per cubic metre</td> <td>Continuous</td> <td>AM-22</td> </tr> </tbody> </table> POINT 16 <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>PM10</td> <td>micrograms per cubic metre</td> <td>Every 6 days</td> <td>AM-18</td> </tr> </tbody> </table> POINT 27 <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>PM2.5</td> <td>micrograms per cubic metre</td> <td>Continuous</td> <td>Special Method 1</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Continuous	AM-22	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Every 6 days	AM-18	Pollutant	Units of measure	Frequency	Sampling Method	PM2.5	micrograms per cubic metre	Continuous	Special Method 1		Noted	
Pollutant	Units of measure	Frequency	Sampling Method																										
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PM2.5	micrograms per cubic metre	Continuous	Special Method 1																										
EPL53	M2.3	For the purposes of the table(s) above Special Method 1 means AS/NZS 3580.9.13:2013 - Methods for sampling and analysis of ambient air determination of suspended particulate matter - PM2.5 continuous direct mass method using a tapered element oscillating microbalance monitor.		Noted																									
EPL54	M2.4	Water and/ or Land Monitoring Requirements	EPL DP01 was not sampled for oil & grease or TSS during discharge in December 2021. DP01 was again not sampled for TSS in April 2023. Sampling has been compliant with this condition at all other periods throughout the audit period. MCO has implemented a number of process improvements in accordance with reported incident notifications.	Non-compliant	No further action required.																								

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
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POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Continuous during discharge	Probe
Oil and Grease	milligrams per litre	Weekly during any discharge	Grab sample
pH	pH	Continuous during discharge	Probe
Total suspended solids	milligrams per litre	Weekly during any discharge	Grab sample
Turbidity	nephelometric turbidity units	Continuous during discharge	Probe

POINT 2,28

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Continuous during discharge	Probe
Oil and Grease	milligrams per litre	Daily during any discharge	Grab sample
pH	pH	Continuous during discharge	Probe
Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample
Turbidity	nephelometric turbidity units	Continuous during discharge	Probe

POINT 5,22,23,48

Pollutant	Units of measure	Frequency	Sampling Method
BOD	milligrams per litre	Quarterly	Grab sample
Nitrogen (total)	milligrams per litre	Quarterly	Grab sample
Oil and Grease	milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Probe
Phosphorus (total)	milligrams per litre	Quarterly	Grab sample
Total suspended solids	milligrams per litre	Quarterly	Grab sample

POINT 24,26,29,31,33,35,51,52

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	milligrams per litre	Daily during any discharge	Grab sample
pH	pH	Daily during any discharge	Grab sample
Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample
Turbidity	nephelometric turbidity units	Daily during any discharge	Grab sample

Note: For the purposes of conditions M2.2 and M2.4, 'continuous' refers to the capture of relevant pollutant data for the duration of the frequency reporting period. Data capture rates across the frequency reporting period do not apply under the following situations:

- a) equipment breakdown;
- b) power loss;
- c) scheduled maintenance;
- d) performance specification testing;
- e) vandalism.

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
EPL55	M2.5	When continuous monitoring equipment is unavailable for a period of time greater than 48 hours, the licensee must notify the EPA to determine whether equivalent manual sampling, testing or estimation needs to be undertaken on a daily basis at the monitoring point(s) prior to the return to service of the monitoring equipment.	The incidents where monitoring was not compliant were self-reported by MCO. These samples are taken by grab-sample. No continuous monitoring equipment has been unavailable during the audit period.	Not triggered	
M3 Testing methods - concentration limits					
EPL56	M3.1	Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with: a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.	Air quality monitoring is conducted under the relevant Australian Standards. Section 7 of the Air Quality Management Plan stipulates deposited dust is assessed under AS/NZS 3580.10.1:2003: Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric Method and PM10 is assessed under AS/NZS 3580.9.6:2003: Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM10 high volume sampler with size selective inlet – Gravimetric method.	Compliant	
EPL57	M3.2	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted. <i>Note: The Protection of the Environment Operations (Clean Air) Regulation 2022 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".</i>	Section 6.1 of the Surface Water Management Plan stipulates surface water monitoring at MCC is undertaken in accordance with the relevant Australian Standards, legislation and the NSW EPA approved methods for sampling including (but not limited to) NSW DECCW, 2004, Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales, Australian Standard/New Zealand Standard (AS/NZS) 5667.1:1998, Water Quality – Sampling	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations																																			
			– Guidance on the Design of Sampling Programs, Sampling Techniques, and the Preservation and Handling of Samples; and AS/NZS 5667.10:1998, Water Quality – Sampling – Guidance on Sampling of Waste Waters.																																					
M4 Weather monitoring																																								
EPL58	M4.1	The meteorological station (licence point 50) must be maintained so as to be capable of continuously monitoring the parameters specified in condition M4.2.	Auditors inspected the meteorological station WS03 off Ulan Road during site inspection. Auditors noted WS03 was well maintained and observed pre-blast assessment sheets which use data recorded by WS03.	Compliant																																				
EPL59	M4.2	At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively. POINT 50 <table border="1"> <thead> <tr> <th>Parameter</th> <th>Sampling method</th> <th>Units of measure</th> <th>Averaging period</th> <th>Frequency</th> </tr> </thead> <tbody> <tr> <td>Wind Direction at 10 metres</td> <td>AM-2 & AM-4</td> <td>Degrees</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Wind Speed at 10 metres</td> <td>AM-2 & AM-4</td> <td>metres per second</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Sigma Theta</td> <td>AM-2 & AM-4</td> <td>Degrees</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Rainfall</td> <td>AM-4</td> <td>millimetres</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Temperature at 10 metres</td> <td>AM-4</td> <td>degrees Celsius</td> <td>1 hour</td> <td>Continuous</td> </tr> <tr> <td>Relative humidity</td> <td>AM-4</td> <td>percent</td> <td>1 hour</td> <td>Continuous</td> </tr> </tbody> </table> <p>Note: For the purposes of conditions M4.1 and M4.2, 'Continuous' refers to the continuous monitoring of the relevant weather parameters for the duration of the frequency reporting period except during the following situations:</p> <ul style="list-style-type: none"> a) equipment breakdown; b) power loss; c) scheduled maintenance; 	Parameter	Sampling method	Units of measure	Averaging period	Frequency	Wind Direction at 10 metres	AM-2 & AM-4	Degrees	15 minutes	Continuous	Wind Speed at 10 metres	AM-2 & AM-4	metres per second	15 minutes	Continuous	Sigma Theta	AM-2 & AM-4	Degrees	15 minutes	Continuous	Rainfall	AM-4	millimetres	15 minutes	Continuous	Temperature at 10 metres	AM-4	degrees Celsius	1 hour	Continuous	Relative humidity	AM-4	percent	1 hour	Continuous	Section 7.1.6 of the Air Quality Management Plan controls meteorological monitoring. This data is fed into the pre-blast meteorological assessments, which were sighted by auditors. Data recorded at WS03 is automatically collected and continuous.	Compliant	
Parameter	Sampling method	Units of measure	Averaging period	Frequency																																				
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	15 minutes	Continuous																																				
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Relative humidity	AM-4	percent	1 hour	Continuous																																				

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		d) performance specification testing; e) vandalism.			
EPL60	M4.3	When the meteorological station is unavailable for a period of time greater than 48 hours, the licensee must notify the EPA and state what alternative weather monitoring arrangements will be put in place until the return to service of the meteorological station.	WS03 was continuously available during the audit period.	Compliant	
M5 Recording of pollution complaints					
EPL61	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.	MCO retains complaints and publishes a summary of the complaint register each year to the public facing website. Complaints are also summarised in Section 10.2 of the relevant Annual Reviews.	Compliant	
EPL62	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.	Community complaints are recorded through Intalex software and reported on in the yearly Annual Reviews. Full detail on complaints is provided in Appendix 4 of the annual reviews. Auditors sighted examples from Intalex. Auditors saw examples of community complaints which have been kept for greater than four years.	Compliant	
EPL63	M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Auditors sighted an export from Intalex containing a record of community complaints dated back to 2019.	Compliant	
EPL64	M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	MCO has records on hand that can be produced as required.	Noted	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations									
M6 Telephone complaints line														
EPL65	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	MCO maintains a 24-hour environment and community complaints hotline, which is available to receive any complaints from neighbours or stakeholders. Information regarding the complaints hotline can be found on the Moolarben Coal website.	Compliant										
EPL66	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.	Information about the complaints hotline can be found on the Moolarben Coal website and the annual reviews.	Compliant										
EPL67	M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	Noted.	Noted										
M7 Requirement to monitor volume or mass														
EPL68	M7.1	<p>For each discharge point or utilisation area specified below, the licensee must monitor:</p> <p>a) the volume of liquids discharged to water or applied to the area;</p> <p>b) the mass of solids applied to the area;</p> <p>c) the mass of pollutants emitted to the air;</p> <p>at the frequency and using the method and units of measure, specified below</p> <table border="1"> <thead> <tr> <th colspan="3">POINT 1</th> </tr> <tr> <th>Frequency</th> <th>Unit of Measure</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Continuous during discharge</td> <td>megalitres per day</td> <td>Flow meter and continuous logger</td> </tr> </tbody> </table> <p>Note: For the purposes of condition M7.1, 'Continuous' refers to the capture of relevant volume monitoring data for the duration of the frequency reporting period except during the following situations:</p> <p>a) equipment breakdown;</p> <p>b) power loss;</p> <p>c) scheduled maintenance;</p> <p>d) performance specification testing;</p>	POINT 1			Frequency	Unit of Measure	Sampling Method	Continuous during discharge	megalitres per day	Flow meter and continuous logger	Auditors reviewed monthly environmental monitoring reports relevant to the audit period, which reports on discharge at Point 1. The discharge volume was observed to be continuously monitored with a data logger and reported in megalitres per day.	Compliant	
POINT 1														
Frequency	Unit of Measure	Sampling Method												
Continuous during discharge	megalitres per day	Flow meter and continuous logger												

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations												
		e) vandalism.															
EPL69	M7.2	When continuous monitoring equipment is unavailable for a period of time greater than 48 hours, the licensee must notify the EPA to determine whether equivalent manual sampling, testing or estimation needs to be undertaken on a daily basis at the monitoring point(s) prior to the return to service of the monitoring equipment.	Continuous monitoring equipment has been available for the entirety of the audit period.	Not triggered													
M8 Blasting																	
EPL70	M8.1	To determine compliance with conditions L6.3, L6.4, L6.5 and L6.6: a) Airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring point 49 for the parameters specified in Column 1 of the table below; and b) The licensee must use the units of measure, sampling method, and sample at the frequency specified opposite in the other columns.	Section 7 of the Blast Management Plan controls the Blast Monitoring Program. Auditors reviewed the Blast Monitoring Program and deemed it compliant with this condition, with the correct units of measure, sampling method and frequency. Auditors then reviewed monthly environmental monitoring reports which displayed the data in a clear and legible manner.	Compliant													
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Parameter	Units of Measure	Frequency	Sampling Method														
Airblast Overpressure	Decibels (Linear Peak)	All blasts	Australian Standard AS2187.2-2006														
Ground Vibration Peak Velocity	Millimetres/second	All blasts	Australian Standard AS2187.2-2006														
M9 Noise Monitoring																	
EPL71	M9.1	To determine compliance with the noise limits contained in condition L5.1 noise monitoring must be conducted in accordance with the document "Moolarben Coal Complex Noise Management Plan June 2015" (as amended from time to time).	The Noise Management Plan has been updated as of October 2023. Auditors reviewed monthly noise monitoring reports which were carried out in accordance with the Noise Monitoring Program detailed in Section 7 of the Noise Management Plan.	Compliant													
6 Reporting Conditions																	
R1 Annual return documents																	
EPL72	R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:	Auditors reviewed the relevant Annual Returns for the reporting period. Auditors confirmed the Annual Returns	Compliant													

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.	contain the required statements of compliance and summaries of monitoring.		
EPL73	R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below.	Auditors viewed Annual Return submissions for each relevant year of the reporting period.	Compliant	
EPL74	R1.3	Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.	The EPL has not been transferred.	Not triggered	
EPL75	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.	The EPL has not been surrendered or revoked.	Not triggered	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
EPL76	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').	Auditors viewed confirmation of the submission of the relevant annual returns for the audit period.	Compliant	
EPL77	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.	MCO showed auditors Annual Returns dating back to 2019.	Compliant	
EPL78	R1.7	<p>Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:</p> <p>a) the licence holder; or</p> <p>b) by a person approved in writing by the EPA to sign on behalf of the licence holder.</p> <p>Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.</p> <p>Note: An application to transfer a licence must be made in the approved form for this purpose.</p>	Auditors reviewed the relevant annual returns for the audit period and observed appropriate certification.	Compliant	
R2 Notification of environmental harm					
EPL79	R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	Auditors viewed notifications for all reported incidents and responses during the reporting period.	Compliant	
EPL80	R2.2	<p>The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.</p> <p>Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.</p>	Auditors viewed notifications for all reported incidents and responses during the reporting period. All observed EPA notifications were within the required seven day period from the date MCO became aware of the incidents.	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
R3 Written report					
EPL81	R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	Noted.	Noted	
EPL82	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.	Noted.	Noted	
EPL83	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.	Noted.	Noted	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
EPL84	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.	Noted.	Noted	
R4 Other reporting conditions					
EPL85	R4.1	Every six (6) months, the licensee must complete and submit to the EPA a report comprising: a) Data, reported graphically where practicable, for monitoring conducted in accordance with licence requirements; b) Statement of compliance; c) A complaints summary; and d) An outline of any management actions taken within the period to address any non-compliances identified in the 6 monthly reporting period. The report must be received by the EPA no later than 4 weeks after the end of the period being reported.	Auditors sighted all relevant Biannual monitoring reports for the audit period. Reports were noted to have been compiled and submitted every six months. Auditors noted all required sections were present.	Compliant	
7 General Conditions					
G1 Copy of licence kept at the premises or plant					
EPL86	G1.1	A copy of this licence must be kept at the premises to which the licence applies.	The EPL is available at MCC and online at the Moolarben Coal website.	Compliant	
EPL87	G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Noted.	Noted	
EPL88	G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	The EPL is available at MCC an online at the Moolarben Coal website.	Compliant	
G2 Signage					
EPL89	G2.1	Each monitoring and discharge point must be clearly marked by a sign that indicates the EPA point identification number.	All monitoring and discharge points were observed to have clear, appropriate signage stating their EPA ID.	Compliant	

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations
		Note: Condition G2.1 only applies to monitoring and/or discharge points that are on land owned or controlled by the licensee.			

G3 Other general conditions

Ref No.	Cond No.	Audit Finding & Recommendations	Comments & Evidence	Audit Findings	Recommendations																											
EPL90	G3.1	<p>Completed programs</p> <table border="1"> <thead> <tr> <th>Program</th> <th>Description</th> <th>Completed Date</th> </tr> </thead> <tbody> <tr> <td>Undertake an independent audit of water management</td> <td>Undertake an independent audit of water management on site and based on the results of the audit prepare and implement a works program... Improved water quality in Bora Creek. (Q)</td> <td>14-May-2010</td> </tr> <tr> <td>Coal Mine Particulate Matter Control Best Practice</td> <td>Site specific determination of particulate matter control against best practice</td> <td>25-January-2012</td> </tr> <tr> <td>Design Review of Water Management System</td> <td>Undertake an independent design review of the water management system and develop a water management action program based on the recommendations of the review</td> <td>23-December-2011</td> </tr> <tr> <td>Particulate Matter Control Best Practice Implementation – Wheel Generated Dust</td> <td>Implementation of particulate matter best management practices to address wheel-generated dust.</td> <td>15-August-2014</td> </tr> <tr> <td>Particulate Matter Control Best Practice Implementation – Disturbing and Handling Overburden in Adverse Weather Conditions</td> <td>Implementation of particulate matter best management practices to address the handling of overburden during adverse weather.</td> <td>15-August-2014</td> </tr> <tr> <td>Particulate Matter Control Best Practice Implementation - Trial of Best Practice Measures for Disturbing and Handling Overburden</td> <td>Investigation to establish best practice measures for the handling of overburden.</td> <td>14-April-2014</td> </tr> <tr> <td>Upgrades to the Water Management System</td> <td>Various upgrades to the water management system in the area of the rail loop and the CHPP</td> <td>18-December-2015</td> </tr> <tr> <td>Rail Loop Remediation</td> <td>Remediation of the rail loop batters</td> <td>29-September-2017</td> </tr> </tbody> </table>	Program	Description	Completed Date	Undertake an independent audit of water management	Undertake an independent audit of water management on site and based on the results of the audit prepare and implement a works program... Improved water quality in Bora Creek. (Q)	14-May-2010	Coal Mine Particulate Matter Control Best Practice	Site specific determination of particulate matter control against best practice	25-January-2012	Design Review of Water Management System	Undertake an independent design review of the water management system and develop a water management action program based on the recommendations of the review	23-December-2011	Particulate Matter Control Best Practice Implementation – Wheel Generated Dust	Implementation of particulate matter best management practices to address wheel-generated dust.	15-August-2014	Particulate Matter Control Best Practice Implementation – Disturbing and Handling Overburden in Adverse Weather Conditions	Implementation of particulate matter best management practices to address the handling of overburden during adverse weather.	15-August-2014	Particulate Matter Control Best Practice Implementation - Trial of Best Practice Measures for Disturbing and Handling Overburden	Investigation to establish best practice measures for the handling of overburden.	14-April-2014	Upgrades to the Water Management System	Various upgrades to the water management system in the area of the rail loop and the CHPP	18-December-2015	Rail Loop Remediation	Remediation of the rail loop batters	29-September-2017	Noted.	Noted	
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AUDIT CHECKLIST – MINING LEASES STANDARD CONDITIONS

Content

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Content	1

Table 1: Mining Leases Standard Conditions ML1605, ML1606, ML1628, ML1691 & ML1715

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
MLS1	<p>Must prevent or minimise harm to environment</p> <p>(1) The holder of a mining lease must take all reasonable measures to prevent, or if that is not reasonably practicable, to minimise, harm to the environment caused by activities under the mining lease.</p> <p>(2) In this clause— harm to the environment has the same meaning as in the Protection of the Environment Operations Act 1997.</p>	<p>Auditors observed good environmental management across mining leases during the site inspection including effective water management and proactive dust and noise mitigation. MCO generally demonstrated compliance with project approvals. Auditors observed no serious or irreversible harm to the environment, outside of approved disturbance.</p>	Compliant	
MLS2	<p>Rehabilitation to occur as soon as reasonably practicable after disturbance</p> <p>The holder of a mining lease must rehabilitate land and water in the mining area that is disturbed by activities under the mining lease as soon as reasonably practicable after the disturbance occurs.</p>	<p>Auditors observed fast and effective rehabilitation of areas that had been previously mined. All areas requiring rehabilitation are being rehabilitated in varying stages. Auditors observed good weed control practices, noting no serious weed issues.</p>	Compliant	
MLS3	<p>Rehabilitation must achieve final land use</p> <p>(1) The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area.</p> <p>(2) The holder of the mining lease must ensure any planning approval has been obtained that is necessary to enable the holder to comply with subclause (1).</p> <p>(3) The holder of the mining lease must identify and record any reasonably foreseeable hazard that presents a risk to the holder's ability to comply with subclause (1).</p> <p>Note— Clause 7 requires a rehabilitation risk assessment to be conducted whenever a hazard is identified under this subclause.</p>	<p>All rehabilitated areas were observed to be on track for final land uses, generally native woodland.</p> <p>All planning approvals required are held by MCO.</p> <p>Auditors observed all landforms to be satisfactory under the rehabilitation objectives and criteria.</p>	Compliant	
MLS4	In this clause—		Noted	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>final land use for the mining area means the final landform and land uses to be achieved for the mining area—</p> <p>(a) as set out in the rehabilitation objectives statement and rehabilitation completion criteria statement, and</p> <p>(b) for a large mine—as spatially depicted in the final landform and rehabilitation plan, and</p> <p>(c) if the final land use for the mining area is required by a condition of development consent for activities under the mining lease—as stated in the condition.</p> <p>planning approval means—</p> <p>(a) a development consent within the meaning of the Environmental Planning and Assessment Act 1979, or</p> <p>(b) an approval under that Act, Division 5.1</p>			
MLS5	<p>Rehabilitation risk assessment</p> <p>(1) The holder of a mining lease must conduct a risk assessment (a rehabilitation risk assessment) that—</p> <p>(a) identifies, assesses and evaluates the risks that need to be addressed to achieve the following in relation to the mining lease—</p> <p>(i) the rehabilitation objectives,</p> <p>(ii) the rehabilitation completion criteria,</p> <p>(iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan, and</p> <p>(b) identifies the measures that need to be implemented to eliminate, minimise or mitigate the risks.</p>	<p>The rehabilitation risk assessment, conducted 21 March 2022, is contained in the Rehabilitation Management Plan in Section 3. Auditors reviewed the Rehabilitation Management Plan and risk assessment and found it competently evaluates the risks to rehabilitation across the mining leases.</p> <p>Rehabilitation objectives and completion criteria are addressed in Section 4.</p> <p>Maps of the final land use are in Figures 5 and 6.</p> <p>Rehabilitation implementation measures are addressed in Section 6.</p>	Compliant	
MLS6	<p>(2) The holder of the mining lease must implement the measures identified.</p>	<p>Desktop review of the Rehabilitation Risk Assessment followed by site inspection confirmed the management measures identified are being effectively implemented. This is evident due to the good condition of rehabilitation areas across the site.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
MLS7	(3) The holder of a mining lease must conduct a rehabilitation risk assessment— (a) for a large mine—before preparing a rehabilitation management plan, and (b) for a small mine—before preparing the rehabilitation outcome documents for the mine, and (c) whenever a hazard is identified under clause 6(3)—as soon as reasonably practicable after it is identified, and (d) whenever given a written direction to do so by the Secretary	The rehabilitation risk assessment is contained within the Rehabilitation Management Plan. Rehabilitation risk assessments are completed / reviewed every 2 years or as required.	Compliant	
MLS8	Application of Division This Division does not apply to a mining lease unless— (a) the security deposit required under the mining lease is greater than the minimum deposit prescribed under the Act, section 261BF in relation to that type of mining lease, or (b) the Secretary gives a written direction to the holder of the mining lease that this Division, or a provision of this Division, applies to the mining lease.	Consultation with the NSW Resources Regulator confirmed this division applies to all mining leases operated by MCO from 1 July 2022.	Noted	
MLS9	General requirements for documents A document required to be prepared under this Division must— (a) be in a form approved by the Secretary, and Note— The approved forms are available on the Department's website. (b) include any matter required to be included by the form, and (c) if required to be given to the Secretary—be given in a way approved by the Secretary	All documents relevant to the Division were observed to be approved by the Secretary (where required) and compliant with requirements for inclusions.	Compliant	
MLS10	Rehabilitation management plans for large mines (1) The holder of a mining lease relating to a large mine must prepare a plan (a rehabilitation	Auditors reviewed MCO's Rehabilitation Management Plan, which describes how	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>management plan) for the mining lease that includes the following—</p> <p>(a) a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area,</p> <p>(b) a description of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation,</p> <p>(c) a summary of rehabilitation risk assessments conducted by the holder,</p> <p>(d) the risk control measures identified in the rehabilitation risk assessments,</p> <p>(e) the rehabilitation outcome documents for the mining lease,</p> <p>(f) a statement of the performance outcomes for the matters addressed by the rehabilitation outcome documents and the ways in which those outcomes are to be measured and monitored.</p>	<p>MCO manages all aspects of rehabilitation of the mining area.</p> <p>Mining Lease conditions are listed in Table 5. The conditions are addressed throughout the Rehabilitation Management Plan.</p> <p>Rehabilitation risk assessments are presented in Section 3.</p> <p>Risk control measures are presented in Table 9.</p> <p>The Rehabilitation Outcomes Document is addressed in Section 4.2.3.</p> <p>Performance against rehabilitation objectives is addressed in Section 8.3.</p>		
MLS11	(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.	Section 4.2.3 of the Rehabilitation Management Plan states MCO is relying on the proposed completion criteria until the submitted rehabilitation outcomes document is approved.	Compliant	
MLS12	(3) A rehabilitation management plan is not required to be given to the Secretary for approval.		Noted	
MLS13	(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.	Auditors reviewed the Rehabilitation Management Plan and Forward Program. Review of Annual Reviews, environmental monitoring data and site inspection observations confirmed rehabilitation measures are being implemented in an effective and timely manner. Auditors observed a high standard of rehabilitation across the site.	Compliant	
MLS14	Amendment of rehabilitation management plans	The Rehabilitation Management Plan is currently at version 1.	Not triggered	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>The holder of a mining lease must amend the rehabilitation management plan for the mining lease as follows—</p> <p>(a) to substitute the proposed version of a rehabilitation outcome document with the version approved by the Secretary—within 30 days after the document is approved,</p> <p>(b) as a consequence of an amendment made under clause 14 to a rehabilitation outcome document—within 30 days after the amendment is made,</p> <p>(c) to reflect any changes to the risk control measures in the prepared plan that are identified in a rehabilitation risk assessment—as soon as practicable after the rehabilitation risk assessment is conducted,</p> <p>(d) whenever given a written direction to do so by the Secretary—in accordance with the direction.</p>			
MLS15	<p>Rehabilitation outcome documents</p> <p>(1) The holder of a mining lease must prepare the following documents (the rehabilitation outcome documents) for the mining lease and give them to the Secretary for approval—</p> <p>(a) the rehabilitation objectives statement, which sets out the rehabilitation objectives required to achieve the final land use for the mining area,</p> <p>(b) the rehabilitation completion criteria statement, which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives,</p> <p>(c) for a large mine, the final landform and rehabilitation plan, showing a spatial depiction of the final land use.</p>	<p>MCO has submitted the Rehabilitation Outcomes Document to the NSW Resources Regulator, awaiting approval. Section 4.2.3 of the Rehabilitation Management Plan states that MCO is relying on the proposed completion criteria until the document is approved.</p>	Compliant	
MLS16	<p>(2) If the final land use for the mining area is required by a condition of development consent for activities under the mining lease, the holder of the mining lease must ensure the rehabilitation outcome documents are consistent with that condition.</p>		Noted	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
MLS17	<p>Forward program and annual rehabilitation report</p> <p>(1) The holder of a mining lease must prepare a program (a forward program) for the mining lease that includes the following—</p> <p>(a) a schedule of mining activities for the mining area for the next 3 years,</p> <p>(b) a summary of the spatial progression of rehabilitation through its various phases for the next 3 years,</p> <p>(c) a requirement that the rehabilitation of land and water disturbed by mining activities under the mining lease must occur as soon as reasonably practicable after the disturbance occurs.</p>	<p>Auditors reviewed the Moolarben Coal Forward Program Monday 1 January 2024 to Thursday 31 December 2026.</p> <p>The Forward Program provides a 3 year forecast for surface disturbance activities and a three year rehabilitation forecast.</p> <p>The rehabilitation planning schedule stipulates that progressive rehabilitation is to occur as soon as practicable.</p>	Compliant	
MLS18	<p>(2) The holder of a mining lease must prepare a report (an annual rehabilitation report) for the mining lease that includes—</p> <p>(a) a description of the rehabilitation undertaken over the annual reporting period,</p> <p>(b) a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period,</p> <p>(c) a report demonstrating progress made towards the achievement of the following—</p> <p>(i) the objectives set out in the rehabilitation objectives statement,</p> <p>(ii) the criteria set out in the rehabilitation completion criteria statement,</p> <p>(iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan.</p>	<p>Section 9 of the relevant Annual Reviews contain the yearly rehabilitation reports. The report provides a detailed description of the rehabilitation conducted and the progress made through the phases of rehabilitation including decommissioning, landform establishment, growth medium development and ecosystem and land use establishment throughout the year.</p> <p>The Tables in Section 9 provide detail on the rehabilitation achieved against the objectives and criteria set out in the rehabilitation statements.</p>	Compliant	
MLS19	<p>(3) If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must rely on a proposed version of the document.</p>	<p>MCO is awaiting approval of the Rehabilitation Outcomes Document and relying on the proposed document as stated in Section 4.2.3 of the Rehabilitation Management Plan.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
MLS20	(4) The holder of the mining lease must give the forward program and annual rehabilitation report to the Secretary.	The forward program and rehabilitation report (as part of the annual reviews) are given to the Secretary and published to the public facing website.	Compliant	
MLS21	(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.		Noted	
MLS22	Amendment of rehabilitation outcome documents and forward program (1) This clause applies to— (a) a rehabilitation outcome document if it has been approved by the Secretary, and (b) a forward program if it has been given to the Secretary		Noted	
MLS23	(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.	The documents relating to the standard conditions have not been amended.	Compliant	
MLS24	(3) The holder of the mining lease must amend the document in accordance with the Secretary's direction or approval.	The documents relating to the standard conditions have not been amended.	Not triggered	
MLS25	(4) Nothing in this clause prevents the holder of a mining lease preparing a draft amendment for submission to the Secretary for approval.		Noted	
MLS26	Times at which documents must be prepared and given (1) The holder of a mining lease must do the following before the end of the initial period—	Auditors reviewed the Rehabilitation Management Plan and Forward Program, which have been approved by the Secretary. The Rehabilitation Outcomes	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	(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.	Document has been submitted, MCO is awaiting approval.		
MLS27	(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.	Auditors reviewed the forward program and rehabilitation report (as part of the annual reviews), which were provided within the required time period.	Compliant	
MLS28	(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.	Both documents have been provided to the Secretary. MCO is awaiting the approval of the rehabilitation outcomes document.	Compliant	
MLS29	(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.	MCO is awaiting the approval of the Rehabilitation Outcomes Document.	Compliant	
MLS30	(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).		Noted	
MLS31	(6) The Secretary may, by written notice, direct the holder of a mining lease to prepare, or give to the Secretary, a document required to be prepared under		Noted	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	this Division at a time other than that specified in this clause.			
MLS32	(7) The holder of the mining lease must comply with the direction.	No direction has been received by MCO.	Not triggered	
MLS33	(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	
MLS34	Certain documents to be publicly available (1) This clause applies to the following documents— (a) a rehabilitation management plan, (b) a forward program, (c) an annual rehabilitation report.		Noted	
MLS35	(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	These documents are publicly available on MCO's public facing website.	Compliant	
MLS36	(3) If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published—	The documents have been published to the website within the required period.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	(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,			
MLS37	(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	
MLS38	Records demonstrating compliance The holder of a mining lease must create and maintain records of all actions taken that demonstrate compliance with each of the conditions set out in this Part. Note— The Act, sections 163D and 163E provide for the form in which records must be kept and the period for which they must be retained.	Environmental compliance actions are recorded in SAP and reported on in the rehabilitation reports in Section 9 of the Annual Reviews.	Compliant	
MLS39	Report on non-compliance (1) The holder of a mining lease must provide the Minister with a written report detailing any non-compliance with— (a) a condition of the mining lease, or Note— The Act, section 364A contains provisions relating to the use and disclosure of information provided under this condition. (b) a requirement of the Act or this Regulation relating to activities under the mining lease.	Auditors viewed notification for the blasting exceedance at BM8 on Moolarben Road from an overburden blast in Open Cut 4 in February 2024. The notification report was adequately detailed.	Compliant	
MLS40	(2) The holder of the mining lease must provide the report within 7 days after becoming aware of the non-compliance.	Auditors viewed notification for the blasting exceedance at BM8 on Moolarben Road from an overburden blast in Open Cut 4 in February 2024. The notification was submitted within the required 7-day time period.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
MLS41	<p>(3) The holder of the mining lease must ensure the report—</p> <p>(a) identifies the condition of the mining lease, or the requirement of the Act or this Regulation, to which the non-compliance relates, and</p> <p>(b) describes the non-compliance and specifies the date or dates on which, or the period during which, the non-compliance occurred, and</p> <p>(c) describes the causes or likely causes of the non-compliance, and</p> <p>(d) describes the action that has been taken, or will be taken, to mitigate the effects, and to prevent any recurrence, of the non-compliance.</p>	<p>Auditors viewed notification for the blasting exceedance at BM8 on Moolarben Road from an overburden blast in Open Cut 4 in February 2024. The notification report was adequately detailed with the relevant conditions identified, a recount of events with dates, investigation of likely causes and reactionary measures taken.</p>	Compliant	
MLS42	<p>Nominated contact person</p> <p>(1) The holder of a mining lease must nominate a natural person to be the contact person with whom the Secretary can communicate in relation to the mining lease for the purposes of the Act.</p> <p>Note—</p> <p>The Act, section 383 sets out the ways in which notices or other documents may be issued or given to, or served on, a person for the purposes of the Act.</p>	<p>MCO nominated the Environment and Community Manager as the contact person.</p>	Compliant	
MLS43	<p>(2) The holder of the mining lease must give written notice to the Secretary of—</p> <p>(a) the full name and contact details of the nominated person—within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation, and</p> <p>(b) any change in nomination or in the nominated person’s contact details—within 28 days after the change occurs.</p>	<p>MCO nominated the Environment and Community Manager as the contact person.</p>	Compliant	
MLS44	<p>(3) The holder of the mining lease must ensure that the contact details for the nominated person include the person’s phone number and postal and email addresses.</p>	<p>MCO nominated the Environment and Community Manager as the contact person.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
MLS45	<p>Additional requirements—application for or to modify development consent</p> <p>(1) The holder of a mining lease must give written notice to the Secretary within 10 days after—</p> <p>(a) making an application for development consent that relates to the mining area, or</p> <p>(b) making an application for modification of a development consent—</p> <p>(i) under the Environmental Planning and Assessment Act 1979, section 4.55(2), and</p> <p>(ii) that proposes to modify a condition of the consent that relates to rehabilitation of the mining area in a way that may affect an obligation under the mining lease relating to rehabilitation of the mining area.</p>	<p>The latest modifications for the project approvals were Mod 4 PA08-0135 and Mod 15 PA 05_0117. Both were lodged prior to the date of application of these standard conditions.</p>	<p>Not triggered</p>	
MLS46	<p>This clause does not apply if the development is State significant development.</p>		<p>Noted</p>	

AUDIT CHECKLIST – WATER LICENCES

Content

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Table 1: Water Licences 20BL173935, WAL39799, WAL 41888, WAL 19052, WAL 37582, WAL 37583, WAL 36340

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
20BL173935 (Bore Licence)				
B1	<p>The licensee shall within two months of completion or after the issue of the license if the work is existing, furnish to NSW Office of Water: -</p> <p>(A) Details of the work set out in the attached form "A" (must be completed by a driller).</p> <p>(B) A plan showing accurately the location of the work, in relation to portion and property boundaries.</p> <p>(C) A one litre water sample for all licences others than those for stock, domestic, test bores and farming purposes.</p> <p>(D) Details of any water analysis and/or pumping tests</p>	<p>Auditors sighted Form A's for drilling of bores PZ194B, PZ194C, PZ195B, PZ195C, PZ234A, PZ234B, PZ234C, PZ235A, PZ235C, PZ236A, PZ237A, PZ237B, PZ237C, PZ239A and PZ239B.</p> <p>The Form A's for PZ236A (installed 26/10/2022, submitted 13/01/2023), PZ239A (installed 21/09/2023, submitted 23/11/2023) and PZ239B (installed 21/11/2023, submitted 17/04/2024) were submitted outside the 2-month time frame.</p> <p>Drillers held the appropriate Class 4 licence.</p> <p>Plans for drilling locations were also provided on cadastral maps.</p> <p>No water sample is required to be submitted as piezometers constructed under this licence are test bores only.</p> <p>Water analysis and pump testing details are recorded on the Form A's.</p>	Non-compliant	Ensure bore notifications are sent to DPI within the prescribed period.
B2	The licensee shall allow NSW Office of Water or any person authorised by it, full and free access to the works, either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the department for the protection and proper maintenance of the	MCO allowed auditors access to piezometers during site inspection and remains open to authorities wishing to inspect.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	works, or the control of the water extracted and for the protection of the quality and the prevention from pollution or contamination of sub-surface water.			
B3	If during the construction of the work, saline or polluted water is encountered above the producing aquifer, such water shall be sealed off by:- (A) Inserting the appropriate length(s) of casing to a depth sufficient to exclude the saline or polluted water from the work. (B) Cementing between the casing(s) and the walls of the bore hole from the bottom of the casing to ground level. Any departure from these procedures must be approved by the department before undertaking the work.	The construction of each monitoring bore was designed and supervised on-site by a hydrogeologist in consultation with the licensed water bore driller. Review of Form A's revealed appropriate casing was installed in each circumstance and cemented in place where required.	Compliant	
B4	A) The licensee shall notify NSW Office of Water if a flowing supply (B) If a flowing supply of water is obtained from the work, the licensee shall only distribute water from the bore head by a system of pipelines and shall not distribute it in drains, natural or artificial channels or depressions.	Auditors reviewed bore completion reports submitted to DPIE. No flowing water supplies were found.	Compliant	
B5	If a work is abandoned at any time the licensee shall notify NSW Office of Water that the work has been abandoned and seal off the aquifer by:- (A) Backfilling the work to ground level with clay or cement after withdrawing the casing (lining); or (B) Such methods as agreed to or directed by NSW Office of Water.	Abandonment or backfilling is detailed on Form A's for boreholes. MCO notified the Department that decommissioning works had been completed at PZ102A, PZ102B, PZ103A, PZ103B on 13 March 2023, with associated borehole cementing record sheets attached. PZ110 and PZ235A were also decommissioned in the audit period.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
B6	The licensee shall not allow any tailwater/drainage to discharge into or onto:- - Any adjoining public or crown road; - Any other persons land - Any Crown Land - Any river, creek or watercourse; - Any native vegetation as described under the Native Vegetation Conservation Act 1997; - Any wetlands of environmental significance.	No incidents related to boreholes or drilling were reported in the audit period.	Compliant	
B7	Water shall not be pumped from the bore authorised by this license for any purpose other than groundwater investigation.	The Groundwater Management Plan stipulates the Environment and Community Manager is responsible for the monitoring of groundwater. No incidents of water pumped from bores under this licence being used for a purpose other than monitoring were reported.	Compliant	
WAL39799				
W1	The maximum water allocation that can be carried over from one water year to the next water year in the water allocation account for this access licence is equal to: A. 100 % of the access licence share component for access licences with share components expressed as ML/year, or B. 1 ML/unit share of the access licence share component for access licences with share components expressed as a number of unit shares.		Noted	
W2	The volume of water taken under this access licence in any water year must not exceed: A. the sum of water allocations accrued to the water allocation account of this access licence from available water determinations in that water year, plus B. the water allocations carried over in the water allocation account of this access licence from the previous water year, plus	Section 7.1 of the relevant Annual Reviews provides a summary of water take under MCO's water licences. No exceedance of water take was reported in the audit period or recorded in the Annual Reviews.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>C. the net amount of water allocations assigned to or from the water allocation account of this access licence under a water allocation assignment in that water year, plus</p> <p>D. any water allocations re-credited by the Minister to the water allocation account of this access licence in that water year.</p>			
W3	<p>A logbook used to record water take information must be retained for five (5) years from the last date recorded in the logbook.</p>	<p>MCO's water licences are for indirect take only. MCO measures water take under the Water Management Plan. Water extracted during mining operations is monitored by data loggers and recorded in a SCADA system.</p>	Compliant	
W4	<p>A. The access licence holder must record the following information in a logbook for each period of time that water is taken:</p> <ul style="list-style-type: none"> i. date, start and end time when water was taken, volume of water taken, and ii. the water supply work approval number under which the water was taken, and iii. the purposes for which water was taken. <p>B. The access licence holder must record the following information in the logbook at the end of each water year:</p> <ul style="list-style-type: none"> i. the volume of water taken in the water year, and ii. the maximum volume of water permitted to be taken in that water year. <p>C. This condition ceases to apply to this access licence on the day on which the relevant mandatory metering equipment condition applies as specified in clause 230(1) in the Water Management (General) Regulation 2018.</p> <p>D. This condition does not apply to this access licence if the licence nominates only water supply works that have:</p>	<p>MCO water licences are for indirect take only. MCO measures water take under the Water Management Plan. This is then detailed in Section 7 of the relevant Annual Reviews. Water take is recorded next to the relevant WAL and broken down into six month periods.</p> <p>No water is taken for domestic use or stock watering.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> i. a meter that complies with Australian Standard AS 4747 - Meters for non-urban water supply, and ii. a data logger. 			
W5	<p>A. The water access licence holder must produce the Logbook to the Minister for inspection when requested.</p> <p>B. This condition does not apply to this access licence if the licence only nominates water supply works that have:</p> <ul style="list-style-type: none"> i. a meter that complies with Australian Standard AS 4747 - Meters for non-urban water supply, and ii. a data logger. 	A logbook is not kept as water take is monitored by data loggers and recorded in a SCADA system. This data is available for inspection as required.	Compliant	
W6	<p>A. Once the water access licence holder becomes aware of a breach of any condition on this water access licence, the water access licence holder must notify the Minister as soon as practicable.</p> <p>B. If the initial notification was not in writing, written notice must be provided within seven days of becoming aware of the breach by:</p> <ul style="list-style-type: none"> i. email: nrar.enquiries@nrar.nsw.gov.au, or ii. mail: <ul style="list-style-type: none"> - DPE Water, PO Box 2213, Dangar NSW 2309, or - DPE Water, Locked Bag 10, Grafton NSW 2460. 	No breaches of conditions of this licence occurred in the audit period.	Not triggered	
WAL41888				
W7	<p>The total volume of water taken under this access licence in any water year must not exceed a volume equal to:</p> <ul style="list-style-type: none"> A. the sum of water in the account from the available water determination for the current year, plus B. the net amount of water assigned to or from the account under a water allocation assignment, plus C. any water re-credited by the Minister to the account. 	<p>Section 7.1 of the relevant Annual Reviews provides a summary of water take under MCO's water licences.</p> <p>No exceedance of water take was reported in the audit period or recorded in the Annual Reviews.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
W8	Water must be taken in compliance with the conditions of the approval for the nominated work on this access licence through which water is to be taken.	This licence is for indirect take only, MCO does not actively pump from the Upper Goulburn River Aquifer.	Compliant	
W9	Water allocations remaining in the account for this access licence may be carried over from one water year to the next water year.		Noted	
W10	If the water supply work nominated on this access licence takes water in the Upper Goulburn River Water Source from the alluvial sediments then the work must only be used to take water: A. when there is a visible flow in the water source at the location where water is to be taken, or B. if water is taken from a pool, when there is visible inflow to, and outflow from, that pool.	MCO does not actively pump water from the Upper Goulburn River Aquifer.	Compliant	
W11	The volume of water taken in the water year must be recorded in the logbook at the end of each water year. The maximum volume of water permitted to be taken in that water year must also be recorded in the logbook.	MCO measures water take under the Water Management Plan. Water extracted during mining operations is monitored by data loggers and recorded in a SCADA system and site water balance sheets. Water take under each WAL is recorded in the relevant Annual Reviews with the maximum permitted water take alongside.	Compliant	
W12	The purpose or purposes for which water is taken, as well as details of the type of crop, area cropped, and dates of planting and harvesting, must be recorded in the logbook each time water is taken. This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.	This licence is for indirect water take, required when mining increases connection to overlying and underlying strata. No cropping occurs at MCC.	Compliant	
W13	A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by the relevant licensor.	Water extracted by MCO is recorded by data loggers and stored in a SCADA system, therefore no logbook is kept.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
W14	The completed logbook must be retained for five (5) years from the last date recorded in the logbook.	This licence is for indirect water take, required when mining increases connection to overlying and underlying strata. MCO measures water take under the Water Management Plan. Water extracted during mining operations is monitored by data loggers and recorded in a SCADA system and on site water balance sheets. MCO has greater than five years' worth of data stored and available.	Compliant	
W15	<p>The following information must be recorded in the logbook for each period of time that water is taken:</p> <p>A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and</p> <p>B. the access licence number under which the water is taken, and</p> <p>C. the approval number under which the water is taken, and</p> <p>D. the volume of water taken for domestic consumption and/or stock watering.</p> <p>This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.</p>	<p>MCO water licences are for indirect take only. MCO measures water take under the Water Management Plan. This is then detailed in Section 7 of the relevant annual reviews. Water take is recorded next to the relevant WAL and broken down into six month periods.</p> <p>No water is taken for domestic use or stock watering.</p>	Compliant	
W16	<p>Once the licence holder becomes aware of a breach of any condition on this access licence, the licence holder must notify the Minister as soon as practicable. The Minister must be notified by:</p> <p>A. email: water.enquiries@dpi.nsw.gov.au, or</p> <p>B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.</p>	No breaches of this licence occurred within the audit period.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
WAL19052				
W17	The total volume of water taken under this access licence in any water year must not exceed a volume equal to: A. the sum of water in the account from the available water determination for the current year, plus B. the net amount of water assigned to or from the account under a water allocation assignment, plus C. any water re-credited by the Minister to the account.	Section 7.1 of the relevant Annual Reviews provides a summary of water take under MCO's water licences. No exceedance of water take was reported in the audit period or recorded in the annual reviews.	Compliant	
W18	Water must be taken in compliance with the conditions of the approval for the nominated work on this access licence through which water is to be taken.		Compliant	
W19	Water allocations remaining in the account for this access licence may be carried over from one water year to the next water year.		Noted	
W20	The volume of water taken in the water year must be recorded in the logbook at the end of each water year. The maximum volume of water permitted to be taken in that water year must also be recorded in the logbook.	The volume of water taken each year is recorded in the SCADA system, site water balance sheets and annual reviews. The Annual Review presents this data next to the maximum volume of water permitted to be taken.	Compliant	
W21	The purpose or purposes for which water is taken, as well as details of the type of crop, area cropped, and dates of planting and harvesting, must be recorded in the logbook each time water is taken. This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.	MCO water licences are for indirect take only, required when mining increases connection to overlying and underlying strata and hydraulic gradients change the flow of groundwater. No water is taken for cropping.	Compliant	
W22	A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be	Water extracted during mining operations is monitored by data loggers and recorded	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	produced for inspection when requested by the relevant licensor.	in a SCADA system. Monthly records are also kept using site water balance sheets. MCO can produce this data when required.		
W23	The completed logbook must be retained for five (5) years from the last date recorded in the logbook.	This licence is for indirect water take, required when mining increases connection to overlying and underlying strata and hydraulic gradients change the flow of groundwater. MCO measures water take under the Water Management Plan. Water extracted during mining operations is monitored by data loggers and recorded in a SCADA system. Monthly records are also kept using site water balance sheets.	Compliant	
W24	<p>The following information must be recorded in the logbook for each period of time that water is taken:</p> <p>A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and</p> <p>B. the access licence number under which the water is taken, and</p> <p>C. the approval number under which the water is taken, and</p> <p>D. the volume of water taken for domestic consumption and/or stock watering.</p> <p>This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.</p>	<p>MCO water licences are for indirect take only. MCO measures water take under the Water Management Plan. This is then detailed in Section 7 of the relevant annual reviews. Water take is recorded next to the relevant WAL and broken down into six month periods.</p> <p>No water is taken for domestic use or stock watering.</p>	Compliant	
W25	<p>Once the licence holder becomes aware of a breach of any condition on this access licence, the licence holder must notify the Minister as soon as practicable. The Minister must be notified by:</p> <p>A. email: water.enquiries@dpi.nsw.gov.au,</p>	No breaches of the conditions of this licence have occurred within the audit period.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	or B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.			
WAL37582				
W26	The total volume of water taken under this access licence in any water year must not exceed a volume equal to: A. the sum of water in the account from the available water determination for the current year, plus B. the net amount of water assigned to or from the account under a water allocation assignment, plus C. any water re-credited by the Minister to the account.	Section 7.1 of the relevant Annual Reviews provides a summary of water take under MCO's water licences. No exceedance of water take was reported in the audit period or recorded in the Annual Reviews.	Compliant	
W27	Water must be taken in compliance with the conditions of the approval for the nominated work on this access licence through which water is to be taken.	MCO water licences are for indirect take only. Water take is detailed in Section 7 of the relevant Annual Reviews and is compliant with conditions of approval.	Compliant	
W28	Water allocations remaining in the account for this access licence may be carried over from one water year to the next water year.		Noted	
W29	The volume of water taken in the water year must be recorded in the logbook at the end of each water year. The maximum volume of water permitted to be taken in that water year must also be recorded in the logbook.	The volume of water taken under each WAL is recorded in Section 7 of the relevant Annual Reviews next to the maximum water allowed to be taken under the licence.	Compliant	
W30	The purpose or purposes for which water is taken, as well as details of the type of crop, area cropped, and dates of planting and harvesting, must be recorded in the logbook each time water is taken. This condition ceases to apply to a work on the day that the recording and reporting requirements apply	MCO water licences are for indirect take only. No cropping occurs at MCC.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	to that work under the Water Management (General) Regulation 2018.			
W31	A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by the relevant licensor.	All water take is recorded by data loggers and the SCADA system. The data is available for inspection as required.	Compliant	
W32	The completed logbook must be retained for five (5) years from the last date recorded in the logbook.	MCO has over five years' worth of water take data available.	Compliant	
W33	<p>The following information must be recorded in the logbook for each period of time that water is taken:</p> <p>A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and</p> <p>B. the access licence number under which the water is taken, and</p> <p>C. the approval number under which the water is taken, and</p> <p>D. the volume of water taken for domestic consumption and/or stock watering.</p> <p>This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.</p>	<p>MCO water licences are for indirect take only. MCO measures water take under the Water Management Plan. This is then detailed in Section 7 of the relevant Annual Reviews. Water take is recorded next to the relevant WAL and broken down into six month periods.</p> <p>No water is taken for domestic use or stock watering.</p>	Compliant	
W34	<p>Once the licence holder becomes aware of a breach of any condition on this access licence, the licence holder must notify the Minister as soon as practicable. The Minister must be notified by:</p> <p>A. email: water.enquiries@dpi.nsw.gov.au, or</p> <p>B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.</p>	No breaches of the conditions of this licence occurred in the audit period.	Compliant	

WAL37583

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
W35	The total volume of water taken under this access licence in any water year must not exceed a volume equal to: A. the sum of water in the account from the available water determination for the current year, plus B. the net amount of water assigned to or from the account under a water allocation assignment, plus C. any water re-credited by the Minister to the account.	Section 7.1 of the relevant Annual Reviews provides a summary of water take under MCO's water licences. No exceedance of water take was reported in the audit period or recorded in the Annual Reviews.	Compliant	
W36	Water must be taken in compliance with the conditions of the approval for the nominated work on this access licence through which water is to be taken.	MCO water licences are for indirect take only. Water take is detailed in Section 7 of the relevant Annual Reviews and is compliant with conditions of approval.	Compliant	
W37	Water allocations remaining in the account for this access licence may be carried over from one water year to the next water year.		Noted	
W38	The volume of water taken in the water year must be recorded in the logbook at the end of each water year. The maximum volume of water permitted to be taken in that water year must also be recorded in the logbook	The volume of water taken and the maximum permitted volume are recorded in Section 7 of the relevant Annual Reviews.	Compliant	
W39	The purpose or purposes for which water is taken, as well as details of the type of crop, area cropped, and dates of planting and harvesting, must be recorded in the logbook each time water is taken. This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.	MCO water licences are for indirect take only. No cropping occurs at MCC.	Compliant	
W40	A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by the relevant licensor.	All water take is recorded into a SCADA system through data loggers.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
W41	The completed logbook must be retained for five (5) years from the last date recorded in the logbook.	MCO has five years of data available through the SCADA system and site water balance sheets.	Compliant	
W42	<p>The following information must be recorded in the logbook for each period of time that water is taken:</p> <p>A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and</p> <p>B. the access licence number under which the water is taken, and</p> <p>C. the approval number under which the water is taken, and</p> <p>D. the volume of water taken for domestic consumption and/or stock watering.</p> <p>This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.</p>	<p>MCO water licences are for indirect take only. MCO measures water take under the Water Management Plan. This is then detailed in Section 7 of the relevant Annual Reviews. Water take is recorded next to the relevant WAL and broken down into six month periods.</p> <p>No water is taken for domestic use or stock watering.</p>	Compliant	
W43	<p>Once the licence holder becomes aware of a breach of any condition on this access licence, the licence holder must notify the Minister as soon as practicable. The Minister must be notified by:</p> <p>A. email: water.enquiries@dpi.nsw.gov.au, or</p> <p>B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.</p>	No breaches of the conditions of this licence occurred within the audit period.	Compliant	
WAL36340				
W44	<p>The total volume of water taken under this access licence in any water year must not exceed a volume equal to:</p> <p>A. the sum of water in the account from the available water determination for the current year, plus</p>	<p>Section 7.1 of the relevant Annual Reviews provides a summary of water take under MCO's water licences.</p> <p>No exceedance of water take was reported in the audit period or recorded in the Annual Reviews.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	B. the net amount of water assigned to or from the account under a water allocation assignment, plus C. any water re-credited by the Minister to the account.			
W45	Water must be taken in compliance with the conditions of the approval for the nominated work on this access licence through which water is to be taken.	Water take is detailed in Section 7 of the relevant Annual Reviews and is compliant with conditions of approval.	Compliant	
W46	Water allocations remaining in the account for this access licence may be carried over from one water year to the next water year.		Noted	
W47	If the water supply work nominated on this access licence takes water in the Wollar Creek Water Source from the alluvial sediments then the work must only be used to take water: A. when there is a visible flow in the water source at the location where water is to be taken, or B. if water is taken from a pool, when there is visible inflow to, and outflow from, that pool.	MCO water licences are for indirect take only. No active water pumping from Wollar Creek Water Source has occurred.	Compliant	
W48	The volume of water taken in the water year must be recorded in the logbook at the end of each water year. The maximum volume of water permitted to be taken in that water year must also be recorded in the logbook.	The volume of water take is recorded next to the permitted water take under each WAL in Section 7 of the relevant Annual Reviews.	Compliant	
W49	The purpose or purposes for which water is taken, as well as details of the type of crop, area cropped, and dates of planting and harvesting, must be recorded in the logbook each time water is taken. This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.	MCO water licences are for indirect take only. No cropping occurs at MCC, nor does any take for domestic use or stock watering.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
W50	A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by the relevant licensor.	All water take is recorded into a SCADA system through data loggers. Data is available for inspection as required.	Compliant	
W51	The completed logbook must be retained for five (5) years from the last date recorded in the logbook.	MCO has greater than five years' worth of data recorded through SCADA systems, site water balance sheets and Annual Reviews.	Compliant	
W52	<p>The following information must be recorded in the logbook for each period of time that water is taken:</p> <p>A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and</p> <p>B. the access licence number under which the water is taken, and</p> <p>C. the approval number under which the water is taken, and</p> <p>D. the volume of water taken for domestic consumption and/or stock watering.</p> <p>This condition ceases to apply to a work on the day that the recording and reporting requirements apply to that work under the Water Management (General) Regulation 2018.</p>	<p>MCO water licences are for indirect take only. MCO measures water take under the Water Management Plan. This is then detailed in Section 7 of the relevant Annual Reviews. Water take is recorded next to the relevant WAL and broken down into six-month periods.</p> <p>No water is taken for domestic use or stock watering.</p>	Compliant	
W53	<p>Once the licence holder becomes aware of a breach of any condition on this access licence, the licence holder must notify the Minister as soon as practicable. The Minister must be notified by:</p> <p>A. email: water.enquiries@dpi.nsw.gov.au, or</p> <p>B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.</p>	No breaches of the conditions of this licence have occurred in the audit period.	Compliant	

AUDIT CHECKLIST – MINING LEASES

Content

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Table 1: Mining Leases ML1605, ML1606, ML1628, ML1691 & ML1715 Assessment of Compliance to 1 July 2022

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
ML1605				
ML1	Within a period of three months from the date of grant of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the landholder a notice in writing indicating that this lease has been granted and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted renewed; state whether the lease includes the surface and must contain a plan and description of the lease area.	ML1605 was granted in 2007 – Compliance with this condition was verified in previous audit.	Compliant	
ML2	The proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.	The IEA confirmed general compliance with conditions of project approvals and EPL. Auditors found environmental management plans and the Environmental Management Strategy to be effectively implemented across the site and noted positive environmental outcomes and a number of cases of best practice environmental management.	Compliant	
ML3	<p>(a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries. Operations, mining purposes and prospecting.</p> <p>(b) The MOP must:</p> <p>I. identify areas that will be disturbed by mining operations;</p>	Auditors reviewed the Mining Operations Plan Version B (MCO, 2020). Auditors review of documentation and data associated with compliance with Project Approvals and the EPL confirmed operations had been carried out in accordance with the MOP until 1 July 2022 (when MLs were then required to comply with standard conditions as opposed to the individual conditions of the leases).	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>II. details the staging of specific mining operations;</p> <p>III. identify how the mine will be managed to allow mine closure;</p> <p>IV. identifies how mining operations, mining purposes and prospecting will be carried out on site in order to prevent and or minimise harm to the environment;</p> <p>V. reflect the conditions of approval under: - the Environmental Planning and Assessment Act 1979; - the Protection of the Environment Operations Act 1997; and - any other approvals relevant to the development including the conditions of this mining lease and; VI. Have regard to any relevant guidelines adopted by the Director-General.</p> <p>(c) The titleholder may apply to the Director-General to amend the approved MOP at any time.</p> <p>(d) It is not a breach of this condition if: I. The operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environmental Operations Act 1997 or the Occupational Health and Safety Act 2000 and II. The Director- General has been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. III. Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries. The MOP ceases to have affect 7 years after date of approval or other such period as identified by the Director-General. An approved amendment to the MOP under condition 5 does not constitute an approval for the purposes of this paragraph</p>	<p>The MOP was approved by the Resources Regulator at the time.</p> <p>Plans 3A, B, and C provide in the MOP identify areas that will be disturbed by mining operations. Staging of specific mining operations is addressed in Section 1. Sections 4 and 5 address mine closure and Section 3 addresses minimisation of harm to the environment.</p>		

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	unless otherwise identified by the Director-General.			
ML4	The lease holder must lodge Environmental Management Reports (EMR) with The Director-General annually or at dates otherwise directed by the Director-General.	Annual Reviews are completed each year and are uploaded to the Moolarben Coal website.	Compliant	
ML5	The EMR must: - report against compliance with the MOP; - report on progress in respect of rehabilitation completion criteria; - report on the extent of compliance with regulatory requirements; and - have regard to any relevant guidelines adopted by the Director-General;	Rehabilitation progress is addressed in section 9 of the Annual Reviews. Statement of compliance with approvals is detailed in Section 1. Guidelines used in producing the Annual Reviews are detailed throughout the documents.	Compliant	
ML6	Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.		Noted	
ML7	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director/General.	Rehabilitation is controlled by the Rehabilitation Management Plan. Final Landform and Rehabilitation is addressed in Section 5. Auditors observed rehabilitation to be on track for the target final land use.	Compliant	
ML8	Extraction Plan (a) In this condition: (i) approved Extraction Plan means a plan, being: A. an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or B. a subsidence management plan relating to the mining operations subject to this lease: I. submitted to the Secretary on or before 31 December 2014; and	Auditors reviewed the relevant extraction plans for mining leases,, undertook site inspection, personnel interviews and review of historical data including the appended subsidence report. No evidence was observed that suggested any underground mining outside the bounds of the extraction plan has been undertaken. Auditors believe the extraction plans are adequate for management of mining related subsidence. No subsidence related incidents have been reported. No evidence	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>II. approved by the Secretary.</p> <p>(ii) relevant development consent means a development consent or project approval issued under the Environmental Planning & Assessment Act 1979 relating to the mining operations subject to this lease.</p> <p>(b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.</p> <p>(c) The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease.</p> <p>(d) The lease holder must notify the Secretary within 48 hours of any:</p> <p>(i) incident caused by subsidence which has a potential to expose any person to health and safety risks;</p> <p>(ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or</p> <p>(iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing: A. built features; B. public safety; or C. subsidence monitoring.</p>	<p>of significant subsidence was present during site inspection.</p>		
ML9	Condition deleted effective 08/10/2018		Not triggered	
ML10	<p>(a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to: - (i) cease working the lease; or (ii) cease that part of the operation not complying until in the opinion of the Environmental Officer the situation is</p>		Noted	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	rectified. (b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction. (c) A direction referred to in this condition may be served on the Mine Manager.			
ML11	<p>The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year.</p> <p>The report must be to the satisfaction of the Director-General and contain the following:</p> <p>(a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period;</p> <p>(b) Details of expenditure incurred in conducting the exploration;</p> <p>(c) A summary of all geological findings acquired through mining or development evaluation activities;</p> <p>(d) Particulars of exploration propose to be conducted in the next twelve months period;</p> <p>(e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.</p>	<p>Auditors reviewed the current site exploration procedure and the relevant annual exploration reports for the audit period. The annual exploration reports contained full particulars of all exploration conducted each year. Expenditure was detailed in annual exploration reports up until the application of the standard mining conditions detailed in the Mining Regulation 2016.</p> <p>Auditors deemed the reports compliant with the conditions of the individual mining lease up until 1 July 2022. The audit reports completed past the date of standard condition applications are compliant with the standard conditions.</p>	Compliant	
ML12	a) The lease holder grants to the Minister, by the way of a non-exclusive licence, the right in copyright to publish, print, adapt and reproduce all exploration reports lodged in any form and for the full duration of copyright. (b) The nonexclusive licence will operate as a consent for the purposes of section 365 of the Mining Act 1992.		Noted	
ML13	a) All exploration reports submitted in accordance with the conditions of this lease will be kept confidential which the lease is in force, except in cases where: (i) The lease holder has agreed that specified reports may be made non-confidential.		Noted	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>(ii) Reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease.</p> <p>(b) Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-on title or any subsequent flow-on title, has terminated.</p> <p>(c) The Director-General may extend the period of confidentiality.</p>			
ML14	<p>The terms of the non-exclusive copyright licence granted under condition 12 are: (a) The Minister may sub-licence others to publish, print, adapt and reproduce but not on-licence reports. (b) The Minister and any sub-licensee will acknowledge the lease holder's and any identifiable consultant's ownership of copyright in any reproduction of the reports, including storage of reports onto an electronic database. (c) The lease holder does not warrant ownership of all copyright works in any report and, the lease holder will use best endeavours to identify those parts of the report for which the lease holder owns the copyright. (d) There is not royalty payable by the Minister for the licence. (e) If the lease holder has reasonable grounds to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which adversely affects the operations of the lease holder that licence is revocable on the giving of a period of not less than three months' notice</p>		Noted	
ML15	<p>(a) Ground Vibration The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting with the lease area does not exceed 10 mm/second and does not exceed 5mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless</p>	<p>Auditors reviewed Annual Reviews and blasting data for the audit period. Noting this assessment of compliance against mining leases is relevant to 1 July 2022, no ground vibration or blast overpressure exceedances occurred within the reporting period.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>determined otherwise by the Department of Climate Change and Environment.</p> <p>(b) Blast Overpressure The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Climate Change and Environment.</p>			
ML16	<p>Operations must be carried out in a manner that ensures that the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by their lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.</p>	<p>Auditors reviewed drill hole concreting / decommissioning sheets and training competencies in SAP. Drillers were appropriately licenced. Auditors are satisfied the drilling operations are undertaken in a safe and competent manner.</p>	Compliant	
ML17	<p>(1) At least twenty-eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Climate Change and Environment regional hydrogeologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes. (2) If the lease holder drills exploratory drill holes he must satisfy the Director-General that:-</p> <p>(a) All cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established;</p> <p>(b) All holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;</p> <p>(c) All drill holes are permanently sealed with</p>	<p>Auditors reviewed the current site exploration procedure, effective from July 2020. Section 5.2.1 and Section 5.4 of the Site Exploration Procedure specifies that approval is required from the Resource Regulator for all exploration drilling.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>cement plugs to prevent surface discharge or groundwater's;</p> <p>(d) If any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape;</p> <p>(e) If any drill hole meets an artesian or subartesian flow it is effectively sealed to prevent contamination of aquifers.</p> <p>(f) Once any drill hole ceases to be used the hole must be sealed in accordance with Department guidelines. Alternatively, the hole must be sealed as instructed by the Director-General.</p> <p>(g) Once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.</p>			
ML18	<p>Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sediment) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan.</p> <p>For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters.</p> <p>The lease holder must observe and perform any instructions given by the Director-General in this regard.</p>	<p>Air quality management is controlled by the AQMP. Auditors undertook a detailed review of the AQMP and its implementation on site. Auditors observed a high standard of air quality management on site with regular spraying by water cart and other dust protection measures. Investigation of complaints confirmed no dust related complaints were attributable to MCO operations.</p> <p>Water quality management is controlled by the WMP. Auditors were satisfied that water quality management at MCC is generally of a high standard.</p>	Compliant	
ML19	<p>Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions they may stipulate.</p>	<p>Review of the Annual Reviews prior to July 1 2022 and interview with site personnel confirmed no utilities were affected.</p>	Compliant	
ML20	<p>Condition suspended on the 6 November 2008</p>		Not triggered	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
ML21	a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate. (b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.	No complaints or reports of damage or interference with public roads were received by MCO.	Compliant	
ML22	Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Climate Change and Environment.	During site inspection, auditors observed high quality progressive rehabilitation practices. There were no access tracks that were no longer required that rehabilitation had not been commenced on. Auditors observed access tracks kept to a minimum safe width.	Compliant	
ML23	Condition suspended on 6 November 2008.		Not triggered	
ML24	Resource Recovery a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director- General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to receive such minerals. (b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource	No such notice has been received by MCO.	Not triggered	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.</p> <p>(c) The lease holder must, when requested by the Director- General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.</p> <p>(d) The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director- General had incorporated the views of the lease holder.</p> <p>(e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the Mining Act, 1992.</p> <p>(f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice.</p>			
ML25	<p>The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.</p>		Noted	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
ML26	<p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining leases including obligations of all or any kind under the mining leases that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security has been assessed by the Secretary at \$53,926,000. The leases covered by the group security include ML1605, ML1606 & ML1715 (Act 1992). The variation takes effect from 18 September 2019.</p>	<p>Rehabilitation Cost Estimates are now completed each year as part of the Forward Plan process and submitted to the Resources Regulator. The Resources Regulator then provides a notice of variation determination (evidence uploaded). MCO then increase the value of the bond held to meet the requirement. Evidence of bonds was provided to auditors by MCO.</p>	Compliant	
ML27	<p>The lease holder must rehabilitate the land described in Schedule C (of ML1605 - AMA1015) that is or may be affected by the carrying out of the ancillary mining activity(s).</p>	<p>Mine site rehabilitation plans are in the Rehabilitation Management Plan and are generally consistent with the objectives outlined in the project approval. Auditors observed compliant and effective rehabilitation where required on site.</p>	Compliant	
ML28	<p>Conditions 3 and 4 of Mining Lease 1605 (Act 1992) relevant to the Mining Operations Plan (MOP) and Environmental Management Reporting applies to the ancillary mining activity(s).</p>		Noted	
ML29	<p>The lease holder must update the MOP to incorporate the carrying out of the ancillary mining activity(s) and submit the updated MOP to the Minister for approval within 45 days of this variation.</p>	<p>The MOP was updated to include the ancillary mining activities. The MOP is now completed. Compliance with this condition was also confirmed in the previous audit.</p>	Compliant	
ML1606				
ML30	<p>Within a period of three months from the date of grant of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the landholder a notice in writing indicating that this lease has been granted and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region</p>	<p>ML1606 was granted in 2007 – Compliance with this condition was verified in previous audits.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	where the lease area is situated. The notice must indicate that this mining lease has been granted renewed; state whether the lease includes the surface and must contain a plan and description of the lease area.			
ML31	The proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.	The IEA confirmed general compliance with conditions of project approvals and EPL. Auditors found environmental management plans and the Environmental Management Strategy to be effectively implemented across the site and noted positive environmental outcomes and a number of cases of best practice environmental management.	Compliant	
ML32	<p>Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries. Operations, mining purposes and prospecting. The MOP must:</p> <p>I. identify areas that will be disturbed by mining operations;</p> <p>II. details the staging of specific mining operations;</p> <p>III. identify how the mine will be managed to allow mine closure;</p> <p>IV. identifies how mining operations, mining purposes and prospecting will be carried out on site in order to prevent and or minimise harm to the environment;</p> <p>V. reflect the conditions of approval under: - the Environmental Planning and Assessment Act 1979; - the Protection of the Environment Operations Act 1997; and - any other approvals relevant to the development including the conditions of this mining lease and; VI. Have regard to any relevant guidelines adopted by the Director-General.</p> <p>The titleholder may apply to the Director-General</p>	<p>Auditors reviewed the relevant version of the Mining Operations Plan (MOP). Auditors reviewed historical documentation including incidents and complaints and concluded mining up until 1 July 2022 was generally conducted in accordance with the MOP.</p> <p>Plans 3A, B, and C of the MOP identify disturbance areas. Staging of specific mining operations is addressed in Section 1 of the MOP.</p> <p>Section 3 addresses prevention and minimisation of harm to the environment.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	to amend the approved MOP at any time.			
ML33	The lease holder must lodge Environmental Management Reports (EMR) with The Director-General annually or at dates otherwise directed by the Director-General.	MCO compiles Annual Reviews addressing environmental management every year. The Annual Reviews are sent to the Resources Regulator and uploaded to the public facing website.	Compliant	
ML34	The EMR must: - report against compliance with the MOP; - report on progress in respect of rehabilitation completion criteria; - report on the extent of compliance with regulatory requirements; and - have regard to any relevant guidelines adopted by the Director-General;	Rehabilitation progress is addressed in section 9 of the Annual Reviews. Statement of compliance with approvals is detailed in Section 1. Guidelines used in producing the Annual Reviews are detailed throughout the documents.	Compliant	
ML35	Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.		Noted	
ML36	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.	Rehabilitation is controlled by the Rehabilitation Management Plan. Final Landform and Rehabilitation is addressed in Section 5. Auditors observed rehabilitation to be on track for the target final land use.	Compliant	
ML37	Extraction Plan (a) In this condition: I. Approved Extraction Plan means a plan, being: (a) An extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or (b) A subsidence management plan relating to the mining operations subject to this lease: 1. Submitted to the Secretary on or before 31 December 2014; and 2. Approved by the Secretary. II. Relevant development consent means a development consent or project approval issued under the Environmental Planning and Assessment Act,	Auditors reviewed UG1 LW101 to 105 Extraction plan, undertook site inspection, personnel interviews and review of historical data including the appended subsidence report. No evidence was observed that suggested any underground mining outside the bounds of the extraction plan has been undertaken. Auditors believe the extraction plan is adequate for management of mining related subsidence. No subsidence related incidents have been reported. No evidence of significant subsidence was present during site inspection.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	1979 relating to the mining operations subject to this lease. (b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan. (c) The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease. (d) The lease holder must notify the Secretary within 48 hours of any: I. Incident caused by subsidence which has a potential to expose any person to health and safety risks; II. Significant deviation from the predicated nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any persons; or III. Significant failure of malfunction of a monitoring device or risk control measure set out in the approved extraction plan addressing: (a) Build features; (b) Public safety; or (c) Subsidence monitoring. Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries. Operations, mining purposes and prospecting.			
ML38	Deleted		Not triggered	
ML39	Control of Operations (a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to: - (i) cease working the lease; or (ii) cease that part of the operation not complying Until in the opinion of the Environmental Officer the situation is rectified. (b) The		Noted	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction. (c) A direction referred to in this condition may be served on the Mine Manager.			
ML40	<p>The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <p>(a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period;</p> <p>(b) Details of expenditure incurred in conducting the exploration;</p> <p>(c) A summary of all geological findings acquired through mining or development evaluation activities;</p> <p>(d) Particulars of exploration propose to be conducted in the next twelve months period;</p> <p>(e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.</p>	<p>Auditors reviewed the current site exploration procedure and the relevant annual exploration reports for the audit period. The annual exploration reports contained full particulars of all exploration conducted each year. Expenditure was detailed in annual exploration reports up until the application of the standard mining conditions detailed in the Mining Regulation 2016.</p> <p>Auditors deemed the reports compliant with the conditions of the individual mining lease up until 1 July 2022. The audit reports completed past the date of standard condition applications are compliant with the standard conditions.</p>	Compliant	
ML41	<p>a) The lease holder grants to the Minister, by the way of a non-exclusive licence, the right in copyright to publish, print, adapt and reproduce all exploration reports lodged in any form and for the full duration of copyright. (b) The nonexclusive licence will operate as a consent for the purposes of section 365 of the Mining Act 1992.</p>		Noted	
ML42	<p>a) All exploration reports submitted in accordance with the conditions of this lease will be kept confidential which the lease is in force, except in cases where: (i) The lease holder has agreed that specified reports may be made non-confidential.</p> <p>(ii) Reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease.</p>		Noted	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>(b) Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-on title or any subsequent flow-on title, has terminated.</p> <p>(c) The Director-General may extend the period of confidentiality.</p>			
ML43	<p>The terms of the non-exclusive copyright licence granted under condition 12 are: (a) The Minister may sub-licence others to publish, print, adapt and reproduce but not on-licence reports. (b) The Minister and any sub-licensee will acknowledge the lease holder's and any identifiable consultant's ownership of copyright in any reproduction of the reports, including storage of reports onto an electronic database. (c) The lease holder does not warrant ownership of all copyright works in any report and, the lease holder will use best endeavours to identify those parts of the report for which the lease holder owns the copyright. (d) There is not royalty payable by the Minister for the licence. (e) If the lease holder has reasonable grounds to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which adversely affects the operations of the lease holder that licence is revocable on the giving of a period of not less than three months' notice</p>		Noted	
ML44	<p>Blasting</p> <p>(a) Ground Vibration The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting with the lease area does not exceed 10 mm/second and does not exceed 5mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Climate Change and Environment. (b) Blast Overpressure The</p>	<p>Auditors reviewed Annual Reviews and blasting data for the audit period. Noting this assessment of compliance against mining leases is relevant to 1 July 2022, no ground vibration or blast overpressure exceedances occurred within the reporting period.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Climate Change and Environment.			
ML45	Operations must be carried out in a manner that ensures that the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by their lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Auditors reviewed drill hole concreting / decommissioning sheets and training competencies in SAP. Drillers were appropriately licenced. Auditors are satisfied the drilling operations are undertaken in a safe and competent manner.	Compliant	
ML46	(1) At least twenty-eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Climate Change and Environment regional hydrogeologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes. (2) If the lease holder drills exploratory drill holes he must satisfy the Director-General that:- (a) All cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established; (b) All holes cored or otherwise are sealed to prevent the collapse of the surrounding surface; (c) All drill holes are permanently sealed with cement plugs to prevent surface discharge or groundwater's; (d) If any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape;	Auditors reviewed the current site exploration procedure, effective from July 2020. Section 5.2.1 and Section 5.4 of the Site Exploration Procedure specifies that approval is required from the Resource Regulator for all exploration drilling.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>(e) If any drill hole meets an artesian or subartesian flow it is effectively sealed to prevent contamination of aquifers.</p> <p>(f) Once any drill hole ceases to be used the hole must be sealed in accordance with Department guidelines. Alternatively, the hole must be sealed as instructed by the Director-General.</p> <p>(g) Once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.</p>			
ML47	<p>Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sediment) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan.</p> <p>For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters.</p> <p>The lease holder must observe and perform any instructions given by the Director-General in this regard.</p>	<p>Air quality management is controlled by the AQMP. Auditors undertook a detailed review of the AQMP and its implementation on site. Auditors observed a high standard of air quality management on site with regular spraying by water cart and other dust protection measures. Investigation of complaints confirmed no dust related complaints were attributable to MCO operations.</p> <p>Water quality management is controlled by the WMP. Auditors were satisfied that water quality management at MCC is generally of a high standard.</p>	Compliant	
ML48	<p>Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions they may stipulate.</p>	<p>Review of the annual reviews prior to July 1 2022 and interview with site personnel confirmed no utilities were affected.</p>	Compliant	
ML49	<p>Condition suspended from 6 November 2008.</p>		Not triggered	
ML50	<p>a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may</p>	<p>No complaints or reports of damage or interference with public roads were received by MCO.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	stipulate. (b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.			
ML51	Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Climate Change and Environment.	During site inspection, auditors observed high quality progressive rehabilitation practices. There were no access tracks that were no longer required that rehabilitation had not been commenced on. Auditors observed access tracks kept to a minimum safe width.	Compliant	
ML52	Condition suspended from 6 November 2008.		Compliant	
ML53	Resource Recovery a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director- General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to receive such minerals. (b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery. (c) The lease holder must, when requested by the Director- General, provide such information as the	No such notice has been received by MCO.	Not triggered	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>Director-General may specify about the recovery of the mineral resources of the lease area.</p> <p>(d) The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director- General had incorporated the views of the lease holder.</p> <p>(e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the Mining Act, 1992.</p> <p>(f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice.</p>			
ML54	<p>The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.</p>		Noted	
ML55	<p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining leases including obligations of all or any kind under the mining leases that may arise in the future.</p>	<p>Rehabilitation Cost Estimates are now completed each year as part of Forward Plan process and submitted to the Resources Regulator. The Resources Regulator then provides a notice of</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>The amount of the security deposit to be provided as a group security has been assessed by the Secretary at \$53,926,000.</p> <p>The leases covered by the group security include ML1605, ML1606 & ML1715 (Act 1992). The variation takes effect from 18 September 2019.</p>	<p>variation determination (evidence uploaded). MCO then increase the value of the bond held to meet the requirement.</p> <p>Evidence of bonds held was shown to auditors upon request.</p>		
ML56	<p>Prescribed Dam</p> <p>(a) Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the notification area of the Moolarben Creek Dam without the prior written approval of the Minister and subject to any conditions he may stipulate. (b) Where the lease holder desires to mine within the notification area he must:</p> <p>(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</p> <p>(ii) provide such information as the Minister may direct.</p> <p>(c) The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. This sub-paragraph is complied with if: (I) the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act 1978 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b). (ii) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.</p> <p>(iii) the Director-General has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the mining proposal.</p> <p>(iv) the Dams Safety Committee has made its recommendations concerning the mining proposal or</p>	<p>Moolarben Dam is no longer prescribed.</p>	<p>Not triggered</p>	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>has informed the Minister in writing that it does not propose to make any such recommendations; and (v) where the Dams Safety Committee has made recommendations the approval is in terms that are:</p> <ul style="list-style-type: none"> - 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. <p>(vi) Where the Minister does not accept the recommendations of the Dams Safety Committee or where the Dams Safety Committee has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam:</p> <ul style="list-style-type: none"> - as determined by agreement between the Minister and the Minister administering the Dams Safety Act 1978; or - in the event of failure to reach such agreement - as determined by the Premier. 			
ML1628				
ML57	<p>Within a period of three months from the date of grant of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the landholder a notice in writing indicating that this lease has been granted and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted renewed; state whether the lease includes the surface</p>	<p>ML1628 was granted in 2009. Compliance with this condition was confirmed by reviewing previous audits.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	and must contain a plan and description of the lease area.			
ML58	The proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.	The IEA confirmed general compliance with conditions of project approvals and EPL. Auditors found environmental management plans and the Environmental Management Strategy to be effectively implemented across the site and noted positive environmental outcomes and a number of cases of best practice environmental management.	Compliant	
ML59	<p>Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries. Operations, mining purposes and prospecting. The MOP must:</p> <p>I. identify areas that will be disturbed by mining operations;</p> <p>II. details the staging of specific mining operations;</p> <p>III. identify how the mine will be managed to allow mine closure;</p> <p>IV. identifies how mining operations, mining purposes and prospecting will be carried out on site in order to prevent and or minimise harm to the environment;</p> <p>V. reflect the conditions of approval under: - the Environmental Planning and Assessment Act 1979; - the Protection of the Environment Operations Act 1997; and - any other approvals relevant to the development including the conditions of this mining lease and; VI. Have regard to any relevant guidelines adopted by the Director-General.</p> <p>The titleholder may apply to the Director-General to amend the approved MOP at any time.</p> <p>It is not a breach of this condition if: I. The operations constituting the breach were necessary to comply with</p>	<p>Auditors reviewed the Mining Operations Plan Version B (MCO, 2020). Auditors review of documentation and data associated with compliance with Project Approvals and the EPL confirmed operations had been carried out in accordance with the MOP until 1 July 2022 (when MLs were then required to comply with standard conditions as opposed to the individual conditions of the leases).</p> <p>The MOP was approved by the Resources Regulator at the time.</p> <p>Plans 3A, B, and C provide in the MOP identify areas that will be disturbed by mining operations. Staging of specific mining operations is addressed in Section 1. Sections 4 and 5 address mine closure and Section 3 addresses minimisation of harm to the environment.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environmental Operations Act 1997 or the Occupational Health and Safety Act 2000 and II. The Director- General has been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. III. Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries. The MOP ceases to have affect 7 years after date of approval or other such period as identified by the Director-General. An approved amendment to the MOP under condition 5 does not constitute an approval for the purposes of this paragraph unless otherwise identified by the Director- General.			
ML60	The lease holder must lodge Environmental Management Reports (EMR) with The Director-General annually or at dates otherwise directed by the Director-General.	Annual Reviews are completed each year and are uploaded to the Moolarben Coal website.	Compliant	
ML61	The EMR must: - report against compliance with the MOP; - report on progress in respect of rehabilitation completion criteria; - report on the extent of compliance with regulatory requirements; and - have regard to any relevant guidelines adopted by the Director-General;	Rehabilitation progress is addressed in section 9 of the Annual Reviews. Statement of compliance with approvals is in Section 1. Guidelines used in producing the Annual Reviews are detailed throughout the documents.	Compliant	
ML62	Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.		Noted	
ML63	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director/General.	Rehabilitation is controlled by the Rehabilitation Management Plan. Final Landform and Rehabilitation is addressed in	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
ML64	<p>Extraction Plan</p> <p>(a) In this condition:</p> <p>I. Approved Extraction Plan means a plan, being:</p> <p>(a) An extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or (b) A subsidence management plan relating to the mining operations subject to this lease:</p> <p>1. Submitted to the Secretary on or before 31 December 2014; and 2. Approved by the Secretary. II. Relevant development consent means a development consent or project approval issued under the Environmental Planning and Assessment Act, 1979 relating to the mining operations subject to this lease.</p> <p>(b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.</p> <p>(c) The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease.</p> <p>(d) The lease holder must notify the Secretary within 48 hours of any:</p> <p>I. Incident caused by subsidence which has a potential to expose any person to health and safety risks; II. Significant deviation from the predicated nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any persons; or III. Significant failure of malfunction of a monitoring device or risk control measure set out in the approved extraction plan addressing:</p> <p>(a) Build features; (b) Public safety; or (c) Subsidence monitoring. Mining operations must not be carried out otherwise than in</p>	<p>Section 5. Auditors observed rehabilitation to be on track for the target final land use.</p> <p>Auditors reviewed the relevant extraction plans for mining leases, undertook site inspection, personnel interviews and review of historical data including the appended subsidence report.</p> <p>No evidence was observed that suggested any underground mining outside the bounds of the extraction plan has been undertaken. Auditors believe the extraction plan is adequate for management of mining related subsidence. No subsidence related incidents have been reported. No evidence of significant subsidence was present during site inspection.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries. Operations, mining purposes and prospecting.			
	Deleted			
ML65	(a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to: - (i) cease working the lease; or (ii) cease that part of the operation not complying until in the opinion of the Environmental Officer the situation is rectified. (b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction. (c) A direction referred to in this condition may be served on the Mine Manager.		Noted	
ML66	The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following: (a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period; (b) Details of expenditure incurred in conducting the exploration; (c) A summary of all geological findings acquired through mining or development evaluation activities; (d) Particulars of exploration propose to be conducted in the next twelve months period; (e) All plans, maps, sections and other data	Auditors reviewed the current site exploration procedure and the relevant annual exploration reports for the audit period. The annual exploration reports contained full particulars of all exploration conducted each year. Expenditure was detailed in annual exploration reports up until the application of the standard mining conditions detailed in the Mining Regulation 2016. Auditors deemed the reports compliant with the conditions of the individual mining lease up until 1 July 2022. The audit reports completed past the date of standard condition applications are compliant with the standard conditions.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	necessary to satisfactorily interpret the report.			
ML67	a) The lease holder grants to the Minister, by the way of a non-exclusive licence, the right in copyright to publish, print, adapt and reproduce all exploration reports lodged in any form and for the full duration of copyright. (b) The nonexclusive licence will operate as a consent for the purposes of section 365 of the Mining Act 1992.		Noted	
ML68	a) All exploration reports submitted in accordance with the conditions of this lease will be kept confidential which the lease is in force, except in cases where: (i) The lease holder has agreed that specified reports may be made non-confidential. (ii) Reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease. (b) Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-on title or any subsequent flow-on title, has terminated. (c) The Director-General may extend the period of confidentiality.		Noted	
ML69	The terms of the non-exclusive copyright licence granted under condition 12 are: (a) The Minister may sub-licence others to publish, print, adapt and reproduce but not on-licence reports. (b) The Minister and any sub-licensee will acknowledge the lease holder's and any identifiable consultant's ownership of copyright in any reproduction of the reports, including storage of reports onto an electronic database. (c) The lease holder does not warrant ownership of all copyright works in any report and, the lease holder will use best endeavours to identify those parts of the report for which the lease holder owns the copyright. (d) There is not royalty payable by the Minister for the licence. (e) If the lease holder has reasonable grounds		Noted	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which adversely affects the operations of the lease holder that licence is revocable on the giving of a period of not less than three months' notice			
ML70	<p>(a) Ground Vibration The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting with the lease area does not exceed 10 mm/second and does not exceed 5mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Climate Change and Environment.</p> <p>(b) Blast Overpressure The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Climate Change and Environment.</p>	Auditors reviewed Annual Reviews and blasting data for the audit period. Noting this assessment of compliance against mining leases is relevant to 1 July 2022, no ground vibration or blast overpressure exceedances occurred within the reporting period.	Compliant	
ML71	Operations must be carried out in a manner that ensures that the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by their lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Auditors reviewed drill hole concreting / decommissioning sheets and training competencies in SAP. Drillers were appropriately licenced. Auditors are satisfied the drilling operations are undertaken in a safe and competent manner.	Compliant	
ML72	(1) At least twenty-eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Climate Change and	Auditors reviewed the current site exploration procedure, effective from July 2020. Section 5.2.1 and Section 5.4 of the Site Exploration Procedure specifies that	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>Environment regional hydrogeologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes. (2) If the lease holder drills exploratory drill holes he must satisfy the Director-General that:-</p> <p>(a) All cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established;</p> <p>(b) All holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;</p> <p>(c) All drill holes are permanently sealed with cement plugs to prevent surface discharge or groundwater's;</p> <p>(d) If any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape;</p> <p>(e) If any drill hole meets an artesian or subartesian flow it is effectively sealed to prevent contamination of aquifers.</p> <p>(f) Once any drill hole ceases to be used the hole must be sealed in accordance with Department guidelines. Alternatively, the hole must be sealed as instructed by the Director-General.</p> <p>(g) Once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.</p>	<p>approval is required from the Resource Regulator for all exploration drilling.</p>		
ML73	<p>Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sediment) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan.</p> <p>For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters.</p>	<p>Air quality management is controlled by the AQMP. Auditors undertook a detailed review of the AQMP and its implementation on site. Auditors observed a high standard of air quality management on site with regular spraying by water cart and other dust protection measures. Investigation of complaints confirmed no dust related complaints were attributable to MCO operations.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	The lease holder must observe and perform any instructions given by the Director-General in this regard.	Water quality management is controlled by the WMP. Auditors were satisfied that water quality management at MCC is generally of a high standard.		
ML74	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions they may stipulate.	Review of the Annual Reviews prior to July 1 2022 and interview with site personnel confirmed no utilities were affected.	Compliant	
	Condition suspended on the 6 November 2008		Not triggered	
ML75	a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate. (b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.	No complaints or reports of damage or interference with public roads were received by MCO.	Compliant	
ML76	Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Climate Change and Environment.	During site inspection, auditors observed high quality progressive rehabilitation practices. There were no access tracks that were no longer required that rehabilitation had not been commenced on. Auditors observed access tracks kept to a minimum safe width.	Compliant	
	Condition suspended on 6 November 2008.		Not triggered	
ML77	Resource Recovery a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery	No such notice has been received by MCO.	Not triggered	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>contained within the Mining Operations Plan, if at any time the Director- General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to receive such minerals.</p> <p>(b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.</p> <p>(c) The lease holder must, when requested by the Director- General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.</p> <p>(d) The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director- General had incorporated the views of the lease holder.</p> <p>(e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the Mining Act, 1992.</p> <p>(f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice.</p>			
ML78	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against		Noted	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.</p>			
ML79	<p>(a) A security in the sum of \$50,000 must be given and maintained with the Minister by the Lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under this lease. If the lease holder fails to fulfil any one or more of such obligations the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of this lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or Regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder. (b) The lease holder must provide the security required under subclause (a) in one of the following forms: Cash, a security certification in a form approved by the Minister and issued by an authorised deposit-taking institution.</p>	<p>Rehabilitation Cost Estimates are now completed each year as part of Forward Plan process and submitted to the Resources Regulator. The Resources Regulator then provides a notice of variation determination (evidence uploaded). MCO then increase the value of the bond held to meet the requirement. Evidence of bonds held was shown to auditors upon request.</p>	Compliant	
ML80	<p>Prescribed Dam (a) Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the notification area of the Moolarben Creek Dam without the prior written approval of the Minister and subject to any conditions</p>	<p>Moolarben Dam is no longer prescribed.</p>	Not triggered	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>he may stipulate. (b) Where the lease holder desires to mine within the notification area he must:</p> <p>(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</p> <p>(ii) provide such information as the Minister may direct.</p> <p>(c) The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. This sub-paragraph is complied with if: (I) the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act 1978 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b). (ii) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.</p> <p>(iii) the Director-General has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the mining proposal.</p> <p>(iv) the Dams Safety Committee has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and</p> <p>(v) where the Dams Safety Committee has made recommendations, the approval is in terms that are:</p> <ul style="list-style-type: none"> - 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. <p>(vi) Where the Minister does not accept the recommendations of the Dams Safety Committee or where the Dams Safety Committee has failed to make any recommendations and has not informed the</p>			

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam:</p> <ul style="list-style-type: none"> - as determined by agreement between the Minister and the Minister administering the Dams Safety Act 1978; or - in the event of failure to reach such agreement - as determined by the Premier. 			
ML81	<p>(d) The Minister, on notice from the Dams Safety Committee, may at any time or times:</p> <p>(i) cancel any approval given where a notice pursuant to Section 18 of the Dams Safety Act 1978 is given.</p> <p>(ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.</p>	The dam is no longer prescribed.	Not triggered	
ML82	<p>Suspension of Mining Operations</p> <p>The holder of the mining lease may not suspend mining operations in the mining areas other than in accordance with the consent of the Minister.</p>	There has been no suspension of mining operations.	Compliant	
ML83	<p>The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping petroleum title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> - Access agreements - Operation interaction procedures - Dispute resolution - Information exchange - Well location - Timing of drilling - Potential resources extraction conflicts and - Rehabilitation issues. 	2021 IEA confirmed MCO's consultation with Santos regarding the overlapping petroleum lease.	Compliant	
ML1691				

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
ML84	<p>Within a period of three months from the date of grant of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the landholder a notice in writing indicating that this lease has been granted and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted renewed; state whether the lease includes the surface and must contain a plan and description of the lease area.</p>	<p>ML1691 was granted in 2013 – Compliance with this condition was verified in previous audit.</p>	Compliant	
ML85	<p>The proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.</p>	<p>The IEA confirmed general compliance with conditions of project approvals and EPL. Auditors found environmental management plans and the Environmental Management Strategy to be effectively implemented across the site and noted positive environmental outcomes and a number of cases of best practice environmental management.</p>	Compliant	
ML86	<p>Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries, Operations, mining purposes and prospecting. The MOP must:</p> <ul style="list-style-type: none"> I. identify areas that will be disturbed by mining operations; II. details the staging of specific mining operations; III. identify how the mine will be managed to allow mine closure; 	<p>Auditors reviewed the Mining Operations Plan Version B (MCO, 2020). Auditors review of documentation and data associated with compliance with Project Approvals and the EPL confirmed operations had been carried out in accordance with the MOP until 1 July 2022 (when MLs were then required to comply with standard conditions as opposed to the individual conditions of the leases). The MOP was approved by the Resources Regulator at the time.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>IV. identifies how mining operations, mining purposes and prospecting will be carried out on site in order to prevent and or minimise harm to the environment;</p> <p>V. reflect the conditions of approval under: - the Environmental Planning and Assessment Act 1979; - the Protection of the Environment Operations Act 1997; and - any other approvals relevant to the development including the conditions of this mining lease and; VI. Have regard to any relevant guidelines adopted by the Director-General.</p> <p>The titleholder may apply to the Director-General to amend the approved MOP at any time.</p> <p>It is not a breach of this condition if: I. The operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environmental Operations Act 1997 or the Occupational Health and Safety Act 2000 and II. The Director- General has been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.</p> <p>III. Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries. The MOP ceases to have affect 7 years after date of approval or other such period as identified by the Director-General. An approved amendment to the MOP under condition 5 does not constitute an approval for the purposes of this paragraph unless otherwise identified by the Director- General.</p>	<p>Plans 3A, B, and C provide in the MOP identify areas that will be disturbed by mining operations. Staging of specific mining operations is addressed in Section 1. Sections 4 and 5 address mine closure and Section 3 addresses minimisation of harm to the environment.</p>		
ML87	<p>The lease holder must lodge Environmental Management Reports (EMR) with The Director-General annually or at dates otherwise directed by the Director-General.</p>	<p>Annual Reviews are completed each year and are uploaded to the Moolarben Coal website.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
ML88	The EMR must: - report against compliance with the MOP; - report on progress in respect of rehabilitation completion criteria; - report on the extent of compliance with regulatory requirements; and - have regard to any relevant guidelines adopted by the Director-General;	Rehabilitation progress is addressed in section 9 of the Annual Reviews. Statement of compliance with approvals is detailed in Section 1. Guidelines used in producing the Annual Reviews are detailed throughout the documents.	Compliant	
ML89	Environmental Incident Report (a) The lease holder must report all environmental Incidents. The Incident Report must: (i) be prepared according to any relevant Departmental guidelines; (ii) be submitted within 24 hours of the environmental incident occurring; (b) For the purposes of this condition, environmental incident includes: (i) any incident causing or threatening material harm to the environment (ii) any breach of Conditions 1 to 9 and 11 to 24; (iii) any breach of environment protection legislation; or, (iv) a serious complaint from landholders or the public. (c) For the purposes of this condition, harm to the environment is material if: (i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or (ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, where loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.	Incidents are reported on in Section 12 of the 2021 and 2022 Annual Reviews. Incidents are reported on in accordance with the Departments requirements. Auditors sighted notification and reports on incidents within the reporting period. No incidents were relevant to this mining lease.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
ML90	Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.		Noted	
ML91	Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General.	Rehabilitation is controlled by the Rehabilitation Management Plan. Final Landform and Rehabilitation is addressed in Section 5. Auditors observed rehabilitation to be on track for the target final land use	Compliant	
ML92	<p>Extraction Plan</p> <p>(a) In this condition:</p> <p>I. Approved Extraction Plan means a plan, being:</p> <p>(a) An extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or (b) A subsidence management plan relating to the mining operations subject to this lease:</p> <p>1. Submitted to the Secretary on or before 31 December 2014; and 2. Approved by the Secretary. II. Relevant development consent means a development consent or project approval issued under the Environmental Planning and Assessment Act, 1979 relating to the mining operations subject to this lease.</p> <p>(b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.</p> <p>(c) The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease.</p> <p>(d) The lease holder must notify the Secretary within 48 hours of any: I. Incident caused by subsidence which has a potential to expose any person to health and safety risks; II. Significant deviation from the predicated nature, magnitude, distribution, timing and</p>	<p>Auditors reviewed UG1 LW101 to 105 Extraction plan undertook site inspection, personnel interviews and review of historical data including the appended subsidence report.</p> <p>No evidence was observed that suggested any underground mining outside the bounds of the extraction plan has been undertaken. Auditors believe the extraction plan is adequate for management of mining related subsidence. No subsidence related incidents have been reported. No evidence of significant subsidence was present during site inspection.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any persons; or III. Significant failure of malfunction of a monitoring device or risk control measure set out in the approved extraction plan addressing: (a) Build features; (b) Public safety; or (c) Subsidence monitoring. Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries. Operations, mining purposes and prospecting.			
	Deleted		Not triggered	
ML93	<p>(a) Ground Vibration - The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Climate Change and Environment.</p> <p>(b) Blast Overpressure - The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Climate Change and Environment.</p>	Auditors reviewed Annual Reviews and blasting data for the audit period. Noting this assessment of compliance against mining leases is relevant to 1 July 2022, no ground vibration or blast overpressure exceedances occurred within the reporting period.	Compliant	
ML94	Operations must be carried out in a manner that ensures that the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that	Auditors reviewed drill hole concreting / decommissioning sheets and training competencies in SAP. Drillers were appropriately licenced. Auditors are satisfied the drilling operations are	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by their lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.	undertaken in a safe and competent manner.		
ML95	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sediment) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan.	<p>Air quality management is controlled by the AQMP. Auditors undertook a detailed review of the AQMP and its implementation on site. Auditors observed a high standard of air quality management on site with regular spraying by water cart and other dust protection measures. Investigation of complaints confirmed no dust related complaints were attributable to MCO operations.</p> <p>Water quality management is controlled by the WMP. Auditors were satisfied that water quality management at MCC is generally of a high standard.</p>	Compliant	
ML96	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions they may stipulate.	Review of the Annual Reviews prior to July 1 2022 and interview with site personnel confirmed no utilities were affected.	Compliant	
ML97	<p>(a)The lease holder must pay to the relevant roads authority in control of the road or track the reasonable costs incurred by the roads authority in making good any damage to roads or tracks caused by operations carried out under this lease less any amount paid or payable from the Mine Subsidence Compensation Fund.</p> <p>(b)During wet weather the use of any road or track must be restricted so as to prevent damage to the road or track. (c) Existing access tracks should be used for all operations where reasonably practicable. New access tracks must be kept to a minimum and be</p>	No complaints or reports of damage attributable to MCO occurred. During site inspection, auditors observed high quality progressive rehabilitation practices. All proposed ground disturbance activities went through the GDP process, described in the MOP. There were no access tracks that were no longer required that rehabilitation had not been commenced on. Auditors observed access tracks kept to a minimum safe width.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	positioned in order to minimise damage to the land, watercourses or vegetation. (d) Temporary access tracks must be rehabilitated and revegetated to the satisfaction of the Director-General as soon as reasonably practicable after they are no longer required under this lease.			
	Condition suspended on 6 November 2008.		Not triggered	
ML98	<p>Resource Recovery</p> <p>a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director- General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to receive such minerals.</p> <p>(b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.</p> <p>(c) The lease holder must, when requested by the Director- General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.</p> <p>(d) The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director- General had incorporated the views of the lease holder.</p> <p>(e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a</p>	No such notice has been received by MCO.	Not triggered	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>Warden for inquiry and report under Section 334 of the Mining Act, 1992.</p> <p>(f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice</p>			
ML99	<p>The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.</p>		Noted	
ML1715				
ML100	<p>(a) Within a period of three months from the date of grant of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the landholder a notice in writing indicating that this lease has been granted and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.</p> <p>(b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted renewed;</p>	<p>ML1715 was granted in 2015. Compliance with this condition was confirmed by reviewing previous audits.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.			
ML101	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister	Rehabilitation is controlled by the Rehabilitation Management Plan. Final Landform and Rehabilitation is addressed in Section 5. Auditors observed rehabilitation to be on track for the target final land use	Compliant	
ML102	<p>Mining Operations Plan and Annual Rehabilitation Report</p> <p>The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting. (b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which:</p> <p>I. identify areas that will be disturbed by mining operations;</p> <p>II. details the staging of specific mining operations;</p> <p>III. identify how the mine will be managed to allow mine closure;</p> <p>IV. identifies how mining operations, mining purposes and prospecting will be carried out on site in order to prevent and or minimise harm to the environment;</p> <p>V. reflect the conditions of approval under: - the Environmental Planning and Assessment Act 1979; - the Protection of the Environment Operations Act 1997; and - any other approvals relevant to the development including the conditions of this mining lease and; (c) The MOP must be prepared in accordance with the ESG3: Mining Operations Plan</p>	<p>Auditors reviewed the Mining Operations Plan Version B (MCO, 2020). Auditors review of documentation and data associated with compliance with Project Approvals and the EPL confirmed operations had been carried out in accordance with the MOP until 1 July 2022 (when MLs were then required to comply with standard conditions as opposed to the individual conditions of the leases). The MOP was approved by the Resources Regulator at the time.</p> <p>Plans 3A, B, and C provide in the MOP identify areas that will be disturbed by mining operations. Staging of specific mining operations is addressed in Section 1. Sections 4 and 5 address mine closure and Section 3 addresses minimisation of harm to the environment. Rehabilitation progress is addressed in section 9 of the Annual Reviews. Guidelines used in producing the Annual Reviews are detailed throughout the documents.</p> <p>There was one incident where MCO did not comply with the approved MOP on ML 1715. An air blast overpressure</p>	Non-compliant	Implement the remedial actions proposed to DPPI with concurrence.

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<p>(MOP) Guidelines September 2013 published on the Departments website at www.resources.nsw.gov.au/environmental</p> <p>(d) The leaseholder may apply to the Director- General to amend the approved MOP at any time. (e) It is not a breach of this condition if:</p> <p>I. The operations which, but for this condition 3(e) would be a breach of condition 3 (a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Protection of the Environmental Operations Act 1997, the Mine Health and Safety Act 2004/Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007/ Coal Mine Health and Safety Regulation 2006 or the Work Health and Safety Act 2011; and</p> <p>II. The Minister has been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.</p> <p>(f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must:</p> <p>I. Provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;</p> <p>II. Be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and</p> <p>III. Be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.reources.nsw.gov.au/environment Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</p>	<p>exceedance of the absolute 120 dB limit occurred at Ridge Road in May 2022. This incident was self-reported by MCO and notified to the relevant agencies within the required time period. The Blast Management Plan has been reviewed since the May 2022 blasting incident. Auditors reviewed MCO's response letter to the Department and believe appropriate investigation was undertaken.</p>		

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
ML103	<p>Compliance Report</p> <p>(a) The lease holder must submit a Compliance Report to the satisfaction of the Minister. The report must be prepared in accordance with any relevant guidelines or requirements published by the Minister for compliance reporting. (b) The Compliance Report must include:</p> <ul style="list-style-type: none"> i) the extent to which the conditions of this mining lease or any provisions of the Act or the regulations applicable to activities under this mining lease, have or have not been complied with; ii) particulars of any non-compliance with any such conditions or provisions; iii) the reasons for any such non-compliance; iv) any actions taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance. c) The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease. d) In addition to annual lodgement under condition 4(c) above, a Compliance Report: <ul style="list-style-type: none"> i) must accompany any application to renew this mining lease under the Act ii) must accompany any application to transfer this mining lease under the Act; and iii) must accompany any application to cancel, or to partially cancel, this mining lease under the Act e) Despite the submission of any Compliance Report under (c) or (d) above, the titleholder must lodge a Compliance Report with the Department at any date or dates otherwise required by the Minister. f) A Compliance Report must be submitted one month prior to the expiry of this mining lease, where the licence holder is not seeking to renew or cancel this mining lease. 	<p>Compliance is self-assessed by MCO in the Annual Reviews. The Annual Reviews provide a summary of regulatory compliance, environmental performance and community engagement activities The Statement of Compliance can be found in Section 1. Section 2.1 of the 2019 and 2020 Annual Reviews provides a list of key agencies that are provided a copy of the Annual Reviews. Annual Reviews are submitted to the NSW Resources Regulator.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
ML104	<p>Environmental Incident Report</p> <p>(a) The lease holder must notify the Department of all:</p> <ul style="list-style-type: none"> i) breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and ii) breaches of environment protection legislation causing or threatening material harm to the environment (as defined in the Protection of the Environment Operations Act 1997), arising in connection with significant surface disturbing activities, including mining operations, mining purposes and prospecting operations, under this mining lease. The notification must be given immediately after the lease holder becomes aware of the breach. <p>b) The lease holder must submit an Environmental Incident Report to the Department within seven (7) days of all breaches referred to in condition 5a (i) and (ii). The Environmental Incident Report must include:</p> <ul style="list-style-type: none"> i) the details of the mining lease; ii) contact details for the lease holder; iii) a map identifying the location of the incident and where material harm to the environment has or is likely to occur; iv) a description of the nature of the incident or breach, likely causes and consequences; v) a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in 5(a) vi) a summary of all previous incidents or breaches which have occurred in the previous 12 months relating to significant surface disturbing activities, including mining operations, mining purposes and prospecting operations under this mining lease. <p>c) In addition to the requirements set out in condition 5(a) and (b), the lease holder must immediately advise the Department of any notification made under section 148 of the Protection of the Environment Operations</p>	<p>Environmental incidents are addressed in Section 12 of the annual reviews. Notification of incidents and incident reports to the Department relevant to the reporting period were reviewed and deemed compliant, including notification and report on the May 2022 air blast overpressure exceedance.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
ML105	<p>Act 1997 arising in connection with significant surface disturbing activities including mining operations, mining purposes and prospecting operations, under this mining lease</p> <p>Extraction Plan (a) In this condition: I. Approved Extraction Plan means a plan, being: (a) An extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or (b) A subsidence management plan relating to the mining operations subject to this lease: 1. Submitted to the Secretary on or before 31 December 2014; and 2. Approved by the Secretary. II. Relevant development consent means a development consent or project approval issued under the Environmental Planning and Assessment Act, 1979 relating to the mining operations subject to this lease. (b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan. c) The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease. (d) The lease holder must notify the Secretary within 48 hours of any: I. Incident caused by subsidence which has a potential to expose any person to health and safety risks; II. Significant deviation from the predicated nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any persons; or III. Significant failure of malfunction of a monitoring device or risk control measure set out in the approved extraction plan addressing: (a) Built features; (b) Public safety; or (c) Subsidence monitoring. Mining operations must not be</p>	<p>Auditors reviewed the relevant extraction plans for mining leases, undertook site inspection, personnel interviews and review of historical data including the appended subsidence report.</p> <p>No evidence was observed that suggested any underground mining outside the bounds of the extraction plan has been undertaken. Auditors believe the extraction plan is adequate for management of mining related subsidence. No subsidence related incidents have been reported. No evidence of significant subsidence was present during site inspection.</p> <p>Auditors reviewed the MOP, annual reviews, complaints and incident reports for the reporting period. Operations within this mining lease were conducted in accordance with the MOP.</p>	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries. Operations, mining purposes and prospecting.			
ML106	The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent that is economically feasible.	The open cut mine sequence detailed in Section 2.3.3 of the Mining Operations Plan was developed to optimise the efficient mining of coal. Auditors are satisfied operations during the reporting period were carried out in accordance with the MOP, therefore mineral recovery is believed to have been optimised.	Compliant	
ML107	The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future. The amount of the security deposit to be provided as a group security has been assessed by the Minister at \$14,979,000. The lease covered by the group security must include: Mining Lease 1605 (Act 1992) and Mining Lease 1606 (Act 1992) This group security is extended to apply to this lease.	Rehabilitation Cost Estimates are now completed each year as part of Forward Plan process and submitted to the Resource Regulator. The Resource Regulator then provides a notice of variation determination (evidence uploaded). MCO then increase the value of the bond held to meet the requirement. Evidence of bonds held was produced by MCO when requested by auditors.	Compliant	
ML108	The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping petroleum title(s). The cooperation agreement should address but not be limited to issues such as: <ul style="list-style-type: none"> • Access agreements • Operation interaction procedures • Dispute resolution • Information exchange • Well location • Timing of drilling 	Review of the 2021 audit confirmed MCO has consulted with Santos regarding the overlapping petroleum lease.	Compliant	

Ref No.	Condition	Comments & Evidence	Audit Findings	Recommendations
	<ul style="list-style-type: none"> • Potential resources extraction conflicts and • Rehabilitation issues. 			

Appendix C

Consultation Summary

AUDIT CHECKLIST – CONSULTATION SUMMARY

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NSW Environment Protection Authority	3
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Community Consultative Committee	3

Table 1: AUDIT CHECKLIST – CONSULTATION SUMMARY

Topic	Condition	Comments & Evidence
NSW Department of Planning, Housing and Infrastructure		
Audit Scope	<p>NSW planning would (like) areas to be focused on for the upcoming IEA to include:</p> <ul style="list-style-type: none"> • Surface water and Groundwater impacts – compliance/ reporting against trigger levels and water licensing • Biodiversity – impacts of subsidence on biodiversity values • Heritage – impacts of subsidence on Aboriginal heritage values • Compliance with footprint as per EA and consent appendices • Compliance with management plan commitments • Rehabilitation progress • Compliance with SUBSIDENCE Performance Measures – Natural and Heritage Features and Built Features • Impact on the DRIP • Adaptive management measures • Complaints register and management thereof • Greenhouse Gas emissions reporting and assessment • Comparison of EA prediction vs actual • Appropriate approvals obtained such as Construction certificate and Occupation certificate for any building etc constructed during the period <p>Other agencies to be consulted include EPA, Resource Regulator, Mid-Western Regional Council, CCC, Local Aboriginal Council, Biodiversity and Conservation Division, NSW Biodiversity Conservation Trust, Commonwealth Department of Agriculture, Water and the Environment, Department of Primary Industries, DPIE Water Group, Regional NSW – Mining, Exploration and Geoscience, Natural Resources Access Regulator, National Parks & Wildlife Service, Transport for NSW, Rural Fire Service</p>	<p>The audit team commissioned qualified specialists to assess the focus areas requested by planning, including:</p> <ul style="list-style-type: none"> - Clayton Richards – Rehabilitation and Geomorphology Specialist - Dale Redwood – Noise and Blasting Specialist - Chris Wellington – Ecology (Flora and fauna) and Aquatic Ecosystems Specialist - Jodie Benton – Aboriginal Cultural Heritage Specialist - Steve Ditton – Subsidence Specialist - Adam Wyatt – Surface Water and Groundwater Specialist - Ian Richardson – Lead Auditor and Air Quality Specialist <p>The auditors sent letters to the agencies requested by planning from 2 to 5 April 2024, requesting input.</p>
NSW Resource Regulator		
Mining Leases	<p>The independent environmental audit is required to assess compliance against the relevant environmental management conditions of the mining leases up to 1 July 2022, including the mining operations plan.</p> <p>From 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions</p>	<p>The audit report contains separate checklists assessing compliance with the individual mining lease conditions up until 1 July 2022 and with the standard conditions of mining leases detailed in Schedule 8A of the Mining</p>

Topic	Condition	Comments & Evidence
	<p>of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016. It is noted that the 5 mining leases that comprise the Moolarben Coal Mine have been approved by the Regulator to be treated as a single lease for the purposes of Part 2 of Schedule 8A.</p> <p>The audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice.</p> <p>It would be appreciated if a copy of the final audit report could be sent to the Regulator at nswresourcesregulator@service-now.com upon completion of the audit.</p>	<p>Regulation 2016. These checklists are included as appendices.</p> <p>The audit report contains a section dedicated to positive observations. The Rehabilitation Specialist provided input to the positive observation comments.</p>

NSW Environment Protection Authority

<p>With regard to the EPA's involvement with the site in recent times, this has centered around water management. The EPA issued an official caution for the pollution of waters in April 2023 following issues related to QA/QC procedures which resulted in the discharge of water containing elevated chlorine levels. Further, the site notified the EPA of a blast overpressure exceedance in February 2024. In response Moolarben committed to the implementation of a series of actions.</p> <p>The EPA would appreciate a review of the actions implemented by Moolarben following the above 2 incidents to ensure they have been conducted adequately. Additionally, the EPA would also appreciate a review of greenhouse gas predictions as per the current DA and an assessment of whether such predictions have subsequently proven to be accurate.</p>	<p>The two EPA cautions outlined in this response have been detailed in the incidents section of the audit report. Greenhouse gas predictions and management is addressed under the review of the Greenhouse Gas Minimisation Plan in Section 4.</p>
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Mid-Western Regional Council

Response received from Brad Cam, General Manager confirming they have had no issues with Moolarben Coal	NA
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Community Consultative Committee

General	<p>Response received from Lisa Andrews, Independent Chairperson:</p> <p>I wish to advise that I have not received any feedback or requests from CCC members for inclusion in the IEA.</p> <p>I confirm that Moolarben Coal Operations meets its condition of consent requirements for the operation of the CCC and provides comprehensive environmental monitoring information.</p>	No response required.
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Topic	Condition	Comments & Evidence
	<p>Response received from Julia Imrie, member.</p> <p>I am a community member of the MCC CCC and a downstream landowner. I studied surface and groundwater interaction in the Goulburn River with ANU and NSW Office Water as part of my PhD</p> <p>“Changing land use in an uncertain climate: Impacts on surface and groundwater, Goulburn River, Upper Hunter Valley, NSW”.(Imrie-Mullins, 2019).</p> <p>I have lived on the Goulburn River since 1975 downstream from the Ulan Coal & Moolarben Coal mines and have observed and studied the impact of mining on the river system following major mine expansions from the mid 1980s.</p> <p>I would like to provide the following comments - due to time limitations they are a brief outline identifying a number of issues associated with this mining operation</p> <p>I have little confidence with mine modelling predictions of the long term cumulative impacts on irreplaceable surface water and groundwater resources in the upper Goulburn River. There has been significant inconsistencies in water modelling predictions by both Moolarben and Ulan Coal mines on the interference and interception of the groundwater system, most notably gross underestimate of the predicted groundwater-make at the initial approval and at every stage of mining.</p> <p>There has been inadequate consideration of the value of fresh groundwater systems that maintain riparian ecosystems and stream baseflow through dry periods. The incremental degradation of these systems reduces the resilience of the river ecosystem to withstand climate extremes.</p> <p>Moolarben mine is planning to dispose of RO saline concentrate underground in UG4 (by 2028 according to latest proposed extension of OC3).</p> <p>Groundwater within the UG4 mine area has connectively to the Goulburn River, is a rainfall recharge area and provides baseflow to the river. The groundwater in the UG4 footprint provides an invaluable source of quality groundwater for the environment and potentially for future generations. UG4 is a down dip mine to the NE with the groundwater flow towards the Goulburn River corridor and National Park</p> <p>Reporting By MCO concentrates on the averaging of water monitoring data rather than more applicable and revealing median or percentile ranges for the different sources and varying levels of mine impact.</p> <p>The AGE (2023) report for MCO asserts the average TDS (salinity) of the groundwater related to the Triassic sandstones is 900 mg/L (~1350 uS/cm). This grossly misrepresents water quality in this groundwater system. The median TDS of this regional aquifer measured in the UG4 area is less than 190 mg/L (or 265 uS/cm PZ 105C - Table 6.210). In addition the salinity of the groundwater in the underlying Permian strata shows TDS levels in UG4 footprint to be a fraction of the claimed</p>	<p>Whilst not directly relevant to the audit period, groundwater modelling undertaken as part of the project approval, and subsequently reviewed and updated as part of the Groundwater Management Plan updates, has been undertaken in accordance with industry standards and has been rigorously reviewed and assessed by the approval authority. This includes consideration of cumulative impacts of this and other mining operations in the area.</p> <p>The disposal of RO saline concentrate underground in UG4 is not relevant to this audit period but should be considered in future audits.</p> <p>Monitoring and reporting is undertaken in accordance with the approval conditions and EPLs.</p> <p>The project approval, and subsequent monitoring and reporting requirements, are undertaken in accordance with the AIP.</p> <p>Groundwater depressurisation and drawdown by Ulan Coal Mine operations to the west and north of the river and the mining of LW9-14 within 180 metres from the Goulburn River picnic ground/Ulan bridge and 500 metres from the Drip gorge are not directly relevant to this audit, noting that at present mining operations are well away from The Drip. Ongoing monitoring of groundwater levels and flows from The Drip will be undertaken as mining progresses.</p>

Topic	Condition	Comments & Evidence
	<p>average 1900 mg/L. The measured salinity of nearby PZ 101B has a median value of 510 mg/L or 761uS/cm (Table 6.2)</p> <p>Reporting of Triassic groundwater in the most recent review of groundwater impacts relating to UG4 longwall mining by AGE (2023) referred to uncertainty in the reported hydraulic conductivity and parameters that provide the strata permeability data used in previous modelling. AGE commented there was insufficient testing of both the specific storage and the specific yield of interburden and Triassic strata and a general lack of 'pumping tests'. There was reference to data for only one individual hydraulic test on Triassic sandstone groundwater (Fig 6.2, Fig 6.3) with limited details available for the 6 test bores utilised by Aquaterra in 2011 (AGE, 2023).</p> <p>Uncertainty in the veracity of groundwater monitoring and testing for hydraulic conductivity and lack of adequate 'pumping tests' for the Triassic aquifers would indicate the NSW Aquifer Interference Policy (AIP) for a highly productive resources (5L/s) has not been acceptably tested, applied or proven in the assessment of the groundwater system associated with UG4 mine.</p> <p>The Goulburn River has historically been a predominantly gaining stream in its upper reaches with groundwater providing baseflows that maintain the river through dry periods. Groundwater depressurisation and drawdown by Ulan Coal Mine operations to the west and north of the river has distorted the flow network and base flow to the river. This major cumulative impact from mining is not adequately investigated in reports.</p> <p>MCO UG4 has approval to longwall mine LW9-14 within 180 metres from the Goulburn River picnic ground/Ulan bridge and 500 metres from the Drip gorge GDE. There is significant groundwater recharge along wide drainage lines within the footprint of UG4. Mine subsidence over this relatively shallow underground mine will depressurise the upper aquifers, potentially lowering the groundwater table by more than 2 metres within the UG4 LW9-14 footprint (AGE, 2023). This risks the permanent reversal of the hydraulic gradient resulting in a "losing river" and leakage of surface flows. The current trigger action response plan (TARP) for groundwater is not fit for purpose to proactively avert the permanent damage to the groundwater system and connectively with the river system.</p> <p>Loss of river base flow is currently being masked by the discharge of mine water and adhoc 'regulation' of flows.</p>	

Appendix D

Compliance with Conditional Approval of UG4 Extraction Plan

AUDIT CHECKLIST –APPROVAL OF THE EXTRACTION PLAN FOR UG4 LONGWALLS LW401-408

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Conditions of approval.....	2

Table 1: APPROVAL OF THE EXTRACTION PLAN FOR UG4 LONGWALLS LW401-408

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
Conditions of approval					
CA06	1	<p>The Proponent must prepare a site-specific subsidence monitoring and mitigation program for Aboriginal heritage site S1MC 280 to the satisfaction of the Secretary prior to the commencement of longwall mining of LW402. The program must include:</p> <p>a) a suitable “early warning” subsidence monitoring site above the LW402/LW403 row of chain pillars, at least several pillars inbye of the site, to monitor the subsidence effects and impacts of both LW402 and LW403 to determine the actual subsidence, tilt and strain figures, by comparison to the predicted values;</p> <p>b) a comprehensive Trigger Action Response Plan for both the “early warning” site listed in (a) above, and for monitoring at the site;</p> <p>c) a comprehensive mitigation plan for the site, to cover all actions to prevent any significant subsidence impact to Site S1MC 280 due to subsidence, tilt or strain, including</p> <p>i. the planned stress-relief slotting design</p> <p>ii. consideration of temporary support of the rock shelter overhang; and</p> <p>iii. design of a LW403 Panel face shortening, to leave some additional coal in the vicinity of the site.</p> <p>For the purposes of this condition, significant subsidence impact means:</p> <ul style="list-style-type: none"> • overhang collapse; or • cracking of sandstone that coincides with the Aboriginal heritage feature(s) of the site that make it significant; or • rock fall that damages the Aboriginal heritage feature(s) of the site that make it significant that cannot be attributed to natural weathering or deterioration. 	<p>Auditors reviewed the Extraction Plan and Subsidence Monitoring and Mitigation Program for UG4 Longwalls LW401 to LW408 and inspected Aboriginal heritage site S1MC 280 during site inspection.</p> <p>The authors were endorsed (Section 1.2 of the Program) and auditors sighted comprehensive communications with Heritage NSW.</p> <p>a) Suitable ‘early warning’ monitoring: Section 4.1, and Section 4.2, Attachment 3 TARP</p> <p>b) Trigger Action Response Plan: Section 5</p> <p>c) Comprehensive mitigation plan for the site: Section 3</p> <ul style="list-style-type: none"> • Stress relief – Section 3.3 • Temporary support – Section 3.4 • Panel shortening – Section 3.2 <p>Overall the management of this site has been exemplary. The site visit showed approaches to reducing the likelihood for subsidence to impact the site that are novel and most importantly, effective.</p> <p>MCO provided significant documentation showing the consultation regarding this plan with the Aboriginal community.</p>	Compliant	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
CA07	2	The Proponent must prepare a Final Geological Structural Analysis that extends over the entire UG4 area prior to the commencement of longwall mining of LW404 or as otherwise agreed by the Secretary. The analysis must include an assessment of whether there are any natural defects in the geology that could enhance or restrict groundwater migration and flow, and necessitate expanded monitoring and/or updated modelling	The Final Geological Structural Analysis was completed by Mine Advice in 2023 and considered in the Revised Groundwater Technical Report, reviewed by Auditors.	Compliant	
CA08	3	<p>Prior to the commencement of longwall mining of LW404 or as otherwise agreed by the Secretary, the Proponent must update the numerical groundwater model and predictions to the satisfaction of the Secretary, including:</p> <p>a) review and update the model conceptualisation for the leakage between the Triassic sandstones and the Permian overburden;</p> <p>b) review and update the model conceptualisation of surface water – groundwater connectivity;</p> <p>c) reassess aquifer drawdown predictions and water balance estimates particularly mine water inflow volumes and groundwater baseflow losses to the Goulburn River;</p> <p>d) reassess the predicted groundwater take;</p> <p>e) complete an independent peer review of the current and updated model by a technical expert endorsed by the Secretary</p> <p>f) consideration of the Final Geological Structural Analysis in Condition 4;</p> <p>g) provide revised predictions based on the updated numerical model including a detailed technical report on:</p> <p>(i) predicted cumulative impacts from approved mining; and</p> <p>(ii) predicted impacts of only the LW401-408 panels.</p>	<p>Auditors reviewed the Revised Groundwater Technical Report August 2023.</p> <p>Section 6 of the report reviews the model conceptualisation for leakage between the Triassic sandstones and Permian overburden.</p> <p>Section 6 also reviews the model conceptualisation of surface water – groundwater connectivity.</p> <p>Section 8.2 predicts the impacts of LW401 to LW408, assessing aquifer drawdown and water balance.</p> <p>Groundwater take is assessed in Section 8.3.</p> <p>Brian Barnett was endorsed by the Department of Planning and Environment (DPE) as a suitable peer reviewer of this technical report and the predictive groundwater model.</p> <p>Section 5.1.7 considers the Final Geological Structural Analysis completed by Mine Advice in 2023.</p> <p>Section 8.2 provides predicted cumulative impacts from approved mining, while separately providing predicted impacts of LW401 to LW408 on their own.</p>	Compliant	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
CA09	4	The Proponent must install groundwater monitoring sites PZ195 and PZ194 prior to the commencement of longwall mining of LW401.	The Revised Groundwater Technical Report considers data obtained from nested standpipes PZ194 and PZ195, installed following AGE (2021), prior to the commencement of secondary extraction in UG4. These points provide water level data measured in the Triassic sandstone and Permian Illawarra Coal Measures	Compliant	
CA10	5	Prior to 30 June 2023, or as otherwise agreed by the Secretary, the Proponent must install at least two water monitoring sites in the Goulburn River, upstream and downstream of the Drip respectively, within the State Conservation Area or National Park. The monitoring sites must have continuous monitoring of water level, pH, temperature, EC; and monthly monitoring of other water quality parameters. For the purposes of Condition 6, water monitoring data can be used from existing water monitoring sites outside the State Conservation Area or National Park with the agreement of the Secretary.	Auditors sighted the water monitoring point SW02 in the Goulburn River upstream of the drip. The monitoring point appeared in good condition and appropriately installed. It was noted that a tree had fallen into the river a short distance downstream from SW02, interrupting water flow. Auditors noted that this may influence SW02 monitoring data.	Compliant	

AUDIT CHECKLIST – CONDITION 5 OF THE APPROVAL OF THE EXTRACTION PLAN FOR UG4 LONGWALLS LW401-408

Content

AUDIT CHECKLIST – EPBC 2017/7974	1
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Conditions of approval.....	2

Table 1: CONDITION 5 OF THE APPROVAL OF THE EXTRACTION PLAN FOR UG4 LONGWALLS LW401-408

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
Conditions of approval					
CA01	1	The Applicant must validate the nature of the local inferred fault that straddles Longwalls LW406 and LW407. Within eight weeks of the intersection of the fault, unless otherwise agreed by the Secretary, a validation report must be submitted to the Department that includes analysis of data collected from the existing monitoring network, including the PZ103C standpipe and PZ103D vibrating wire pizometre.	At the time of site inspection, mining operations had not yet progressed beyond LW404.	Not triggered	
CA02	2	By 30 March 2024, the Applicant must provide an update to the Department on the progress of investigations to confirm the separation of perched and regional water tables feeding 'The Drip' and the Goulburn River, respectively. Investigations must include the installation new shallow standpipes into the Triassic sandstone in the area immediately north of 'The Drip'.	Auditors sighted the update provided to the Department by MCO on 29 March 2024. Auditors confirm the update letter was compliant with this condition.	Compliant	
CA03	3	The Applicant must install groundwater monitoring site PZ-A no later than 30 June 2024, unless otherwise agreed by the Secretary.	Works for the installation of PZ-A have commenced including seeking the required approvals for installation of monitoring bores on Crown Land. MCO anticipates PZ-A will be installed prior to 30 June 2024.	Not triggered	
CA04	4	Unless otherwise agreed by DPE Water, the Applicant must install an additional nested groundwater monitoring site near PZ191 and by 30 June 2024, to demonstrate ongoing consensus between conceptualisation and modelling of alluvium contact with the Goulburn River / Goulburn River Diversion. The Applicant may recommend to DPE Water alternative monitoring arrangements to achieve the same outcome, for their consideration.	Works for the installation of an additional nested groundwater monitoring site near PZ191 have commenced. MCO anticipates the additional groundwater monitoring bore will be installed prior to 30 June 2024.	Not triggered	
CA05	5	By 16 February 2024, the Applicant must:	Auditors sighted a letter from MCO to DPHI dated 15 February 2024 detailing how water take requirements will be obtained	Compliant	

Ref No.	Condition No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(a) submit a schedule to the Department outlining how residual water take requirements will be obtained prior to water take occurring; and</p> <p>(b) incorporate assessment criteria and a trigger action response plan for groundwater take from each of the relevant water sources into the next revision of the water management plan.</p>	<p>and proposing a new trigger action response plan for inclusion in the next revision of the Groundwater Management Plan.</p>		

Appendix E

Site Inspection Photographic Record



Plate 1 – EPA ID 16 High Volume Air Sampler



Plate 2 – Ulan air quality monitoring station



Plate 3 – Toole Road Noise Monitor SX121

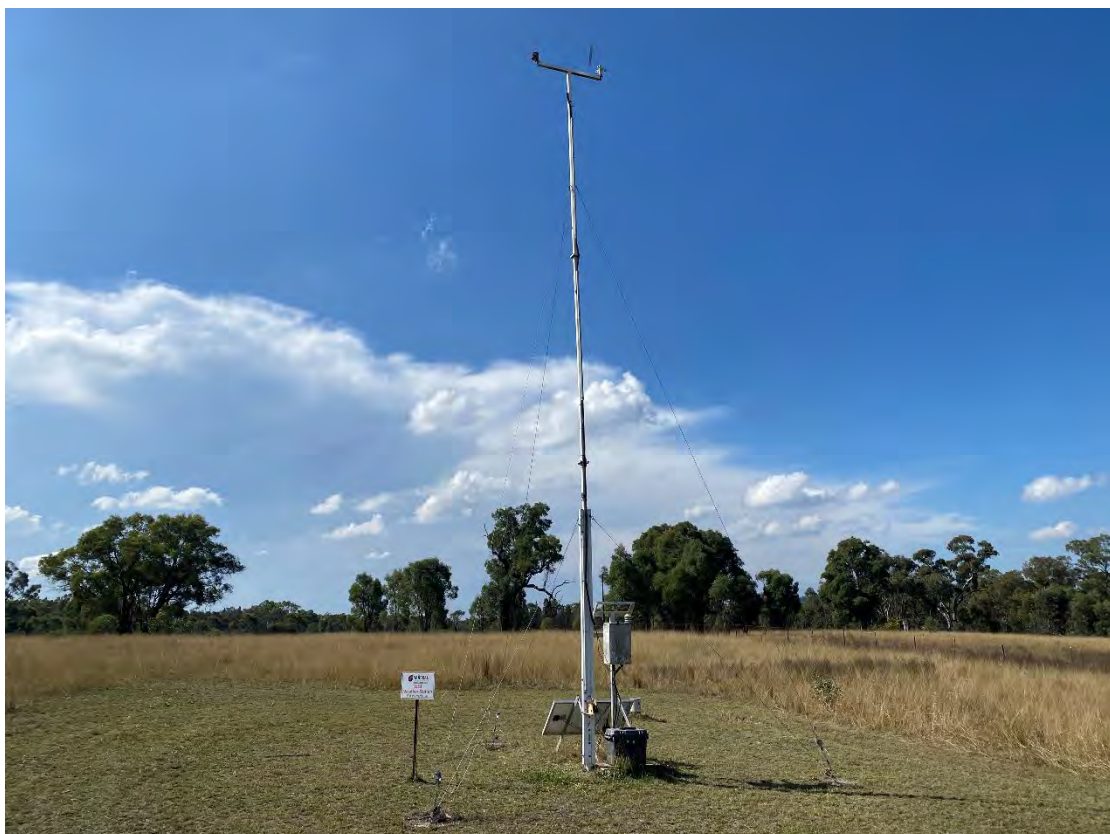


Plate 4 – WS3 Meteorological Monitoring Station



Plate 5 – Underground Portal



Plate 6 – Open Cut 4 pit, ROM and mine water dam



Plate 7 – Waste storage at rear of maintenance shed



Plate 8 – Rehabilitation rip lines at Bobadeen Offset Area



Plate 9 – Temporary rehabilitation stockpiles



Plate 10 – native vegetation rehabilitation



Plate 11 – Open Cut 2 rehabilitation



Plate 12 – Underground 2 rehabilitation looking towards Open Cut 4



Plate 13 – Open Cut 1 rehabilitation



Plate 14 – Subsidence monitoring at Aboriginal heritage site



Plate 15 – Water cart in operation outside CHPP



Plate 16 – Sediment dam from Open Cut 1 stockpile



Plate 17 – Coal stockpiles



Plate 18 – Locked and signed Bora Creek Conservation Area gate



Plate 19 – Sign posted Red Hills Conservation Area



Plate 20 – Red Hills Conservation Area



Plate 21 – SW02 surface water monitoring point – Goulburn River upstream of the Drip



Plate 22 – SW02 surface water monitoring point



Plate 23 – GNSS monitor for LW401 – LW408 Extraction Plan



Plate 24 – Piezometers for LW401 – LW408 Extraction Plan



Plate 25 – Piezometer PZ235C - redrilled



Plate 26 – Moolarben Coal Complex entrance

Appendix F

Response to 2021 IEA Recommendations

AUDIT CHECKLIST – 2021 IEA FINDINGS

Content

AUDIT CHECKLIST – 2021 IEA FINDINGS.....	1
Content	1

Table 1: 2021 Independent Environmental Audit Recommendations (not closed out in previous audit period)

Ref No.	Cond No.	2021 Audit Finding & Recommendations	Comments & Evidence	Status	2024 Audit Recommendations
Non-compliances					
A01	EPBC 2008/4444 3C	Ensure that the next revision of the (Biodiversity Offset Management Plan) plan identifies the potential risks to successful implementation of the offset strategy and contingency measures to be implemented to address those risks.	The Biodiversity Offset Management Plan has not yet been updated. This recommendation carries over to the next audit period.	Ongoing	Ensure that the next revision of the (Biodiversity Offset Management Plan) plan identifies the potential risks to successful implementation of the offset strategy and contingency measures to be implemented to address those risks.
A02	EPL 12932 M2.4	Ensure that all water samples required are collected and analysed.	EPL DP01 was not sampled for oil & grease and TSS during discharge in December 2021 and again in April 2023.	Recurrence	MCO completed investigations into the cause of the incident and implemented corrective and preventative actions.
A03	20BL173935 - Condition 1	Provide instructions to drilling supervisors to ensure that all notifications are completed within the required timeframes.	Auditors reviewed drilling Form A's submitted during the audit period. While the majority were submitted within the required 2-month timeframe, three Form A's were submitted late.	Recurrence	Ensure the MCO drilling supervisor is aware that all notifications are required to be completed within the timeframes.
A04	WAL39799 – 20BL172002 - Condition 9	Provide instructions to drilling supervisors to ensure that all notifications are completed within the required timeframes	Auditors reviewed drilling Form A's submitted during the audit period. While the majority were submitted within the required 2-month timeframe, three Form A's were still submitted late.	Recurrence	Ensure the MCO drilling supervisor is aware that all notifications are required to be completed within the timeframes
Recommendations for Improvement					
A05	PA 05_0177 S3 C33	Some additional investigation be completed in order to assess the potential impact of a potential reversal in gradient: 1. Review potential impacts from a reversal of the gradient in this area on hydrologic and ecologic systems including at a conceptual basis prior to the commencement of LW409. 2. Trigger levels should be reviewed, and were necessary revised, based on developments in	1. Not triggered 2. The Water Management Plan was reviewed and revised in November 2023. The groundwater monitoring site between the Goulburn River and UG4 LW408/409 'PZ A' is required to be completed by 30/06/2024. Works are underway, including the required approvals associated with	In progress	

understanding of potential impacts so triggers are fit for purpose.

Installation of the proposed additional monitoring bore between the Goulburn River and UG4 LW408/LW409 should proceed as planned.

Groundwater levels for the paleo-channel/upper Permian groundwater system should be compiled, and trend analyses completed once sufficient data is available (typically 2 full seasonal cycles).

installation of monitoring bores on Crown Lands.

Groundwater trend analysis is included in section 7.4.1 of the Annual Review, with all data included in the appendix

A06	PA 08_0135 S3 C29	<p>Some additional investigation be completed in order to assess the potential impact of a potential reversal in gradient:</p> <ol style="list-style-type: none"> 1. Review potential impacts from a reversal of the gradient in this area on hydrologic and ecologic systems including at a conceptual basis prior to the commencement of LW409. 2. Trigger levels should be reviewed, and were necessary revised, based on developments in understanding of potential impacts so triggers are fit for purpose. Installation of the proposed additional monitoring bore between the Goulburn River and UG4 LW408/LW409 should proceed as planned. <p>Groundwater levels for the paleo-channel /upper Permian groundwater system should be compiled, and trend analyses completed once sufficient data is available (typically 2 full seasonal cycles).</p>	<p>Same as previous. Although this recommendation was listed against PA08_0135 in the previous IEA, it is not relevant to that project approval.</p>	Closed
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Note: This table does not include non-compliances that were closed out during the previous audit period.

Appendix G

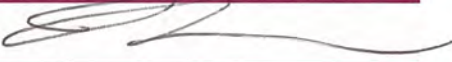
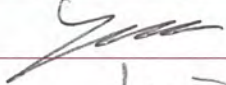
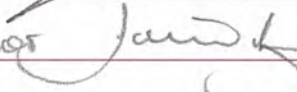



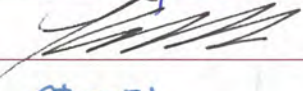


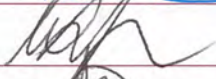
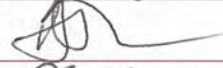
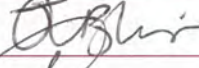
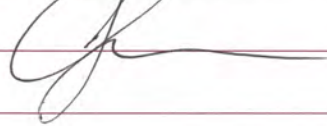
Opening and Closing Meeting Records

MEETING ATTENDANCE RECORD

Project: Moolarben Coal Complex - Independent Environmental Audit

Meeting Purpose: Opening Meeting _____ **Date:** 17 April 2024 _____

Location: Moolarben Coal _____ **Time:** 12:00pm _____

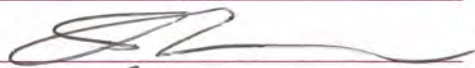

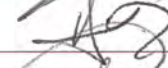
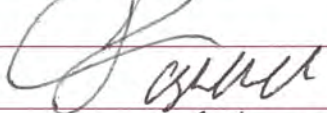

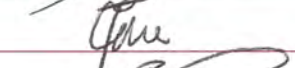

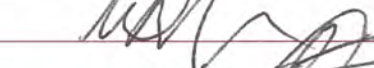
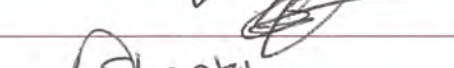
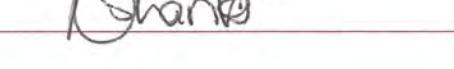

Name	Role	Signature
IAN RICHARDSON	LEAD AUDITOR	
Luke Wiggins	Assistant Auditor	
DAMIAN KYBA	Moolarben E&C Sur Advisor	
Trent Cini	MCO E&C Manager	
David Ashley Tones	SNR E&C Adviser Auditor	
Clarine Fourie	E&C Advisor	
Kiaan Stephenson-Banks	E&C Advisor	
Rebecca Shanks	E&C SUPERINTENDENT	
Bryce Kusa	POX Manager	
Mathew Cooper	HST Manager	
ADAM NAPIER	COMM MANAGER	
Josie Blair	HR Manager	
Jon Chapman	CHPP Manager	

MEETING ATTENDANCE RECORD

Project: Moolarben Coal Complex - Independent Environmental Audit

Meeting Purpose: Closing Meeting _____ **Date:** 19 April 2024 _____

Location: Moolarben Coal _____ **Time:** 13:00 _____

Name	Role	Signature
IAN RICHARDSON	LEAD AUDITOR	
LUKE WIGGINS	Assistant Auditor	
ADAM MADFEL	COMMERCIAL MGR	
Jon Chapman	CRIP MGR	
Cris Shadbolt	Operations Manager	
Kieran Stephenson	EPC Advisor	
Clarine Faurie	EPC Advisor	
Bryce Jensen	Production Manager	
Mat Cooper	HST Manager	
Trent Cini	EPC Manager	
Rebecca Shanks	EPC SUPERINTENDENT	

Appendix H

Post Approval Requirements and Where Addressed

Independent Audit Post Approval Requirements

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

Section	Requirement	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 i.e. – this is not a one-off approval.</p>	Appendix A
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>	2.1.2 Appendix C
3.3	<p>An Independent Audit must include:</p> <ol style="list-style-type: none"> 1. an assessment of compliance with: <ol style="list-style-type: none"> (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; (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 	4 Appendix B
3.3	<ol style="list-style-type: none"> 2. a review of the environmental performance of the development, including but not necessarily limited to, an assessment of: <ol 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 	5

REPORT

	Community Consultative Committee, on the environmental performance of the project during the audit period;	
3.3	The status of implementation of previous Independent Audit findings, recommendations and actions (if any);	6 Appendix F
3.3	A high-level assessment of whether Environmental Management Plans and Sub-plans are adequate; and	4
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.	8
3.3	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.	2.2 Appendix G
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.	2.2
3.6	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.	2.2

Table Note