

Licence Variation



Licence - 416

AUSTAR COAL MINE PTY LIMITED
ABN 67 111 910 822 ACN 111 910 822
PO BOX 1613
NEWCASTLE NSW 2300

Attention: Carly McCormack

Notice Number 1644870
File Number EF13/2570
Date 18-Nov-2024

NOTICE OF VARIATION OF LICENCE NO. 416

BACKGROUND

- A. The NSW Environment Protection Authority (**EPA**) is the appropriate regulatory authority for environment protection licences and premises defined in an environment protection licence.
- B. Austar Coal Mine Pty Limited holds Environment Protection Licence 416 (**the Licence**) issued by the NSW Environment Protection Authority (**EPA**) under the *Protection of the Environment Operations Act 1997 (the Act)*. The Licence authorises scheduled activities to be carried on at Wollombi Road, Pelton NSW 2325.
- C. Section 58(3) of the Act provides that a licence may be varied on the initiative of the appropriate regulatory authority.
- D. The Licence authorises the scheduled activities of coal works and mining for coal.
- E. The fee based activity of a licence (which determines the licence administration fee) is set by the scale of the scheduled activity carried on under the licence in accordance with the *Protection of the Environment (General) Regulation 2022*.
- F. The fee based activities and scale of the Licence are:
 - Coal works > 2000000-5000000 T annual handing capacity
 - Mining for coal > 2000000-3500000 T annual production capacity
- G. Austar Coal Mine Pty Limited has advised the EPA that:
"On 30 March 2020, the Austar Coal Mine transitioned to care and maintenance, with cessation of mining and coal processing activities. On 26 February 2021, a decision was made by the Yancoal board to transition the Austar Coal Mine from care and maintenance to closure. In October 2022, the mine was permanently sealed and access to underground workings is no longer possible."

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- H. Austar Coal Mine Pty Limited has advised the EPA that, despite the closure, it prefers to retain the Licence at this time.
- I. The EPA has decided to reduce the fee based activities of the Licence. This will result in reduced licence administration fees for Austar Coal Mine Pty Limited and eliminate the risk of the EPA being required to provide a refund based on actual activity under the Licence.
- J. On 14 November 2024, the EPA sent you a draft Notice of Variation of Licence for review and comment. On 18 November 2024 the EPA received your comments, accepting the variation as drafted.

VARIATION OF LICENCE NO. 416

- 1. By this notice the EPA varies the Licence. The attached licence document contains all variations that are made to the Licence by this notice.
- 2. The following variations have been made to the Licence:
 - Reduce the fee based activities in condition A1.1 to:
 - Coal works > 0.00-2000000 T annual handing capacity
 - Mining for coal > 0.00-500000 T annual production capacity

.....
STEVEN JAMES
A/Manager
Environment Protection Authority
(by Delegation)

INFORMATION ABOUT THIS NOTICE

- This notice is issued under section 58(5) of the Act.
- Details provided in this notice, along with an updated version of the licence, will be available on the EPA's Public Register (<http://www.epa.nsw.gov.au/prpoeo/index.htm>) in accordance with section 308 of the Act.

Appeals against this decision

- You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision.

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When this notice begins to operate

- The variations to the licence specified in this notice begin to operate immediately from the date of this notice, unless another date is specified in this notice.
- If an appeal is made against this decision to vary the licence and the Land and Environment Court directs that the decision is stayed the decision does not operate until the stay ceases to have effect or the Land and Environment Court confirms the decision or the appeal is withdrawn (whichever occurs first).

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Licence Details	
Number:	416
Anniversary Date:	31-December

Licensee
AUSTAR COAL MINE PTY LIMITED
PO BOX 1613
NEWCASTLE NSW 2300

Premises
AUSTAR COAL MINE
WOLLOMBI ROAD
PELTON NSW 2325

Scheduled Activity
Coal works
Mining for coal

Fee Based Activity	Scale
Coal works	0-2000000 T annual handing capacity
Mining for coal	0-500000 T annual production capacity

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



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Information about this licence

Dictionary

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

Responsibilities of licensee

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

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

Variation of licence conditions

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

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

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

Duration of licence

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

Licence review

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

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

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



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The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

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

Transfer of licence

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

Public register and access to monitoring data

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

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

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

This licence is issued to:

AUSTAR COAL MINE PTY LIMITED
PO BOX 1613
NEWCASTLE NSW 2300

subject to the conditions which follow.

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1 Administrative Conditions

A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

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

Scheduled Activity	Fee Based Activity	Scale
Coal works	Coal works	0 - 2000000 T annual handing capacity
Mining for coal	Mining for coal	0 - 500000 T annual production capacity

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
AUSTAR COAL MINE
WOLLOMBI ROAD
PELTON
NSW 2325
SOUTHLAND COLLIERY HOLDING, REFER TO LOCALITY PLAN FIGURE 1.1 FORWARDED TO THE EPA ON 21/8/01.

A3 Information supplied to the EPA

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

In this condition the reference to "the licence application" includes a reference to:

- the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
- the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

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2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

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

Air

EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
7	Weather monitoring		Eastings 341198, Northings 6361368 (MGA 56)

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

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

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Wet weather discharge; Discharge quality monitoring; Volume monitoring	Wet weather discharge; Discharge quality monitoring; Volume monitoring	Spillway of the emergency dam at the Pelton Coal Preparation Plant site, labelled as 1 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.
2	Ambient water quality monitoring		Bellbird Creek labelled as 2 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.
4	Ambient water quality monitoring		Bellbird Creek labelled as 4 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01.
5	Ambient water quality monitoring		The unnamed creek labelled as 5 on amended Figure 5 entitled Water Management System, submitted to the EPA on 21/11/01. at the Western Boundary of the Pelton Mine landholding.
6	Discharge to waters, discharge quality monitoring, volume monitoring.	Discharge to waters, discharge quality monitoring, volume monitoring.	Discharge from 1ML permeate tank as shown on Drawing No. Proposed Relocation of EPL 416 Discharge Point 6, dated 8/12/09.

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3 Limit Conditions

L1 Pollution of waters

- L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.
- L1.2 Discharge from Point 1 is permitted only when the discharge occurs solely as a result of rainfall at the premises exceeding:
- a total of 168 millimetres over any consecutive five day period; or
 - 48 millimetres in less than any consecutive 12 hour period.

L2 Concentration limits

- L2.1 For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
- L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.
- L2.4 Water and/or Land Concentration Limits

POINT 1

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Iron	milligrams per litre				1
pH	pH				6.5-8.5
Total dissolved solids	milligrams per litre				6000
Total suspended solids	milligrams per litre				50

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POINT 6

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Conductivity	microsiemens per centimetre				600
Iron	milligrams per litre				1
pH	pH				6.5 - 8.5
Total suspended solids	milligrams per litre				50

L3 Volume and mass limits

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

Point	Unit of Measure	Volume/Mass Limit
1	kilolitres per day	2000
6	Measure 1	5000

Note: For the purpose of this condition 'Measure 1' means KL/day measured as an annual average.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

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

O2 Maintenance of plant and equipment

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

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b) must be operated in a proper and efficient manner.

O3 Dust

O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

5 Monitoring and Recording Conditions

M1 Monitoring records

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

M1.2 All records required to be kept by this licence must be:

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

M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:

- a) the date(s) on which the sample was taken;
- b) the time(s) at which the sample was collected;
- c) the point at which the sample was taken; and
- d) the name of the person who collected the sample.

M2 Requirement to monitor concentration of pollutants discharged

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

M2.2 Water and/ or Land Monitoring Requirements

POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Special Frequency 1	Grab sample
Iron	milligrams per litre	Special Frequency 1	Grab sample
pH	pH	Special Frequency 1	Grab sample
Total dissolved solids	milligrams per litre	Special Frequency 1	Grab sample

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Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample
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POINT 2

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Special Frequency 2	Grab sample
Iron	milligrams per litre	Special Frequency 2	Grab sample
pH	pH	Special Frequency 2	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample

POINT 4

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Special Frequency 2	Grab sample
Iron	milligrams per litre	Special Frequency 2	Grab sample
pH	pH	Special Frequency 2	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample

POINT 5

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Special Frequency 2	Grab sample
Iron	milligrams per litre	Special Frequency 2	Grab sample
pH	pH	Special Frequency 2	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample

POINT 6

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Once a month (min. of 4 weeks)	Grab sample
Iron	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample
pH	pH	Once a month (min. of 4 weeks)	Grab sample
Total suspended solids	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample

Note: Special Frequency 1 means daily collected at a minimum of twelve hourly intervals when a discharge is occurring.

Special Frequency 2 means three times per week during any period of discharge from Point 1 at a minimum

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of 48 hour intervals commencing as soon as practical after discharge has commenced. Once per month during any period of discharge from Point 6 at a minimum of 4 weekly intervals.

M3 Testing methods - concentration limits

M3.1 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

M4 Weather monitoring

M4.1 The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition M4.2.

M4.2 For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Point 7

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air Temperature	Degrees Celsius	Continuous	1 hour	AM-4
Wind direction	Degrees	Continuous	15 minute	AM2 & AM-4
Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4
Sigma theta	Degrees	Continuous	15 minute	AM-2 & AM-4
Rainfall	mm		24 hours	Standard rain gauge

M4.3 Rainfall at the premises must be measured and recorded in millimetres per 24 hour period, at the same time each day.

Note: The rainfall monitoring data collected in compliance with Condition M4.2. can be used to determine compliance with L1.2.

M5 Recording of pollution complaints

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.

M5.2 The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;

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- 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.

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

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.

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.

M6.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

M7 Requirement to monitor volume or mass

M7.1 For each discharge point or utilisation area specified below, the licensee must monitor:

- a) the volume of liquids discharged to water or applied to the area;
 - b) the mass of solids applied to the area;
 - c) the mass of pollutants emitted to the air;
- at the frequency and using the method and units of measure, specified below.

POINT 1

Frequency	Unit of Measure	Sampling Method
Special Frequency 1	kilolitres per day	In line instrumentation

POINT 6

Frequency	Unit of Measure	Sampling Method
Monthly	kilolitres per day	In line instrumentation

Note: Special Frequency 1 means daily collected at a minimum of twelve hourly intervals when a discharge is occurring.

6 Reporting Conditions

R1 Annual return documents

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

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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.

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.3 Where this licence is transferred from the licensee to a new licensee:

- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

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.

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').

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.

R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) the licence holder; or
- b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R2 Notification of environmental harm

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

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requirements of Part 5.7 of the Act.

R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.

R3 Written report

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.

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.

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.

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.

7 General Conditions

G1 Copy of licence kept at the premises or plant

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

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

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

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8 Pollution Studies and Reduction Programs

U1 Premises Noise Assessment

- U1.1 The licensee must conduct a noise assessment in accordance with the document, 'NSW Industrial Noise Policy', (EPA, 2000) (INP) for the operations and activities carried out at the licensed premises and submit a report to the Manager, Hunter Region, by no later than 31 AUGUST 2014.
- U1.2 The report referred to in condition U1.1 must include, but is not limited to the following:
1. Project Specific Noise Levels for the nearest noise sensitive receiver location(s). The project specific noise levels may be sourced from recent documentation submitted in support of a project approval application, or determined specifically in response to this condition, provided that:
 - (a) The source of the project specific noise levels are stated;
 - (b) The project specific noise levels have been derived in accordance with the INP;
 - (c) Details are provided of how the project specific noise levels have been derived; and
 - (d) The nearest noise sensitive receiver locations chosen are representative of those potentially most affected by noise from the premises.
 2. Predicted or measured noise level contributions for the noise sensitive receiver locations identified in U1.2.1 above as a result of all activities and operations carried out at the premises. These may be sourced from recent documentation submitted in support of a project approval or determined specifically in response to this condition, provided that:
 - (a) The source of the predicted or measured noise level(s) are stated;
 - (b) Noise levels have been predicted or measured in accordance with the INP; and
 - (c) Details of how the noise levels have been predicted are provided.
 3. Noise Limits proposed for the location(s) identified in U1.2.1 above, derived with regard to the project specific noise levels and predicted noise level contributions from U1.2.1 and U1.2.2 above, that can be placed on the licence, for all activities and operations carried out at the premises.
 4. Details of methods to be used to determine compliance with the limits in U1.2.3 above.

Note: (a) A reference to the INP includes a reference to the INP Application Notes; and
 (b) Noise sensitive receiver locations do not include any locations owned by the licensee or another coal mine or where a negotiated agreement (as outlined in the INP) is in place between the landowner and any licence holder.

U2 Premises Noise Limits

- U2.1 Noise generated at the premises must not exceed the noise limits below:

Receiver	Noise Limit dB(A)L90
Pelton Village	43
Pyne Residence	40

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O'Hearn Residence

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Note: These noise limits apply until new noise limits, determined through the "Premises Noise Assessment" pollution reduction program, condition U1 of this licence, are applied to the licence.

U2.2 The noise limits apply at all times under wind speeds up to 3 metres per second (measured at 10 metres above ground level) and Pasquill stability class from A to F.

U2.3 Noise from the premises is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise limits in Condition U2.1 unless otherwise stated.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

The modification factors presented in Section 4 of the NSW Industrial Noise Policy must also be applied to the measured noise level where applicable.

U2.4 A noise compliance assessment report must be submitted to the EPA's Regional Manager, Hunter on a quarterly basis. The report must contain the results of noise compliance monitoring specified in U2.3.

U3 Clean Water Drainage Line Investigation

U3.1 The Licensee must undertake an investigation into the source, cause and environmental impacts of the orange staining/residue within the Austar CHPP Clean Water drain, identified as the '*Investigation Drainage Line*' in Figure 2 CHPP Surface Water Sample locations 25/8/2017, within document titled '*Austar Clean Water Drainage Line Investigation Status Report*' dated 25 August 2017 prepared by Gary Mulhearn, (EPA reference DOC17/440862). The investigation is to be undertaken by a suitably qualified and experienced person or persons.

The investigation must as a minimum include but not be limited to;

- review historical and site-specific information,
- undertake groundwater investigations,
- undertake geological investigations,
- an assessment of any likely impacts of the orange substance on the environment including groundwater and potential overland flow to waters.

An initial scope of works for this investigation is to be provided to the EPA for approval by no later than 5pm Wednesday 31 January 2018.

The findings of this investigation are to be submitted in a report to the EPA no later than 5pm Thursday 31 March 2018.

U3.2 Monitoring

Surface Water Monitoring

The licensee must undertake monthly water monitoring within the Investigation drainage line at Sample Points

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1, 2, 3, 4, 5,6 as per Figure 2, CHPP Surface Water Sample locations 25/8/2017 within document titled '*Austar Clean Water Drainage Line Investigation Status Report*' dated 25 August 2017 prepared by Gary Mulhearn, (EPA reference DOC17/440862). The licensee must monitor (by sampling and obtaining results by analysis) the concentration of pH, EC TSS and Iron.

Ground Water Monitoring

The licensee must undertake monthly monitoring of the Groundwater Bore located near the Investigation Drain as defined in Figure 2, CHPP Surface Water Sample locations 25/8/2017 within document titled '*Austar Clean Water Drainage Line Investigation Status Report*' dated 25 August 2017 prepared by Gary Mulhearn, (EPA reference DOC17/440862). The licensee must monitor (by sampling and obtaining results by analysis) the concentration of pH, EC TSS and Iron, and water level. Water level is to be recorded in level below ground and RL.

Photo Monitoring

The licensee must undertake monthly photo monitoring within the Investigation drainage line at all Photo Points defined in Figure 1 CHPP Surface Water Sample locations 25/8/2017 within document titled '*Austar Clean Water Drainage Line Investigation Status Report*' dated 25 August 2017 prepared by Gary Mulhearn, (EPA reference DOC17/440862).

The EPA will review the requirement to continue monitoring as per this condition within three months of the submission of the Investigation Report required by U3.1.

U3.3 The Licensee must provide a monthly status report on the CHPP Clean Water drain contamination to the EPA by 5pm the Third Monday of each Month. The first report is to be submitted to the EPA no later than 5pm Monday 15 January 2018. This report removes the requirement for the Licensee to provide fortnightly updates to the EPA as per EPA letter dated 13 July 2017 DOC17/370341.

As a minimum the report must include, but not be limited to;

- a summary of ongoing actions to identify the source of the orange staining/residue in the clean water drain at the Austar CHPP identified in condition U3.1,
- a summary of controls in place to ensure Bellbird Creek downstream is not adversely impacted as a result of water and or aspects associated with the orange staining/residual in the Austar CHPP clean water drain,
- results from water monitoring undertaken within the reporting period, in accordance with section M2 of the licence,
- results from monitoring undertaken in accordance with condition U3.2.

The EPA will review the requirement to continue reporting as per this condition within three months of the submission of the Investigation Report required by U3.1.

9 Special Conditions

E1 Advice to Black Creek Water Users

E1.1 The licensee must maintain a system acceptable to water users on Black Creek for advising those water users registered with the company of the discharge of waters from discharge point 1.

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Where possible, water users will be advised within the 24 hour period immediately prior to the commencement of any discharge. Where prior advice is not possible, advice will be given as soon as practicable after discharge commences.

The licensee will advise water users of the conductivity of water being discharged. The conductivity of the waters of Bellbird Creek at the intersection of Black Creek with Lomas Lane will be advised to water users on request.

E2 CHPP Clean Water Drain Orange Staining Containment

- E2.1 The orange staining residue within the clean water drain (identifier) must be fully contained within the premises at all times. Any discharges to waters of this residue must comply with condition L1.1 of this EPL

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Dictionary

General Dictionary

3DGM [in relation to a concentration limit]	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
Act	Means the Protection of the Environment Operations Act 1997
activity	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
actual load	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
AM	Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
AMG	Australian Map Grid
anniversary date	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
annual return	Is defined in R1.1
Approved Methods Publication	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
BOD	Means biochemical oxygen demand
CEM	Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
COD	Means chemical oxygen demand
composite sample	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
cond.	Means conductivity
environment	Has the same meaning as in the Protection of the Environment Operations Act 1997
environment protection legislation	Has the same meaning as in the Protection of the Environment Administration Act 1991
EPA	Means Environment Protection Authority of New South Wales.
fee-based activity classification	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
general solid waste (non-putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

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flow weighted composite sample	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
general solid waste (putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
grab sample	Means a single sample taken at a point at a single time
hazardous waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
licensee	Means the licence holder described at the front of this licence
load calculation protocol	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
local authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
material harm	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
MBAS	Means methylene blue active substances
Minister	Means the Minister administering the Protection of the Environment Operations Act 1997
mobile plant	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
motor vehicle	Has the same meaning as in the Protection of the Environment Operations Act 1997
O&G	Means oil and grease
percentile [in relation to a concentration limit of a sample]	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
plant	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
pollution of waters [or water pollution]	Has the same meaning as in the Protection of the Environment Operations Act 1997
premises	Means the premises described in condition A2.1
public authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
regional office	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
reporting period	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
restricted solid waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
scheduled activity	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
special waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
TM	Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .

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TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste type	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non-putrescible), special waste or hazardous waste
Wellhead	Has the same meaning as in Schedule 1 to the Protection of the Environment Operations (General) Regulation 2021.

Mr Bernie Weir

Environment Protection Authority

(By Delegation)

Date of this edition: 05-April-2000

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End Notes

- 1 Licence varied by notice V/M upgrade, issued on 08-Jul-2000, which came into effect on 08-Jul-2000.
- 2 Licence varied by notice 1010102, issued on 21-Jan-2002, which came into effect on 21-Jan-2002.
- 3 Licence varied by notice 1016072, issued on 27-Mar-2002, which came into effect on 21-Apr-2002.
- 4 Licence varied by notice 1019333, issued on 26-Jul-2002, which came into effect on 20-Aug-2002.
- 5 Licence varied by notice 1027360, issued on 19-May-2003, which came into effect on 13-Jun-2003.
- 6 Licence varied by notice 1043397, issued on 05-Jan-2005, which came into effect on 30-Jan-2005.
- 7 Licence transferred through application 143246, approved on 16-Feb-2005, which came into effect on 24-Dec-2004.
- 8 Licence varied by notice 1050000, issued on 07-Nov-2005, which came into effect on 02-Dec-2005.
- 9 Licence varied by notice 1064795, issued on 01-Sep-2006, which came into effect on 01-Sep-2006.
- 10 Licence varied by notice 1069811, issued on 23-Feb-2007, which came into effect on 23-Feb-2007.
- 11 Licence varied by notice 1075717, issued on 11-Jul-2007, which came into effect on 11-Jul-2007.
- 12 Licence varied by repair to Annual Return Archive, issued on 17-Jul-2007, which came into effect on 17-Jul-2007.
- 13 Licence varied by notice 1083253, issued on 29-Feb-2008, which came into effect on 29-Feb-2008.
- 14 Licence varied by notice 1083659, issued on 23-May-2008, which came into effect on 23-May-2008.
- 15 Licence varied by notice 1091659, issued on 28-Aug-2008, which came into effect on 28-Aug-2008.
- 16 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 17 Licence varied by notice 1095340, issued on 02-Jan-2009, which came into effect on 02-Jan-2009.
- 18 Licence varied by notice 1104063, issued on 17-Nov-2009, which came into effect on 17-Nov-2009.

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19	Licence varied by notice 1109266, issued on 25-Nov-2009, which came into effect on 25-Nov-2009.
20	Licence varied by notice 1109768, issued on 20-Jan-2010, which came into effect on 20-Jan-2010.
21	Licence varied by notice 1112337, issued on 05-Aug-2010, which came into effect on 05-Aug-2010.
22	Licence varied by notice 1123473, issued on 14-Jul-2011, which came into effect on 14-Jul-2011.
23	Licence varied by notice 1502332 issued on 24-Jan-2012
24	Licence varied by notice 1504077 issued on 07-Feb-2012
25	Licence varied by notice 1515752 issued on 10-Feb-2014
26	Licence varied by notice 1533592 issued on 07-Dec-2016
27	Licence varied by notice 1559008 issued on 15-Dec-2017