



# Abel Coal Project

Independent Environmental Audit for  
DA 05\_0136

Yancoal Australia Limited

14 April 2022

→ The Power of Commitment

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# Contents

<b>1.</b>	<b>Introduction</b>	<b>1</b>
1.1	Introduction and purpose of this report	1
1.2	Scope of the audit	2
1.3	Audit participants	2
1.4	Limitations	2
<b>2.</b>	<b>Methodology</b>	<b>3</b>
2.1	Audit inception	3
2.2	Document review	3
2.3	Agency consultation	3
2.4	Site inspection and interviews	4
2.4.1	Opening and closing meeting	4
2.4.2	Audit interviews	4
2.4.3	Data collection and verification	4
2.4.4	Site inspection	5
2.5	Reporting	5
2.6	Definitions	6
<b>3.</b>	<b>Previous independent audit and status</b>	<b>7</b>
<b>4.</b>	<b>Audit findings</b>	<b>12</b>
4.1	Context of compliance assessment	12
4.2	Summary of compliance	12
4.2.1	General environmental compliance	12
4.2.2	Complaints	14
4.2.3	Incidents	15
4.2.4	Site inspection observations	16
4.3	Compliance with DA 05_0136	25
4.3.1	Summary of non-compliances	25
4.4	Compliance with EPL 12856	25
4.4.1	Summary of non-compliances	25
4.5	Compliance with relevant leases	26
4.5.1	Summary of non-compliances	26
4.6	Adequacy of any strategies/plans and programs	26
4.7	Auditor's response to any matters raised by agencies/stakeholders	29
4.7.1	DPE	29
4.7.2	NSW Resources Regulator	29
4.7.3	BCD	30
4.7.4	Heritage NSW	30
4.7.5	NRAR/DPE Water Group	30
4.7.6	EPA	31
4.7.7	Maitland City Council	31
4.7.8	City of Newcastle	31
4.7.9	Cessnock City Council	31
4.7.10	CCC Chair	31
<b>5.</b>	<b>Corrective actions and recommendations</b>	<b>32</b>

## Table index

Table 1.1	Audit team members	2
Table 2.1	Opening and closing meeting attendees	4
Table 2.2	Independent Audit Guideline Requirements	5
Table 2.3	Risk level for non-compliances	6
Table 3.1	2017 IEA findings/recommendations	7
Table 4.1	Summary of DA 05_0136 non-compliances	25
Table 4.2	Summary of EPL 12856 non-compliances	26
Table 4.3	Status of key monitoring and management	27
Table 4.4	NSW Resources Regulator comments and auditor's response	29
Table 4.5	BCD comments and auditor's response	30
Table 5.1	Corrective Actions	32
Table 5.2	Recommendations	32

## Appendices

Appendix A	Audit team approval letter
Appendix B	Agency consultation
Appendix C	Compliance tables
Appendix D	Independent audit submission form

# 1. Introduction

## 1.1 Introduction and purpose of this report

Abel Coal Mine is an underground coal mining operation located approximately 23 kilometres northwest of Newcastle. Abel Coal Mine is owned and operated by Donaldson Coal Pty Ltd (DCL), which became part of Yancoal Australia Limited in July 2012. Abel Coal Mine was granted approval in June 2007 and operated until 2 May 2016 and been in a care and maintenance phase since. The project approval has been modified three times during the operation of the mine:

- Modification 1: Downcast Ventilation Shaft: Modification (MOD)1 enabled the construction of a downcast ventilation shaft at the Abel Coal Mine Coal Mine which was constructed in 2010.
- Modification 2: MOD2 was granted on 3 May 2011 to facilitate the installation of an upcast ventilation shaft which was constructed in 2011.
- Modification 3 – Mine Plan and Coal Production: Granted to extend underground mining to 2030. MOD3 also includes disposal of fine and coarse reject material from the Bloomfield CHPP at the Bloomfield Colliery. Bloomfield Colliery is operated by Bloomfield Collieries Pty Limited (Bloomfield) under a separate Project Approval to Abel Coal Mine (i.e. being DA 07\_0087).

This audit covers a period of time from 21 December 2018 to 31 December 2021. The site inspection component of the IEA was conducted on Friday 11 February 2022. This report provides an outline of the audit methodology and results and provides recommended actions for achieving full compliance with environmental approvals.

The audit was led by *Elliot Holland*, Lead Auditor – Environmental Management Systems (number: 115351) with assistance from *Lachlan Taylor*. A technical review completed by *Michelle Kiejda* - Technical Director – Environment.

Schedule 6, Condition 9 of DA 05\_0136 requires an IEA to be undertaken by the end of March, and every three years thereafter. Schedule 6, Condition 9 constitutes the audit scope and requires that:

*By the end of March 2015 (or other such timing as agreed by the Director-General), and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:*

*(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;*

*(b) include consultation with the relevant agencies;*

*(c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);*

*(d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and*

*(e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.*

*Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Director-General. 10. Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report.*

As required by Schedule 6, Condition 9 of DA 05\_0136 the audit team was approved by the Department of Planning and Environment (DPE) to undertake the audit on 10 December 2021 (see Appendix A).

## 1.2 Scope of the audit

The audit took the following form:

- An initial start-up teleconference was held with relevant Donaldson Coal Pty Ltd (DCL) representatives to discuss the audit methodology, identify relevant personnel involved in the project, key activities and systems occurring on the Mine, documentation for review and to schedule a date for the Mine inspection.
- Relevant agencies, including the Biodiversity Conservation Division (BCD) (formerly the Office of Environment and Heritage (OEH)), Natural Resources Access Regulator (NRAR) (formerly the NSW Office of Water), Environment Protection Authority (EPA), Heritage NSW, the NSW Resources Regulator (formerly the Division of Resources and Energy (DRE), Maitland City Council, Cessnock City Council and City of Newcastle were requested to provide comment on the performance and/or compliance of the project with relevant requirements and/or approvals.
- A review of available key documentation including the Environmental Assessment (EA) documentation, Development Consent, Environment Protection Licence (EPL) and other relevant site and environmental information (such as correspondence with relevant agencies and management plans and/or monitoring results) was undertaken prior to interviews with DCL representatives and the Mine inspection. Additional documents were reviewed during and following the interviews with DCL representatives and the Mine inspection.
- A one-day site inspection, including interviews, to assess the general environmental performance of site and discuss Development Consent and EPL compliance with key site-based personnel.
- Preparation of a draft audit report for DCL to review.
- Finalisation of the audit report and submission to DCL.
- DCL submit to DPE for approval.

## 1.3 Audit participants

The personnel listed in Table 1.1 were involved over the course of the audit.

Table 1.1 *Audit team members*

<b>Audit team members</b>	<b>Organisation</b>	<b>Role</b>
Michelle Kiejda	GHD	Technical Review
Elliot Holland	GHD	Lead Auditor
Lachlan Taylor	GHD	Assistant auditor
James Benson	DCL	Environment and Community Coordinator
Phillip Brown	DCL	Environment and Community Relations Superintendent

Greg Lamb, the Environmental Advisor from Bloomfield Colliery, was also present to give a tour of the Bloomfield Coal Handling Preparation Plant (CHPP), Rail load out and Rail loop which are managed by Bloomfield as part of Bloomfield Colliery operations approved under DA 07\_0087.

## 1.4 Limitations

This report: has been prepared by GHD for Yancoal Australia Limited and may only be used and relied on by Yancoal Australia Limited for the purpose agreed between GHD and Yancoal Australia Limited as set out in section 1.2 of this report.

GHD otherwise disclaims responsibility to any person other than Yancoal Australia Limited arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

## 2. Methodology

### 2.1 Audit inception

An initial start-up teleconference for the audit was held on 17 January 2022 with relevant DCL representatives to discuss the audit methodology, identify relevant personnel involved in the project, key activities and systems occurring on site, documentation for review and to schedule a date for the site inspection.

### 2.2 Document review

Environmental documentation associated with the Mine was reviewed by the auditors prior to site visit. DCL personnel provided a number of documents for review including:

- Rehabilitation Management Plan (RMP)
- Flora and Fauna Management Plan (FFMP)
- Pollution Incident Response Management Plan (PIRMP)
- Water Management Plan (WMP)
- Environmental Management Strategy (EMS)
- Mining Operations Plan (MOP)
- Air Quality and Greenhouse Gas Management Plan (AQGGMP)
- Noise Management Plan (NMP)
- Blasting Management Plan (BMP)
- Landscape Management Plan
- Service Borehole Management Plan
- Coal Mine Landscape Management Plan
- Mine Energy Saving Action Plan
- Integrated Environmental Monitoring Program
- DA 05\_0136
- EPL 12856
- Mining Lease 1618 and 1653
- EA documentation
- Correspondence to/from relevant agencies and Community Consultative Committee (CCC) Chairperson

Additional documents were provided during and following the audit as evidence of compliance with DA 05\_0136, the EPL, and relevant lease(s).

### 2.3 Agency consultation

As part of the audit process, the following agencies were invited to provide comment in regard to Development Consent conditions requiring specific consultation with the particular agencies, including:

- DPE
- NSW Resources Regulator
- NRAR
- BCD
- Heritage NSW
- EPA
- Maitland City Council (MCC)
- Cessnock City Council
- City of Newcastle (CoN)
- The CCC Chairperson.

Letters requesting comment from the agencies were emailed on 17 January 2022.

Correspondence was received from the from the following parties:

- DPE
- NSW Resources Regulator
- BCD
- Heritage NSW
- EPA
- CCC Chairperson
- A response was not received from NRAR, Cessnock City Council, MCC or CoN

Copies of this correspondence are provided in Appendix B. A summary of the auditors response to issues raised by the agencies is included in Section 4.7.

## 2.4 Site inspection and interviews

### 2.4.1 Opening and closing meeting

GHD undertook a site visit of Abel on 11 February 2022. The audit team used the site inspection to review compliance with various environmental requirements of the Mine.

Conditions on the day of the site inspection were noted to be up to 27.5 degrees Celsius (°C), with wind gusts up to 37 km/hr, from the south.

The opening and closing meetings were held at Abel Coal Mine Administration buildings. The list of participants is provided in Table 2.1.

*Table 2.1 Opening and closing meeting attendees*

<b>Audit team members</b>	<b>Organisation</b>	<b>Role</b>
Elliot Holland	GHD	Lead Auditor
Lachy Taylor	GHD	Assistant Auditor
James Benson	DCL	Environment and Community Coordinator
Phillip Brown	DCL	Environment and Community Relations Superintendent

Following the opening meeting, a site inspection was undertaken of the Mine and operations, noting that the site is in care and maintenance.

The objectives of the closing meeting were to discuss any outstanding matters, present preliminary findings and outline the process for finalising the audit report.

### 2.4.2 Audit interviews

During the on-site component of the audit, interviews were conducted with the DCL staff identified in Table 2.1.

### 2.4.3 Data collection and verification

Where possible, documents and data collected during the audit process were reviewed whilst on-site. A number of documents were provided to the audit team prior to the on-site component of the audit. Several documents that were not available during the on-site component were provided following the audit.

All information obtained during the audit process was verified by the audit team where possible. For example, statements made by site personnel were verified by viewing documentation and/or via visual observations made during the site inspection. Where suitable verification was unable to be obtained, this has been identified.



## 2.4.4 Site inspection

A detailed site inspection of Abel was undertaken on 11 February 2022. The following locations were inspected:

- Administration buildings
- Workshop
- Haul road
- Mine entrance
- Coal Handling and Processing Plant (CHPP)
- Discharge location

## 2.5 Reporting

This report has been prepared on an exception basis, highlighting the compliance issues identified along with any areas where action or improvement is required. The IEA has been prepared in accordance with the *NSW Government Independent Audit Guideline* (NSW Government, 2015).

Table 2.2 details where the key requirements of the guidelines have been addressed.

**Table 2.2** *Independent Audit Guideline Requirements*

Section	Description	Where addressed
2	Assess the operator's compliance with the requirements of regulatory approvals, including (as applicable): <ul style="list-style-type: none"> <li>– The Development Consent</li> <li>– The Environment Protection Licence</li> <li>– The Mining Lease</li> <li>– Water licences and approvals</li> </ul>	Section 4
2, 3	The scope of the audit and the audit team (including any technical specialists) to be determined by the lead regulator.	Sections 1.2 and 1.3
3.3	The auditor must be independent of the development being audited and audit findings must be based on verifiable evidence.	Appendix C
4.2	The compliance status of each requirement or commitment should be assessed in accordance with the compliance assessment criteria and risk levels in the audit guidelines.	Section 4. However, compliance assessment criteria are in accordance with DPE's audit team approval letter (see Appendix A)
5.1	The audit outcomes to be documented in a thorough, accessible and accurate audit report that is written in a neutral tone reflecting facts gathered by the audit team.	This audit report.
5.1	The audit report should include the following sections: <ul style="list-style-type: none"> <li>– Introduction, providing a brief overview of the development, audit scope and objectives.</li> <li>– Methodology, describing the audit team, methodology applied, document reviews, site inspections and interviews.</li> <li>– Audit findings, including documentation of consultation, outcome of actions from the previous audit, assessment of compliance status against the conditions and commitments in relevant documents and discussion of environmental incidents and performance.</li> <li>– Recommendations, identifying any opportunities for improvement identified in the audit.</li> </ul>	This audit report.
5.2	Audit reports submitted to the lead regulator must be certified by the lead auditor on an attached 'Independent Audit Submission Form'.	See Appendix D

Section	Description	Where addressed
5.3	Copies of the final audit report to be distributed to regulator agencies within two weeks of finalisation and placed on the development's website.	DCL to complete.
6	The operator of the development to respond to the lead regulator responding to the audit findings and recommendations with an action plan within four weeks of receiving the final audit report.	DCL to complete.

## 2.6 Definitions

Reporting results from the 2020 IEA was generally based on *NSW Government Independent Audit Guideline* (NSW Government, 2015); however, as per the request of DPE (see Appendix A), only the following descriptors have been used.

### Compliant

Where sufficient verifiable evidence has been gathered to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit.

### Non-Compliant

Where sufficient verifiable evidence has been gathered to demonstrate that the intent of one or more specific elements of the regulatory approval have not been complied with within the scope of the audit.

Table 2.3 details the risk levels for non-compliances.

Table 2.3 Risk level for non-compliances

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

### Not triggered

A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection, therefore a determination of compliance could not be made.

### Note

A statement or fact, where no assessment of compliance is required.

*Note: while 'note' was not identified as a relevant descriptor, a number of conditions of DA 05\_0136, EPL 12856, and relevant leases do not have any relevant compliance requirements. Therefore, note has been used to identify these conditions where no assessment of compliance is applicable.*

### 3. Previous independent audit and status

The recommendations made in the 2018 Abel Coal Mine IEA (Hanson Bailey, 2018), and the status of recommendations as at 11 February 2022 are detailed in Table 3.1 below.

Table 3.1 2017 IEA findings/recommendations

Reference	2018 findings/recommendations	2022 status	Status (closed/open)
<b>Non-compliance recommendations from 2018 Audit</b>			
DA 05_0136 (Various)	Work with relevant regulators to resolve where possible all of the non-compliances below.	See relevant commentary below.	See below
DA 05_0136 (Schedule 3 Condition 1)	<p><b><u>Blue Gum Creek and Long Gully – Water Quality</u></b> Recommend for future Trigger Level EC exceedances, assessment of metals (Fe, Al and Mn) are used to assess whether change in EC is mining induced. Trigger values for metals should also be included for Site 10 in Table 3.7 of the WMP. Further consideration of this trigger level in the revised WMP should be undertaken in consultation with a relevant water specialist and relevant regulators in consideration of distance to active mining.</p> <p><b><u>Pambalong Nature Reserve – Groundwater Levels</u></b> Recommend monthly monitoring at Piezometer C081B or in accordance with approved WMP. Further consideration of this trigger level in the revised WMP should be undertaken in consultation with a relevant groundwater specialist and relevant regulators in consideration of distance to active mining. Recommend the following updates to the WMP: Revision of Piezometer Monitoring Sites for Pambalong Nature Reserve to ensure the piezometer relevant to the feature and Clarify Trigger Level 1 and 2 for Groundwater levels for the Pambalong Nature Reserve.</p>	A review of the WMP found a statement of corrective action for Blue Gum Creek and Long Gully – Water Quality was included in the WMP and that this recommendation has been closed out. However, the recommendation relating to monitoring Pambalong Nature Reserve – Groundwater Levels, DCL have made commitments in the WMP to install additional piezometers around Pambalong Nature Reserve and Hexham Swamp should mining recommence. This is outlined in Section 4.16 of the WMP, with trigger levels defined in Table 18. It is noted monthly monitoring was recommended by the 2019 IEA; however, review of the WMP indicates quarterly remains the commitment.	Open – refer to Table 5.2
DA 05_0136 (Schedule 4 Condition 10b)	Recommend dust gauges re-sited (if not being removed from program).	Review of relevant data indicates cessation of depositional dust monitoring as a requirement of monitoring during the care and maintenance period, with depositional dust monitoring also removed from the EPL for the site. Monitoring of PM10 and TSP will continue at the Black Hill Monitoring Station.	Closed

Reference	2018 findings/recommendations	2022 status	Status (closed/open)
DA 05_0136 (Schedule 4 Condition 23)	Coal Transport records are consistently made publicly available on website when production recommences.	Review of relevant data indicates coal transport has not occurred during the audit period. Therefore, this condition has not been triggered and the 2019 IEA Recommendation remains irrelevant until production recommences.	Open – no action required until commencement of mining
DA 05_0136 (Schedule 4 condition 24c)	Audit be undertaken to confirm compliance at lighting components which will operate in next period (e.g. CHPP and rail loadout).	Review of relevant data indicates commencement of mining (including use of the CHPP and Rail Loadout) has not occurred. Therefore, the 2019 IEA recommendation has not been triggered.	Open – no action required until commencement of mining
<b>DA 05_0136 MOD3 Continual Improvement Recommendations</b>			
DA 05_0136 (Schedule 2 Condition 4)	Follow up with WaterNSW to resolve Certificate of Title for WAL 41525 being incorrectly labelled to a water source.	WAL 41525 was reissued during the reporting period (6 June 2019).	Closed
DA 05_0136 (Schedule 2 Condition 9)	Include a statement in the relevant Annual Review that discusses transportation of product coal produced on the Bloomfield site via the Bloomfield Rail Loop, and Rail Spur and the Main Northern Railway.	A review of the 2019 and 2020 Annual Reviews indicates a statement to the effect of the 2019 IEA audit recommendation has been included.	Closed
DA 05_0136 (Schedule 2 Condition 11)	Include a statement in the Annual Review that discusses alterations and additions to building and structures.	Review of relevant data indicates the 2019 IEA recommendation has been addressed via annual review reporting.	Closed
DA 05_0136 (Schedule 3 Condition 1)	Minor Cliff definition be clarified on review of EP/management plans. Whilst mining, AEMR include PA 05_0136 Table 2 and a tabulated summary of impacts and conclusions. Labelling of Water Quality Monitoring Sites 9 and 10 in AEMR are consistent with that shown in the WMP. If mining recommences, a clear definition of GDE's in the Hexham Swamp be documented (impacts and monitoring).	In response to the four recommendations from the 2019 IEA, labelling of Water Quality Monitoring Sites 9 and 10 were included in the 2019 and 2020 Annual Review. Minor Cliffs will be defined in the next update to the Subsidence Monitoring Program required under any future Extraction Plan. As the mine is in care and maintenance, a new Extraction Plan has not been prepared over the reporting period. Likewise, recommendation 2 and 4 would only be applicable if mining recommences on the site.	Open - no action required until commencement of mining
DA 05_0136 (Schedule 3 Condition 4p)	Future TARP's include Trigger Levels for Groundwater Drawdown, especially at bores relevant to Pambalong Nature Reserve (excluded from Area 4 EP).	Review of the WMP indicates TARPs are included for Groundwater Drawdown, including at Pambalong Nature Reserve. However, it is noted this recommendation relates specifically to preparation of Extraction Plans for future mining, which has not occurred during the audit period.	Open - no action required until commencement of mining
DA 05_0136 (Schedule 3 Condition 6)	No written evidence was provided that first working in South Mains were designed to DRG's satisfaction. Recommend a response is sought for any future first workings in accordance with this condition prior to works being undertaken.	Review of relevant data indicates mining has not recommenced; therefore the 2019 IEA recommendation is not yet applicable. Review of this condition indicates it has otherwise not been triggered.	Open - no action required until commencement of mining

Reference	2018 findings/recommendations	2022 status	Status (closed/open)
DA 05_0136 (Schedule 3 Condition 11)	When revising Service Boreholes Management Plan, include mitigation and management measures for visual impacts and compensation for noise, air and visual impacts.	Mining has not recommenced at Abel; therefore the 2019 IEA recommendation is not yet applicable, with no new service borehole introduced during the audit period requiring revision of the management plan.  Review of this condition indicates it has otherwise not been triggered.	Open – no action required until recommencement of mining
DA 05_0136 (Schedule 4 Condition 1)	Remove requirement to monitor Location K from PA 05_0136 Table 4 and any other strategy, plan or program.	Review of relevant documentation indicates DCL do not have any planned modifications to DA 05_0136 for which this recommendation would be able to be captured (i.e. update to Table 4 of PA 05_0136); however, do note it would be considered if a future modification is sought.  A review of noise monitoring reports found that the project was being operated in compliance with these conditions.	Open – no action required
DA 05_0136 (Schedule 4 Condition 3)	Include statement in AEMR that reports on Cumulative Noise Criteria.	A statement regarding cumulative noise is included in section 6.3 of the Annual Review.	Closed
DA 05_0136 (Schedule 4 Condition 5c)	Clarify noise mitigation process in NMP under meteorological conditions to which noise limits do not apply.	Review of relevant data verifies compliance with the requirements of this condition, including closing out of the 2019 IEA recommendation during the 2019 revision of the noise management plan.	Closed
DA 05_0136 (Schedule 4 Condition 11)	Energy efficiency opportunities for the Abel Coal Mine to be identified, assessed and reported through a series of five year assessment cycles in accordance with the <i>Energy Efficiency Opportunities Act 2006</i> (EEO Act, 2006).	Review of relevant data verifies compliance with the requirements of this condition. It is noted the EEO Act was repealed in 2014 and relevant reporting committed to in the management plan has been removed in the latest revision. Therefore, the 2019 IEA recommendation is no longer relevant.	Closed
DA 05_0136 (Schedule 4 Condition 16)	Recommend clearly labelling column on water transfer amounts on site spreadsheet e.g. Transfer from Big Kahuna to Lake.	Review of relevant data indicates compliance with the requirements of this condition, with the 2019 IEA recommendation being addressed by 28 February 2019.	Closed
DA 05_0136 (Schedule 4 Condition 25b)	Recommend that refresher training provided to any personnel on site to ensure that waste management and waste bins handled correctly.	Review of relevant data indicates the 2019 IEA Recommendations were addressed in March 2019 via a waste management presentation at a toolbox talk on-site.	Closed
DA 05_0136 (Schedule 4 Condition 25c)	Investigate redundant tank and respond accordingly. Confirm source of which pipe below operating sewage system to confirm it is benign.	A review of the 2019 Annual Review indicates advice was received from the wastewater treatment contractor confirming that the pipe is not associated with the STP but is rather a stormwater pipe draining from the car park.  No further actions are required.	Closed

Reference	2018 findings/recommendations	2022 status	Status (closed/open)
DA 05_0136 (Schedule 4 Condition 26a)	Bush Fire Response Procedure Section be added to site induction presentation at next review.	Review of relevant data indicates the Abel Site Familiarisation Induction covers the Emergency Muster Area and what to do in the event of an emergency. It also covers fire equipment onsite. The Rural Fire Service (RFS) have been provided access to dams on the site to use as a source of water for managing bushfires. The RFS also have access to fire trails on the site.	Closed
DA 05_0136 (Schedule 4 Condition 29e)	Complete mine closure plan at least 5 years prior to closure or consent expiry date.	Review of relevant data indicates the 2019 IEA recommendation will not be triggered until 2025, with the consent allowing operation until 2030.	Open – no action required
DA 05_0136 (Schedule 6 Condition 1F)	Recommend adding links to EMS attached documents or including as appendix to EMS.	The EMS have not been modified during the audit period. The recommendation of the 2019 IEA has not been implemented.	Open – refer to Table 5.2
DA 05_0136 (Schedule 6 Condition 2)	Condition list made into a table and included in each revised management plan during C&M and demonstrate where each is addressed.	The recommendation that a condition list made into a table is included in the front of each management plan has only occurred in the WMP.	Open – refer to Table 5.2
Statement of Commitments	Recommended that at next project approval modification (if mining recommences), a full review of the SOC's is undertaken and any commitments which are duplicative of development consent conditions are sought to be removed with a relevant justification.	No project modification has occurred during the reporting period.	Closed
Management plans	<p>Most plans required update for care and maintenance status. Detail in table A and B should be considered during this review. The plans would all benefit from clarification of what responsibilities are Bloomfield's (CHPP and rail loadout) and which are care and maintenance activities and as such the responsibility of Abel Coal Mine.</p> <p>Some of the changes will be inconsistent with the SOC's which include significant detail which is more suited to inclusion in the management plans.</p> <p>An appendix should include evidence of consultation with relevant regulators for each plan. Address recommended changes to each plan as listed in Table A of Appendix D.</p> <p>The RMP should include confirmation of where topsoil is stored and confirmation that adequate volumes exist to achieve the nominated final land use.</p>	Generally compliant, however some recommendations have been made to close out the previous audit recommendations.	Open – refer to Table 5.2

Reference	2018 findings/recommendations	2022 status	Status (closed/open)
EPL 12856 (A1)	Recommend that consideration be given to a variation to reduce the 'coal works' scale as mine in care and maintenance status. This assumes that CHPP and rail loadout facilitates are included in Bloomfield's EPL.	The EPL for the site was reissued on 1 October 2021, closing out the 2019 IEA recommendation.	Closed
EPL 12856 (P1)	Recommend updating this condition when management plans updated. Consideration should be given to seek reduction or removal of depositional dust gauges from program.	The EPL for the site was reissued on 1 October 2021, with the dust monitoring program being reduce closing out the 2019 IEA recommendation.	Closed
EPL 12856 (L2)	Recommend updating noise monitoring locations and meteorological condition limit wording to make consistent with those shown in PA 05_0136 whilst operational.	The EPL for the site was reissued on 1 October 2021. The reissued EPL did not change criteria to be consistent with DA 05_0136.	Open – no action required
EPL 12856 (O4)	Seek removal/amendment to condition O4.2 as no sprays are utilised by the septic system.	Condition O4.2 removed in latest issue of EPL.	Closed
EPL 12856 (U1.3-1.5)	Recommend requesting U1 removed at next variation as it has been completed.	The reissued EPL on 1 October 2021 omitted these conditions.	Closed
ML1618	Date of when mine entered Care and Maintenance is reported in the Annual Mining Lease Group Exploration report as being 2 May 2016, this date is not consistent with other reports e.g. the 2017 AEMR states mine entered care and maintenance on 28 April 2016. Recommend updated in next report.	2019 Annual Review states date of entering Care and Maintenance as 2 May 2016.	Closed

## 4. Audit findings

### 4.1 Context of compliance assessment

Abel Coal Mine operates under DA 05\_0136 which provide approval for the following activities:

- Extraction of up to approximately 4.5 million tonnes of Run-of-Mine (ROM) coal annually using continuous miner bord and pillar extraction underground mining methods.
- Transport of extracted coal by conveyor to the ROM coal stockpile adjacent to the mine entry portal and surface facilities.
- Transport of the ROM coal by truck along a private haul road to the Bloomfield Colliery for beneficiation at the Bloomfield Coal Handling Preparation Plant (CHPP).
- The use of the Bloomfield CHPP including associated facilities, stockpiles, tailings disposal and rail loading facility and loop.
- The CHPP and rail loading facility process coal from Abel. The CHPP and rail loading facility also handles coal from Donaldson Open Cut Mine, Bloomfield Colliery and Tasman Mines.
- Transport of processed coal via the existing Bloomfield rail loop and spur line off the Great Northern Railway Line to the Port of Newcastle.

The site is regulated by EPL12856 which was reissued on 1 October 2021. The main aim of the EPL update was to reflect that the site was in care and maintenance mode, remove some monitoring conditions and to combine conditions from Donaldson EPL (11080, surrendered 18 April 2018) and the Abel Coal Mine EPL.

Abel Coal Mine is regulated by two mining leases:

- ML 1618; covering 2755 hectares. Mining Lease granted by the Minister of Primary Industries on 15 May 2008 with the expiry of 15 May 2029.
- ML 1653; covering 0.25 hectares. Mining lease granted for construction of ventilation shaft on 21 January 2011 with the expiry of 21 January 2032.

As the site is in care and maintenance, minimal works are being undertaken on site. The site operates between hours of 6:00 am to 4:00 pm Monday to Friday and has 5 full time equivalent employees.

### 4.2 Summary of compliance

Review of compliance with the requirements of relevant DA05\_0136 identified:

- Four (4) non-compliances associated with DA05\_0136, all deemed to represent administrative non-compliances (ANC).
- Four non-compliances associated with EPL 12856, including:
  - Two deemed to represent a low risk.
  - Two deemed ANC.
- No non-compliances associated with ML 1653 and ML 1618.

#### 4.2.1 General environmental compliance

DCL was generally compliant in terms of environmental performance during the audit period and site inspection. The site did not have any serious incidents or non-compliances deemed medium risk or higher.



#### **4.2.1.1 Air quality**

From the site inspection and interviews, the site personnel were generally aware of the requirements of the AQGGMP relevant to their role as they relate to monitoring and management requirements, which are being undertaken in accordance with the plan. As the site is in care and maintenance, activities generating dust on site are limited. Following the modification of the EPL, DCL have reduced the scope of dust monitoring to a singular real-time monitoring station at Black Hill Public School.

No exceedances of relevant air quality criteria occurred during the audit period. During site inspection, trafficable areas were generally observed to be sealed and not producing dust. The haul road from the mine entrance to the administration building was not observed to be producing dust during the site inspection. Furthermore, a sprinkler system runs along the haul road if dust suppression were to be required; however, this is noted to be a measure for dust suppression during active mining.

An inspection of the Bloomfield CHPP identified dust mitigation such as watering down of surfaces was being implemented and did not identify any issues related to air quality, either during the inspection or upon review of complaints and monitoring data.

#### **4.2.1.2 Noise**

During the site visit, DCL personnel were forthcoming in producing any evidence requested, and showed that DCL have undertaken noise management and mitigation in accordance with the approved NMP during the audit period. As the site is in care and maintenance mode, there is limited noise being generated by the site.

Noise monitoring at six locations was undertaken on a quarterly basis for 2019 and 2020. This was revised to be undertaken at six-monthly intervals in 2021 to reflect that the site is generally inaudible during the care and maintenance period. This change was recognised in the 2019 revision of the NMP. There is a meteorological station which collects data used for noise and air quality monitoring. Review of relevant data indicates DCL was compliant during all noise monitoring events in the reporting period.

Whilst currently being operated by Bloomfield, the CHPP was approved under the DA 05\_0136. The CHPP was audible during the quarter 4 monitoring event in 2019; however, noise levels were still below criteria limits. Bloomfield have assumed responsibility for noise management at the CHPP, with review of relevant data indicating that Bloomfield are responsive to complaints related to operation of the CHPP and that no exceedances of relevant criteria have occurred.

#### **4.2.1.3 Water management**

From the site inspection and interviews, DCL personnel were generally aware of the requirements of the WMP relevant to their role, with the infrastructure operated and maintained in accordance with the plan.

Applicable water licencing held for the Abel Coal Mine operations include Water Supply Works and Use Approval 20WA218986 and Water Access Licence (WAL) 41525, which provide for up to 500 Megalitres (ML) of water take annually. The Abel Coal Mine is not actively dewatered in advance of mining, rather passive inflows into the mine workings are transferred to completed mine workings or to the surface.

Water removed from the workings, along with water from the Square Pit, West Pit and administration and workshop areas are transferred to the Big Kahuna Dam and then to Bloomfield CHPP, as required.

Surface water monitoring sites specified for the Abel Coal Mine are aimed at detecting indirect impacts such as from underground mining activities and activities in the surface infrastructure area. Groundwater monitoring sites were also included in the water monitoring program to identify if mining was impacting the aquifer. Water monitoring was found to have been conducted over the reporting period and no exceedances were recorded.

Water quality within the Big Kahuna dam was assessed at regular intervals. Water quality parameters over the reporting period did not meet the criteria for discharge into Four Mile Creek; however, as no discharge has occurred, DCL remains compliant with the limits of the conditions.

In relation to water management at the Bloomfield CHPP, an unlicensed discharge incident was noted to have occurred in March 2021 (see Section 4.2.3). This unlicensed discharge does not relate to Abel operations or Abel's consent, instead relating to Bloomfield's EPL under DA 07\_0087. As shown in Plate 11, surface water drainage to this pond shows evidence of acid mine drainage that may require further consideration in relation to Bloomfield's licensed discharge point under EPL 396 relative to DA 07\_0087.

#### **4.2.1.4 Biodiversity**

No underground mining occurred during the reporting period. Impacts to biodiversity factors, particularly at Pambalong Nature Reserve, were not observed during the reporting period.

Monitoring programs in the Flora and Fauna Management Plan were updated to reflect the care and maintenance status of the mine, which has seen the cessation of some monitoring until mining recommences, including:

- Monitoring of dams and sub-tropical rainforest
- Monitoring at Pambalong Nature Reserve
- Macroinvertebrate sampling

No reportable incidents in regard to flora and fauna were recorded during the reporting period.

#### **4.2.1.5 Heritage**

Review of the AHMP indicates compliance with the requirements of the DA, as well as appropriate implementation. No specific monitoring was implemented as mining has not occurred at the site since 2016.

#### **4.2.1.6 Visual**

No new structures or works have occurred within the reporting period, and therefore no changes to visual factors have occurred.

#### **4.2.1.7 Waste**

JR Richards manages waste streams on-site, providing waste receipts which identify the types and quantities of wastes generated and where they are disposed to.

Generally, no issues in relation to waste disposal were associated with DCL's operations were observed during the site inspection; however, the site inspection of the Bloomfield CHPP identified areas of coal washery reject (chitter) within the surface water drainage area (see Plate 10).

#### **4.2.1.8 Rehabilitation**

The Abel Coal Mine is currently in care and maintenance, with review of the current approved MOP indicating no rehabilitation is proposed during the MOP period (i.e. 2 May 2016 to 1 May 2022), with rehabilitation goals related to mine closure, the consents allows operation up to 2030; therefore, closure planning in accordance with DA 06\_0136 is not required to commence until 2025.

Whilst no rehabilitation works have been undertaken, it was noted that there was some vegetation regrowth along the haul road leading to the mine entrance.

## **4.2.2 Complaints**

One complaint was raised during the reporting period:

- 25 October 2021: Concerns raised regarding the need for Wild Dog and Fox Baiting on Donaldson Coal Land. As this complaint was related to land associated with Donaldson Open Cut, this complaint is not applicable to the scope of this audit.

Review of complaints records for the Bloomfield Colliery were reviewed in relation to operation of the CHPP, rail loadout facility, rail loop and rail spur. Complaints include:

- 8 April 2019: Complaint about noise during night shift on 7 April 2019 at around 1.00am. The Mine Manager liaised with the complainant to explain a review was being completed of the noise model used for operation of Bloomfield Colliery, including the CHPP, rail loadout facility, rail loop and rail spur. The goal of which was to improve noise management on-site.
- 11 April 2019: Complaint about noise during night shift on 10 April 2019 at around 1.00am. In response to this complaint, the recently updated noise model was used to identify unfavourable weather conditions for 11 April 2019, with CHPP operations cancelled.
- 11 April 2019: Complaint about noise during night shift on 10 April 2019. In response to this complaint, the recently updated noise model was used to identify unfavourable weather conditions for 11 April 2019, with CHPP operations cancelled.
- 11 June 2020: Complaint about noise at the CHPP on night shift. Environmental Advisor called to explain the CHPP had shut down by 6.00pm, as scheduled, prior to receipt of the complaint.
- 27 August 2020: Environmental Advisor responded by email explaining Bloomfield Colliery had been running a nightshift at the coal washery during week with noise monitoring being conducted at night on 10 occasions. On one occasion the 40 dBL limit was exceeded by 0.3 dBL. As a result, mobile equipment was reduced on the coal pad and the following monitoring was within limits. On all other occasions the noise monitoring was within limits.
- 9 February 2021: Complaint about noise at the CHPP on night shift. Night shift for next night was cancelled in response and due to forecast unfavourable meteorological conditions.
- 21 May 2021: Complaint about noise at the CHPP on night shifts on 18, 19 and 20 May 2021. Response was made to explain how the CHPP is operated, noting it is not operated of a night in southerly winds and uses predictive noise model when winds are favourable. As long as monitoring indicates operations within noise limits then operations will continue as scheduled.
- 29 October 2021: Complaint about noise at the CHPP on night shifts on 29 October 2021, noting noise is not normally an issue; however, it seemed louder than normal. Environmental Advisor explained that the CHPP only operates one week a month on average, and only works overnight depending on the weather.

Review of noise complaints for operation of the CHPP, rail loadout facility, rail loop and rail spur indicate approximately three complaints are received each year in relation to the CHPP, in particular. While complaints are noted, review of relevant documentation indicates compliance with operational noise criteria and responsiveness to complaints. Furthermore, during the site inspection it was noted the CHPP operates, on average, about one week of every month. As such, it is the opinion of the auditor that the intermittent nature of the noise is contributing more to the perception of noise than if the CHPP, rail loadout facility, rail loop and rail spur were to operate 24/7 as approved.

### 4.2.3 Incidents

No environmental incidents occurred during the reporting period. In addition, review of Bloomfield documentation (as it relates to operation of the CHPP, rail loadout facility, rail loop and rail spur) was undertaken for the audit, with no relevant incidents identified.

A section 120 unlicensed discharge occurred at the Bloomfield CHPP in March 2021 during the 2021/2022 reporting period. However, this point is the subject of Bloomfield Colliery's EPL 396 and was therefore reported to the EPA as a non-compliance with this license. This discharge was reported to the EPA in accordance with EPL 396 and is currently subject to desilting works to improve capacity.

#### 4.2.4 Site inspection observations



*Plate 1* Storage of hydrocarbon waste in workshop area



*Plate 2* Fuel and oil containment



*Plate 3*      *Sump pit*



*Plate 4*      *Labelling of hazardous materials*



*Plate 5*      *Four Mile Creek at Discharge Location*



*Plate 6*      *Four Mile Creek at Discharge Location*



*Plate 7 Bloomfield CHPP/Washery*



*Plate 8 Bloomfield CHPP/Washery*





*Plate 9 Bloomfield rail load out facility, rail loop and rail spur*



*Plate 10*      *Conveyors at Bloomfield CHPP to the rail load out, rail loop and rail spur*



**Plate 11**      *Sediment pond at Bloomfield CHPP, in the process of being dredged to improve capacity*



*Plate 12 Haul road from Abel Coal Mine entrance, with incident rehabilitation of vegetation on escarpment*

## 4.3 Compliance with DA 05\_0136

### 4.3.1 Summary of non-compliances

The review of compliance with DA 05\_0136 identified four non-compliances. All non-compliances were deemed administrative in nature.

A summary of non-compliances is detailed in Table 4.1.

*Table 4.1 Summary of DA 05\_0136 non-compliances*

Condition	Reason for non-compliance	Risk rating
Schedule 2 Condition 2	The project was undertaken generally in accordance with this condition. However, several non-compliances were identified as discussed below. Non-compliance with this condition is considered low risk based on the findings of this audit.	Administrative non-compliance
Schedule 4 Condition 29	Review of relevant data indicates the 2019 IEA recommendation will not be triggered until 2025, with the consent allowing operation until 2030. A review of the consultation log included in Appendix 4 of the plan found that the plan was developed in consultation with several of the required parties. However, no consultation evidence was viewed for: <ul style="list-style-type: none"> <li>– CON</li> <li>– The CCC</li> </ul> As this is a requirement of the condition, an ANC is recorded.	Administrative non-compliance
Schedule 6 Condition 1	A review of the EMS identified that Appendix D – Integrated Environmental Monitoring Program was prepared in 2007 and documents the operational environmental monitoring requirements for Abel Coal Mine, Tasman Underground and Donaldson Open Cut. As Abel Coal Mine is in care and maintenance mode, and neither Donaldson nor Tasman are operational, this plan is out of date (particularly with the EPL). Therefore, an ANC with Clause F (ii) of this condition is recorded.	Administrative non-compliance
Schedule 6 Condition 11	Review of the website for Abel Coal Mine indicates the following documents were not available on-line at the time of the audit: <ul style="list-style-type: none"> <li>– Noise monitoring reports for 2021</li> <li>– ML1653</li> </ul>	Administrative non-compliance

## 4.4 Compliance with EPL 12856

### 4.4.1 Summary of non-compliances

A review of compliance against EPL 12856 identified four non-compliances. Two non-compliances were deemed low risk, and two non-compliances were deemed to be administrative in nature.

A summary of non-compliances is detailed in Table 4.2 below.

Table 4.2 Summary of EPL 12856 non-compliances

Condition	Reason for non-compliance	Risk rating
P1.1	The 2019 Annual return identified a non-compliance for TSS monitoring, where it was not analysed for 3 locations during the month of June in 2019. This was attributed to an administrative error from the laboratory where the samples taken were not analysed. Therefore, an ANC is attributed to this condition. As the ANC relates to an error at the laboratory, this is considered to be closed out and corrective action is not required.	Administrative non-compliance
M2.1	A non-compliance with the following conditions forms a non-compliance with this condition: – M2.2 (low risk) – M2.3 (administrative) Non-compliance with this condition is considered low risk based on the findings of condition M2.2	Non-compliance (low risk)
M2.2	A non-compliance with this condition was reported during the 2021 EPA Annual return. Depositional dust was not sampled during the month of December at DG08 due to a broken sample bottle. This reported in the 2021 Annual Return and following the update to the EPL, is no longer required to be sampled, no corrective action or recommendation has been made.	Non-compliance (low risk)
M2.3	During the June 2019, TSS was not analysed for 3 locations. While samples were taken and TSS was requested to be analysed at the laboratory, due to a laboratory administration error, TSS analysis was not performed on the samples. As this has not been a repeat issue and was reported in the 2019 Annual Return, no corrective action or recommendation has been made.	Administrative non-compliance

## 4.5 Compliance with relevant leases

### 4.5.1 Summary of non-compliances

The review of compliance with the relevant leases (ML 1618 and ML 1653) did not identify any non-compliances during the audit period.

## 4.6 Adequacy of any strategies/plans and programs

A number of strategies, plans and programs have been developed for the Mine in accordance with DA 05\_0136 and EPL 12856. Table 4.3 provides a summary of the key monitoring and management practices on site and areas recommended for improvement.

Table 4.3 Status of key monitoring and management

Environmental aspect	Reference	Implementation	Recommendation
General compliance	Environmental Management Strategy (31/08/2018) Management plans listed in this table.	Management plans prepared for the site are generally compliant with the requirements of the project approval and the EPL. The EPL was reissued in October 2021 to reflect the change in mine activities in care and maintenance. During the audit, it was noted that naming monitoring sites was inconsistent with the sites listed in the EPL. The Environmental Management Strategy was generally compliant with the requirements of DA 05_0136. However, it contained an out of date Integrated Environmental Management Program which was prepared in 2007 and did not adequately reflect the status of the mine currently. Therefore, <b>Corrective Action 1</b> has been developed to address this non-compliance.	See CA1 in Table 5.1 See R1 and R11 in Table 5.2
Air quality	Air Quality and Greenhouse Gas Management Plan Care and Maintenance (V3 – Dated 3 June 2019)	A review of the Air Quality and Greenhouse Gas Management Plan prepared for the site found it to be generally compliant with DA 05_0136 and EPL 12856. The location of the meteorological station was not discussed or shown in the plan, and therefore <b>Recommendation 3</b> has been made. Dust generation on site is minimal due to limited activities currently undertaken on the site. Dust mitigation measures were observed to be implemented during the site inspection.	See R3 in Table 5.2
Biodiversity	Flora and Fauna Management Plan Care and Maintenance (V4 – dated 3 June 2019)	A review of the Flora and Fauna Management Plan found that it was compliant with requirements of DA 05_0136.	N/A
Heritage management	Aboriginal Heritage Management Plan (Rev 2.2 – Dated June 2019)	A review of the Aboriginal Heritage Management Plan found that it was compliant with requirements of DA 05_0136.	N/A
Noise management	Noise Management Plan Care and Maintenance (V5 – Dated 3 June 2019)	A review of the Noise Management Plan prepared for the site found it to be generally compliant with DA05_0136 and EPL 12856. The location of the meteorological station was not discussed or shown in the plan, and therefore <b>Recommendations 3 and 7</b> has been made. Noise monitoring over the audit period reduced frequency from quarterly to biannually in 2021 as the mine was generally inaudible. Noise generating operations on site are limited due to the mine being in care and maintenance mode. The largest emitter of noise, the CHPP, was constructed under DA 05_0136 but is operated by Bloomfield Colliery. Whilst no exceedances of noise criteria occurred within the reporting period, formal communication channels between DCL and Bloomfield around potential exceedances and exceedances of noise generate by the CHPP is recommended. Noise monitoring found that the project was being operated within compliance limits set by DA05_0136 and EPL 12856.	See R3 and R7 in Table 5.2

Environmental aspect	Reference	Implementation	Recommendation
Rehabilitation	<p>Rehabilitation Management Plan Care and Maintenance (V2 – dated 3 June 2019)</p> <p>Abel Coal Mine Coal Mine Mining Operations Plan Amendment B (2 May 2016 to 1 May 2021)</p>	<p>A review of the MOP found them compliant with the requirements of DA05_0136. The Rehabilitation Management Plan was also found to be generally compliant with the requirements of DA05_0136. During the preparation of the plan DCL did not consult with all the required parties, thus forming a non-compliance. There were no areas of the site under active rehabilitation over the reporting period. General maintenance such as subsidence crack repair, wild dog baiting and vegetation maintenance have been undertaken.</p> <p>The existing MOP expires in May 2022, the MOP it is being updated currently for submission. It is recommended that any requirements that are not applicable to care and maintenance are removed from the new Rehabilitation Management Plan (RMP) and Annual Rehabilitation Report and Forward Program (as now required by the NSW Resources Regulator instead of a MOP from 2 July 2022) to make it more specific to the status of the mine currently. The rehabilitation management plan is also recommended to be updated to discuss topsoil storage and estimated volumes required for rehabilitation.</p>	R8, R9 and R10 in Table 5.2
Water management	<p>Water Management Plan Care and Maintenance (V4 – Dated 3 June 2019)</p>	<p>Review of the WMP and its application indicated that is adequately addressed the requirements of DA05_0136 and EPL 12856. The plan contains the regulatory requirements, how they are addressed and detailed description of the environmental context, water management infrastructure, baseline data and monitoring and review requirements to comply with the requirements.</p> <p>Naming of monitoring locations was inconsistent with location names in the EPL. Monitoring locations were also not clearly identified on mapping, and therefore <b>Recommendation 1</b> has been made.</p> <p>Adequacy of the implementation of the WMP was supported by the fact of no discharge during the audit period, no incidents reported to the EPA during audit period.</p> <p>From the site inspection and interviews, the site personnel were generally aware of the requirements of the WMP relevant to their role and the infrastructure appeared to be constructed and maintained in accordance with the plan.</p> <p>It was noted during the site inspection that the discharge location was not marked out. <b>Recommendation 2</b> has been made.</p>	See R1 and R2 in Table 5.2



## 4.7 Auditor's response to any matters raised by agencies/stakeholders

### 4.7.1 DPE

A consultation letter was provided to the BCD on 17 January 2022, with a subsequent response received 8 February 2022 requesting the IEA review compliance with the DA 05\_0136 in relation to management and monitoring at the CHPP, rail loadout facility, rail loop and rail spur, that are operated by Bloomfield Colliery but are a part of DA 05\_0136.

Relevant discussion in relation to management and monitoring at the CHPP, rail loadout facility, rail loop and rail spur are provided in Section 4.2.

### 4.7.2 NSW Resources Regulator

A consultation letter was provided to the NSW Resources Regulator on 17 January 2022, with a subsequent response received 17 January 2022 and is summarised in Table 4.4.

*Table 4.4 NSW Resources Regulator comments and auditor's response*

<b>NSW Resource Regulator comments</b>	<b>Auditor response</b>
Review relevant mining leases and exploration licences as agreed with Resources Regulator.	Noted
Undertake an assessment of compliance against the conditions of title related to environmental management.	Noted
Verify that there is a current Mining Operations Plan (MOP) in place and it has been approved by the Regulator – review compliance against any conditions of approval of the MOP.	With the current MOP period ending in May 2022, the new RMP and Annual Report & Forward Program are in the process of being prepared for submission.
Undertake a critical review of the MOP, including an assessment of its compatibility with the description of operations contained in the planning approval. In particular.	Review of the existing MOP indicates consistency with the requirements of DA 05_0136 and the associated EA, including subsequent modification EAs.
Review the rehabilitation strategy as outlined in the MOP to determine if it is consistent with the Project Approval in terms of progressive rehabilitation schedule; and proposed final land use(s).	Review of these documents indicates relevant rehabilitation commitments and objectives for Abel Coal Mine relate to addressing any potential subsidence impacts, for which relevant performance measures detailed under Schedule 3, Condition 1 of DA 05_0136 have been met during the audit period. Otherwise, relevant rehabilitation committed to in the EA relates to rehabilitation to be undertaken at completion of mining activities, which is not relevant to the audit period.
Review the rehabilitation objectives and completion criteria as outlined in the MOP to determine if they have been developed in accordance with the proposed final land use(s) as outlined in the Project Approval.	Review of relevant documentation for the audit period otherwise indicates compliance with the rehabilitation objectives and completion criteria identified in the existing MOP.
Review the development and implementation of any rehabilitation monitoring programs to assess performance against the nominated objectives and completion criteria – verified by reviewing monitoring reports and rehabilitation inspection records.	As above

NSW Resource Regulator comments	Auditor response
Determine if a rehabilitation care and maintenance program has been developed and implemented based on the outcomes of monitoring program – verified by reviewing Annual Rehabilitation Programs or similar documentation.	A rehabilitation care and maintenance program has not been developed as part of the existing MOP. It has been recommended Abel include a rehabilitation care and maintenance program as part of the RMP and Annual Rehabilitation Report and Forward Program currently being prepared (as now required by the NSW Resources Regulator instead of a MOP).
Confirm that mining operations are being conducted in accordance with the approved MOP (production, mining sequence etc.), including within the designated MOP approval boundary – to be verified by site plans and site inspection.	No mining has occurred during the reporting period.
Confirm that rehabilitation progress is consistent with the approved MOP as verified by site plans and a site inspection. This should include an evaluation against rehabilitation targets and whether the final landform is being developed in accordance with conceptual final landform in the Project Approval.	N/A – As discussed, review of the current approved MOP indicates no rehabilitation is proposed during the MOP period (noting that it ends May 2022), as an underground mine site there is minimal surface area requiring progressive rehabilitation. Subsidence issues would be the primary requirement for rehabilitation during the audit period, with no subsidence occurring during the audit period requiring rehabilitation.
Based on a visual inspection, determine if there are any rehabilitation areas that appear to have failed or that have incurred an issue that may result in a delay in achieving the successful rehabilitation outcomes.	No active rehabilitation occurred, some native regrowth observed along haul roads.

### 4.7.3 BCD

A consultation letter was provided to the BCD on 17 January 2022, with a subsequent response received 3 February 2022 and is summarised in Table 4.5.

Table 4.5 BCD comments and auditor's response

BCD comments	Auditor response
Were subsidence impact performance measures in Table 2 of Schedule 3, Condition 1 of the consent exceeded? If so, what remediation efforts were used? What was the outcome of any remediation efforts? Did mine subsidence impacts trigger any biodiversity offset requirements as per Schedule 3, Condition 2 of the consent? If so, what is the nature and quantum of the biodiversity value of any offsets that were required?	No exceedances within the reporting period.
Has the requirement for the biodiversity offset strategy in Schedule 4, Condition 18 of the consent been triggered by the construction of the new coal conveyor or the vegetation clearing described in the Environmental Assessment? If so, where is the offset land located? What is the extent of Lower Hunter Spotted Gum – Ironbark Forest EEC vegetation and remnant woody vegetation on the offset land?	N/A – Construction of the coal conveyor and associated clearing has not commenced.
If the trigger for biodiversity offset has been triggered, on what date was it triggered? How has the offset land been secured for the long-term, as required by Schedule 4, Condition 19?	
The Lesser Creeping Fern ( <i>Arthropteris palisotii</i> ), and Endangered species with few known locations within NSW was recorded on the Mining Lease and reported in an Environmental Assessment for the mine dated 22 September 2006. Does the species still occur on the site? Have there been any impacts to the species due to mining activities?	N/A – Mining activities have not occurred during the audit period for which impact could occur.

### 4.7.4 Heritage NSW

A consultation letter was provided to Heritage NSW on 17 January 2022, with a subsequent response received 7 February 2022 indicating Heritage NSW were unable to review the request due to lack of staffing resources.

### 4.7.5 NRAR/DPE Water Group

A consultation letter was provided to Heritage NSW on 17 January 2022, with no response received to date.

## 4.7.6 EPA

A consultation letter was provided to the EPA on 17 January 2022, with a subsequent response received 20 January 2022 indicating no specific concerns to raise for the audit.

## 4.7.7 Maitland City Council

A consultation letter was provided to Maitland City Council on 17 January 2022, with no response received to date.

## 4.7.8 City of Newcastle

A consultation letter was provided to City of Newcastle on 17 January 2022, with no response received to date.

## 4.7.9 Cessnock City Council

A consultation letter was provided to Cessnock City Council on 17 January 2022, with no response received to date.

## 4.7.10 CCC Chair

A consultation letter was provided to the CCC Chair on 17 January 2022, with the response issued on 31 January 2022 indicating:

*I definitely do not have any major issues or concerns in relation to the operation of the Abel Coal Mine, or its management of environmental matters.*

*However, it would be useful to ensure that when GHD undertakes its review of "...the adequacy of strategies, plans or programs required under the Development Consent" that it specifically covers the various Conservation areas as well, including the "Bushland Conservation Area" associated with the composite Donaldson/Abel consent.*

Review of the Abel Coal Mine approval (i.e. DA 05\_0136) versus the Donaldson Coal Mine development consent (DA 98/01173 and DA 118/692/22) indicates management of the Bushland Conservation Area relates to land under Donaldson Open Cut approval and is outside the scope of the audit.

## 5. Corrective actions and recommendations

Table 5.1 summarises the recommendations made based on the findings of the audit.

Table 5.1 Corrective Actions

Number	Condition	Corrective action
<b>DA05_0136</b>		
CA1	Schedule 6 Condition 1	Ensure the Integrated Environmental Management Program, which has not been revised since 2007, is updated to reflect the current status of mining operations and associated monitoring on site.
CA2	Schedule 6 Condition 11	Whilst the mining lease has been uploaded following the audit, noise monitoring results for 2021 should be uploaded to the website as soon as practicable.

Table 5.2 Recommendations

Number	Condition	Recommendation
<b>EPL12856</b>		
R1	P1.1, P1.3	As management plans prepared for the project were prepared prior to approval of the EPL variation on 1 October 2021, a review of the relevant management plans should be undertaken to ensure monitoring location names are updated to either be consistent with the EPL or ensure location names identified in the EPL are identified in relevant plans. As an example, reduction of noise monitoring from quarterly to biannually should be captured in the NMP.
R2	P1.3	Ensure the licensed discharge point is provided appropriate signage to identify it as an EPL discharge point.
R3	P1.4	Provide an update to the NMP and AQGGMP to provide relevant location of meteorological station relied upon for monitoring purposes.
<b>DA05_0136</b>		
R4	Schedule 3 Condition 1	If mining is to recommence, ensure monitoring frequency of surface water and groundwater is determined in consultation with NRAR and DPE.
R5	Schedule 4, Condition 5	Ensure the NMP is updated to identify times where relevant noise limits do not apply, as identified in Condition L4.4 of EPL 12856.
R6	Schedule 4 Condition 5	Discuss additional measures of noise mitigation during times where noise limits do not apply due to meteorological conditions.
R7	Schedule 4 Condition 6	A process should be documented in relevant plans (i.e. AQGGMP and NMP) for both Bloomfield Colliery and Abel Coal Mine to ensure that Abel personnel are formally notified as soon as possible by Bloomfield in relation to any potential exceedances due to operations at the CHPP, rail loadout facility, rail loop and rail spur.
R8	Schedule 4 Condition 27	The previous audit recommended that at next review of MOP (now known as an RMP and Annual Rehabilitation Report and Forward Program) to remove any requirements that are not required for care and maintenance status. This should be considered during the updates currently being completed. In addition, this update should consider the need for a rehabilitation care and maintenance program in consultation with the NSW Resources Regulator.
R9	Schedule 4 Condition 27	Ensure the RMP required by DA 05_0136 is updated to consider the requirements of the RMP and Annual Rehabilitation Report and Forward Program currently being prepared (as now required by the NSW Resources Regulator instead of a MOP) and documents where topsoil will be stored and the estimated volumes required for rehabilitation.
R10	Schedule 4 Condition 29	Ensure consultation is undertaken with all prescribed parties during the next revision of the RMP.
R11	Schedule 6 Condition 1	The previous audit recommended adding links to EMS attached documents or including as appendix to EMS. This has not been addressed during this audit period, and this recommendation still remain open.
R12	Schedule 6 Condition 2	It is recommended that other plans prepared under this consent implement the tabular condition list as per the 2019 IEA Recommendation.

# Appendices

# **Appendix A**

**Audit team approval letter**



Mr Phillip Brown  
Environment & Community Relations Superintendent  
Abel Coal Mine  
Awabakal Country

By email only: [phil.brown@yancoal.com.au](mailto:phil.brown@yancoal.com.au)

10/12/2021

Dear Mr Brown

**Abel Coal (MP05\_0136)  
2022 IEA Auditor request**

I refer to your request (MP05\_0136-PA-3) for the Secretary's approval of suitably qualified persons to prepare the 2022 Independent Environmental Audit (IEA) for the Abel Coal Mine, as required by Condition 9 of Schedule 6 of Project Approval 05\_0136 (the approval).

The Department has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Secretary approves the appointment of expert name to prepare the document name.

In accordance with Condition 9 of Schedule 6 of the approval and the Department's *Post-approval requirements for State Significant Developments Independent Audit Guideline, October 2015* (IEA Guideline), the Secretary has agreed to the following audit team:

- Mr Elliot Holland (Lead Auditor) and
- Mr Brendan Rice (Auditor).

The IEA must be prepared, undertaken and finalised in accordance with the conditions of the approval and the IEA Guideline. Failure to meet these requirements will require revision and resubmission.

As per Condition 10 of Schedule 6 of the approval, within 6 weeks of commencing this audit (i.e. the date of the first day of the site inspection), or as otherwise agreed with the Secretary, the IEA report and the response to audit recommendations (RAR) are to be submitted to the Department via the Major Project website. The RAR is to include an action plan addressing all non-compliances and recommendations of the auditor, with target dates (DD/MM/YYYY) for each action.

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

Yours sincerely

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

Heidi Watters  
Team Leader Northern  
Compliance

As nominee of the Planning Secretary

# **Appendix B**

**Agency consultation**



Your ref: 0001  
Our ref: 12569203

17 January 2022

Heritage NSW  
Department of Premier and Cabinet  
Locked Bag 5020  
Parramatta NSW 2124

### Abel Mine Independent Environmental Audit

To whom it may concern

Donaldson Coal Ltd (DCL) has engaged GHD to undertake an independent environmental audit of the Abel Underground Coal Mine (Abel) operations in accordance with Schedule 6, Condition 9 of PA 05\_0136 (as modified). The scope of the audit is to:

- Assess the environmental performance of the development and whether it is complying with the relevant requirements of the consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals)
- Review the adequacy of strategies, plans or programs required under the Development Consent
- Recommend measures or actions to improve the environmental performance of the project and/or any assessment, plan or program required under the approval.

I am writing to you to invite comment from Heritage NSW in regard to PA 05\_0136 (as modified) as well as DCL's performance with other requirements, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of DCL in meeting these obligations under the following headings:

- Compliance with requirements
- Progress to meeting requirements
- Details of incidents of non-compliance
- Adequacy of actions taken, and
- Adequacy of the requirements of the licence.

I also invite you to comment on DCL's performance with other requirements, as you may deem appropriate.

The site visit for the audit is currently scheduled to be conducted the week commencing Monday, 7 February 2022. We wish to invite you to provide comment on DCL's compliance/performance so that we may adequately address any concerns during the audit.

Upon receipt of this letter, please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by close of business Monday, 7 February 2022.

All correspondence in relation to this matter should be directed to Elliot Holland, GHD Lead Auditor on 02 4979 9923 or [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com).

Regards



**Elliot Holland**  
Exemplar Global – Lead Auditor: EMS  
(02) 4979 9923  
[Elliot.holland@ghd.com](mailto:Elliot.holland@ghd.com)

Your ref: 0001  
Our ref: 12569203

17 January 2022

Melissa Huntsman  
Biodiversity Conservation Division  
4 Parramatta Square  
Level 7, 12 Darcy Street  
Parramatta, NSW, 2124

### Abel Mine Independent Environmental Audit

Dear Melissa

Donaldson Coal Ltd (DCL) has engaged GHD to undertake an independent environmental audit of the Abel Underground Coal Mine (Abel) operations in accordance with Schedule 6, Condition 9 of PA 05\_0136 (as modified). The scope of the audit is to:

- Assess the environmental performance of the development and whether it is complying with the relevant requirements of the consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals)
- Review the adequacy of strategies, plans or programs required under the Development Consent
- Recommend measures or actions to improve the environmental performance of the project and/or any assessment, plan or program required under the approval.

I am writing to you to invite comment from the Biodiversity Conservation Division in regard to PA 05\_0136 (as modified) as well as DCL's performance with other requirements, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of DCL in meeting these obligations under the following headings:

- Compliance with requirements
- Progress to meeting requirements
- Details of incidents of non-compliance
- Adequacy of actions taken, and
- Adequacy of the requirements of the licence.

I also invite you to comment on DCL's performance with other requirements, as you may deem appropriate.

The site visit for the audit is currently scheduled to be conducted the week commencing Monday, 7 February 2022. We wish to invite you to provide comment on DCL's compliance/performance so that we may adequately address any concerns during the audit.

Upon receipt of this letter, please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by close of business Monday, 7 February 2022.

All correspondence in relation to this matter should be directed to Elliot Holland, GHD Lead Auditor on 02 4979 9923 or [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com).

Regards



**Elliot Holland**  
Exemplar Global – Lead Auditor: EMS  
(02) 4979 9923  
[Elliot.holland@ghd.com](mailto:Elliot.holland@ghd.com)

Your ref: 0001  
Our ref: 12569203

17 January 2022

**Margaret MacDonald-Hill**  
Community Consultative Committee chair

### **Abel Mine Independent Environmental Audit**

Dear Margaret

Donaldson Coal Ltd (DCL) has engaged GHD to undertake an independent environmental audit of the Abel Underground Coal Mine (Abel) operations in accordance with Schedule 6, Condition 9 of PA 05\_0136 (as modified). The scope of the audit is to:

- Assess the environmental performance of the development and whether it is complying with the relevant requirements of the consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals)
- Review the adequacy of strategies, plans or programs required under the Development Consent
- Recommend measures or actions to improve the environmental performance of the project and/or any assessment, plan or program required under the approval.

I am writing to you to invite comment from Community Consultative Committee chair in regard to PA 05\_0136 (as modified) as well as DCL's performance with other requirements, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of DCL in meeting these obligations under the following headings:

- Compliance with requirements
- Progress to meeting requirements
- Details of incidents of non-compliance
- Adequacy of actions taken, and
- Adequacy of the requirements of the licence.

I also invite you to comment on DCL's performance with other requirements, as you may deem appropriate.

The site visit for the audit is currently scheduled to be conducted the week commencing Monday, 7 February 2022. We wish to invite you to provide comment on DCL's compliance/performance so that we may adequately address any concerns during the audit.

Upon receipt of this letter, please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by close of business Monday, 7 February 2022.

All correspondence in relation to this matter should be directed to Elliot Holland, GHD Lead Auditor on 02 4979 9923 or [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com).

Regards



**Elliot Holland**  
Exemplar Global – Lead Auditor: EMS  
(02) 4979 9923  
[elliott.holland@ghd.com](mailto:elliott.holland@ghd.com)

Your ref: 0001  
Our ref: 12569203

17 January 2022

General Manager  
Cessnock City Council  
PO Box 152  
Cessnock, NSW, 2325

### Abel Mine Independent Environmental Audit

To whom it may concern

Donaldson Coal Ltd (DCL) has engaged GHD to undertake an independent environmental audit of the Abel Underground Coal Mine (Abel) operations in accordance with Schedule 6, Condition 9 of PA 05\_0136 (as modified). The scope of the audit is to:

- Assess the environmental performance of the development and whether it is complying with the relevant requirements of the consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals)
- Review the adequacy of strategies, plans or programs required under the Development Consent
- Recommend measures or actions to improve the environmental performance of the project and/or any assessment, plan or program required under the approval.

I am writing to you to invite comment from Cessnock City Council in regard to PA 05\_0136 (as modified) as well as DCL's performance with other requirements, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of DCL in meeting these obligations under the following headings:

- Compliance with requirements
- Progress to meeting requirements
- Details of incidents of non-compliance
- Adequacy of actions taken, and
- Adequacy of the requirements of the licence.

I also invite you to comment on DCL's performance with other requirements, as you may deem appropriate.

The site visit for the audit is currently scheduled to be conducted the week commencing Monday, 7 February 2022. We wish to invite you to provide comment on DCL's compliance/performance so that we may adequately address any concerns during the audit.

Upon receipt of this letter, please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by close of business Monday, 7 February 2022.

All correspondence in relation to this matter should be directed to Elliot Holland, GHD Lead Auditor on 02 4979 9923 or [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com).

Regards



**Elliot Holland**  
Exemplar Global – Lead Auditor: EMS  
(02) 4979 9923  
[Elliot.holland@ghd.com](mailto:Elliot.holland@ghd.com)



Your ref: 0001  
Our ref: 12569203

17 January 2022

**Ann Hagerthy**  
Department of Planning, Industry and Environment  
Northern Region  
Mining & Industry Projects  
Department of Planning and Environment  
PO Box 3145  
Singleton, NSW, 2330

### **Abel Mine Independent Environmental Audit**

Dear Ann

Donaldson Coal Ltd (DCL) has engaged GHD to undertake an independent environmental audit of the Abel Underground Coal Mine (Abel) operations in accordance with Schedule 6, Condition 9 of PA 05\_0136 (as modified). The scope of the audit is to:

- Assess the environmental performance of the development and whether it is complying with the relevant requirements of the consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals)
- Review the adequacy of strategies, plans or programs required under the Development Consent
- Recommend measures or actions to improve the environmental performance of the project and/or any assessment, plan or program required under the approval.

I am writing to you to invite comment from DPIE in regard to PA 05\_0136 (as modified) as well as DCL's performance with other requirements, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of DCL in meeting these obligations under the following headings:

- Compliance with requirements
- Progress to meeting requirements
- Details of incidents of non-compliance
- Adequacy of actions taken, and
- Adequacy of the requirements of the licence.

I also invite you to comment on DCL's performance with other requirements, as you may deem appropriate.

The site visit for the audit is currently scheduled to be conducted the week commencing Monday, 7 February 2022. We wish to invite you to provide comment on DCL's compliance/performance so that we may adequately address any concerns during the audit.

Upon receipt of this letter, please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by close of business Monday, 7 February 2022.

All correspondence in relation to this matter should be directed to Elliot Holland, GHD Lead Auditor on 02 4979 9923 or [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com).

Regards



**Elliot Holland**  
Exemplar Global – Lead Auditor: EMS  
(02) 4979 9923  
[Elliot.holland@ghd.com](mailto:Elliot.holland@ghd.com)

Your ref: 0001  
Our ref: 12569203

17 January 2022

**Anthony van der Horst**  
Environment Protection Authority  
Locked Bag 5022  
Parramatta, NSW, 2124

### **Abel Mine Independent Environmental Audit**

Dear Anthony

Donaldson Coal Ltd (DCL) has engaged GHD to undertake an independent environmental audit of the Abel Underground Coal Mine (Abel) operations in accordance with Schedule 6, Condition 9 of PA 05\_0136 (as modified). The scope of the audit is to:

- Assess the environmental performance of the development and whether it is complying with the relevant requirements of the consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals)
- Review the adequacy of strategies, plans or programs required under the Development Consent
- Recommend measures or actions to improve the environmental performance of the project and/or any assessment, plan or program required under the approval.

I am writing to you to invite comment from the Environment Protection Authority in regard to PA 05\_0136 (as modified) as well as DCL's performance with other requirements, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of DCL in meeting these obligations under the following headings:

- Compliance with requirements
- Progress to meeting requirements
- Details of incidents of non-compliance
- Adequacy of actions taken, and
- Adequacy of the requirements of the licence.

I also invite you to comment on DCL's performance with other requirements, as you may deem appropriate.

The site visit for the audit is currently scheduled to be conducted the week commencing Monday, 7 February 2022. We wish to invite you to provide comment on DCL's compliance/performance so that we may adequately address any concerns during the audit.

Upon receipt of this letter, please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by close of business Monday, 7 February 2022.

All correspondence in relation to this matter should be directed to Elliot Holland, GHD Lead Auditor on 02 4979 9923 or [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com).

Regards



**Elliot Holland**  
Exemplar Global – Lead Auditor: EMS  
(02) 4979 9923  
[Elliot.holland@ghd.com](mailto:Elliot.holland@ghd.com)

Your ref: 0001  
Our ref: 12569203

17 January 2022

**Heritage NSW**  
**Department of Premier and Cabinet**  
**Locked Bag 5020**  
**Parramatta NSW 2124**

### **Abel Mine Independent Environmental Audit**

To whom it may concern

Donaldson Coal Ltd (DCL) has engaged GHD to undertake an independent environmental audit of the Abel Underground Coal Mine (Abel) operations in accordance with Schedule 6, Condition 9 of PA 05\_0136 (as modified). The scope of the audit is to:

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- Review the adequacy of strategies, plans or programs required under the Development Consent
- Recommend measures or actions to improve the environmental performance of the project and/or any assessment, plan or program required under the approval.

I am writing to you to invite comment from Heritage NSW in regard to PA 05\_0136 (as modified) as well as DCL's performance with other requirements, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of DCL in meeting these obligations under the following headings:

- Compliance with requirements
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I also invite you to comment on DCL's performance with other requirements, as you may deem appropriate.

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Upon receipt of this letter, please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by close of business Monday, 7 February 2022.

All correspondence in relation to this matter should be directed to Elliot Holland, GHD Lead Auditor on 02 4979 9923 or [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com).

Regards

A handwritten signature in blue ink that reads "E. Holland".

**Elliot Holland**  
Exemplar Global – Lead Auditor: EMS  
(02) 4979 9923  
[Elliot.holland@ghd.com](mailto:Elliot.holland@ghd.com)

Your ref: 0001  
Our ref: 12569203

17 January 2022

General Manager  
Maitland City Council  
PO Box 220  
Maitland, NSW, 2320

### Abel Mine Independent Environmental Audit

To whom it may concern

Donaldson Coal Ltd (DCL) has engaged GHD to undertake an independent environmental audit of the Abel Underground Coal Mine (Abel) operations in accordance with Schedule 6, Condition 9 of PA 05\_0136 (as modified). The scope of the audit is to:

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- Recommend measures or actions to improve the environmental performance of the project and/or any assessment, plan or program required under the approval.

I am writing to you to invite comment from Maitland City Council in regard to PA 05\_0136 (as modified) as well as DCL's performance with other requirements, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of DCL in meeting these obligations under the following headings:

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- Details of incidents of non-compliance
- Adequacy of actions taken, and
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Upon receipt of this letter, please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by close of business Monday, 7 February 2022.

All correspondence in relation to this matter should be directed to Elliot Holland, GHD Lead Auditor on 02 4979 9923 or [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com).

Regards



**Elliot Holland**  
Exemplar Global – Lead Auditor: EMS  
(02) 4979 9923  
[Elliot.holland@ghd.com](mailto:Elliot.holland@ghd.com)



Your ref: 0001  
Our ref: 12569203

17 January 2022

General Manager  
Newcastle City Council  
PO Box 489  
Newcastle, NSW, 2300

### Abel Mine Independent Environmental Audit

To whom it may concern

Donaldson Coal Ltd (DCL) has engaged GHD to undertake an independent environmental audit of the Abel Underground Coal Mine (Abel) operations in accordance with Schedule 6, Condition 9 of PA 05\_0136 (as modified). The scope of the audit is to:

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- Recommend measures or actions to improve the environmental performance of the project and/or any assessment, plan or program required under the approval.

I am writing to you to invite comment from Newcastle City Council in regard to PA 05\_0136 (as modified) as well as DCL's performance with other requirements, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of DCL in meeting these obligations under the following headings:

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Upon receipt of this letter, please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by close of business Monday, 7 February 2022.

All correspondence in relation to this matter should be directed to Elliot Holland, GHD Lead Auditor on 02 4979 9923 or [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com).

Regards

A handwritten signature in blue ink that reads "E. Holland".

**Elliot Holland**  
Exemplar Global – Lead Auditor: EMS  
(02) 4979 9923  
[Elliot.holland@ghd.com](mailto:Elliot.holland@ghd.com)

Your ref: 0001  
Our ref: 12569203

17 January 2022

Natural Resources Access Regulator  
Locked Bag 5123  
Paramatta, NSW, 2124

### Abel Mine Independent Environmental Audit

Donaldson Coal Ltd (DCL) has engaged GHD to undertake an independent environmental audit of the Abel Underground Coal Mine (Abel) operations in accordance with Schedule 6, Condition 9 of PA 05\_0136 (as modified). The scope of the audit is to:

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I am writing to you to invite comment from the Natural Resources Access Regulator in regard to PA 05\_0136 (as modified) as well as DCL's performance with other requirements, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of DCL in meeting these obligations under the following headings:

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- Adequacy of the requirements of the licence.

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Upon receipt of this letter, please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by close of business Monday, 7 February 2022.

All correspondence in relation to this matter should be directed to Elliot Holland, GHD Lead Auditor on 02 4979 9923 or [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com).

Regards



**Elliot Holland**  
Exemplar Global – Lead Auditor: EMS  
(02) 4979 9923  
[Elliot.holland@ghd.com](mailto:Elliot.holland@ghd.com)

Your ref: 0001  
Our ref: 12569203

17 January 2022

Dan Adams  
NSW Resource Regulator  
516 High St,  
Maitland, NSW, 2320

### Abel Mine Independent Environmental Audit

Dear Dan

Donaldson Coal Ltd (DCL) has engaged GHD to undertake an independent environmental audit of the Abel Underground Coal Mine (Abel) operations in accordance with Schedule 6, Condition 9 of PA 05\_0136 (as modified). The scope of the audit is to:

- Assess the environmental performance of the development and whether it is complying with the relevant requirements of the consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals)
- Review the adequacy of strategies, plans or programs required under the Development Consent
- Recommend measures or actions to improve the environmental performance of the project and/or any assessment, plan or program required under the approval.

I am writing to you to invite comment from NSW Resources Regulator in regard to PA 05\_0136 (as modified) as well as DCL's performance with other requirements, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of DCL in meeting these obligations under the following headings:

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Upon receipt of this letter, please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by close of business Monday, 7 February 2022.

All correspondence in relation to this matter should be directed to Elliot Holland, GHD Lead Auditor on 02 4979 9923 or [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com).

Regards



**Elliot Holland**  
Exemplar Global – Lead Auditor: EMS  
(02) 4979 9923  
[Elliot.holland@ghd.com](mailto:Elliot.holland@ghd.com)

**From:** [mmacdonald-hill@bigpond.com](mailto:mmacdonald-hill@bigpond.com)  
**To:** [Elliot Holland](#)  
**Subject:** Abel IEA  
**Date:** Monday, 31 January 2022 9:07:07 AM

---

Hi Elliot,

As advised, I have consulted with the Abel CCC members on any matters they consider relevant to the current Independent Environmental Audit being undertaken and confirm the consensus is there are no major issues or concerns in relation to the mine's operation. However, I have received a request from a member as follows in relation to the Bushland Conservation Area for your information:

*I definitely do not have any major issues or concerns in relation to the operation of the Abel mine, or its management of environmental matters.  
However, it would be useful to ensure that when GHD undertakes its review of "...the adequacy of strategies, plans or programs required under the Development Consent" that it specifically covers the various Conservation areas as well, including the "Bushland Conservation Area" associated with the composite Donaldson/Abel consent.*

Thank you for the opportunity to comment.

Margaret MacDonalD-Hill  
0448 414 888



Our ref: DOC22/28224-1

Your ref: 12569203

Mr Elliot Holland

Lead Auditor

GHD

GHD Tower, Level 3, 24 Honeysuckle Drive

Newcastle NSW 2300

[elliott.holland@ghd.com](mailto:elliott.holland@ghd.com)

Dear Mr Holland

### **Abel Mine Independent Environmental Audit**

I refer to your letter dated 17 January 2022 in which the GHD invited Biodiversity and Conservation Division (BCD) for input into the forthcoming Independent Environmental Audit for the Abel Coal Mine (PA 05\_0136).

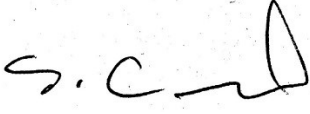
BCD has reviewed the consent conditions for the Abel Coal Mine and background documents. From this review BCD recommends that the following actions are included in the forthcoming audit:

- Were subsidence impact performance measures in Table 2 of Schedule 3, Condition 1 of the consent exceeded? If so, what remediation efforts were used? What was the outcome of any remediation efforts? Did mine subsidence impacts trigger any biodiversity offset requirements as per Schedule 3, Condition 2 of the consent? If so, what is the nature and quantum of the biodiversity value of any offsets that were required?
- Has the requirement for the biodiversity offset strategy in Schedule 4, Condition 18 of the consent been triggered by the construction of the new coal conveyor or the vegetation clearing described in the Environmental Assessment? If so, where is the offset land located? What is the extent of Lower Hunter Spotted Gum – Ironbark Forest EEC vegetation and remnant woody vegetation on the offset land?
- If the trigger for biodiversity offset has been triggered, on what date was it triggered? How has the offset land been secured for the long-term, as required by Schedule 4, Condition 19?
- The Lesser Creeping Fern (*Arthropteris palisotii*), and Endangered species with few known locations within NSW was recorded on the Mining Lease, and reported in an Environmental Assessment for the mine dated 22 September 2006. Does the species still occur on the site? Have there been any impacts to the species due to mining activities?



If you have any further questions in relation to this matter, please contact Robert Gibson, Senior Regional Biodiversity Conservation Officer, on 4927 3154 or via email at [huntercentralcoast@environment.nsw.gov.au](mailto:huntercentralcoast@environment.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Crick', with a stylized flourish at the end.

**STEVEN CRICK**  
**Senior Team Leader Planning**  
**Hunter Central Coast Branch**  
**Biodiversity and Conservation Division**

**3 February 2022**

AREQ0024667

Mr Elliot Holland  
GHD Pty Ltd  
GHD Tower  
Level 3, 24 Honeysuckle Drive  
Newcastle NSW 2300

By email: [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com)

Dear Mr Holland

**Subject: Abel Underground Coal Mine – Independent Environmental Audit**

Thank you for your email and letter dated 17 January 2022 requesting consultation on the independent audit to be undertaken of the Abel Underground Coal Mine which is covered by the following mining leases:

- ML1618 (1992)
- ML1653 (1992).

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

- Review relevant mining leases and exploration licences as agreed with Resources Regulator
- Undertake an assessment of compliance against the conditions of title related to environmental management
- Verify that there is a current Mining Operations Plan (MOP) in place and it has been approved by the Regulator – review compliance against any conditions of approval of the MOP
- Undertake a critical review of the MOP, including an assessment of its compatibility with the description of operations contained in the planning approval. In particular:
  - Review the rehabilitation strategy as outlined in the MOP to determine if it is consistent with the Project Approval in terms of progressive rehabilitation schedule; and proposed final land use(s)

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

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

It would be appreciated if a copy of the final audit report could be sent to the Regulator at [nswresourcesregulator@service-now.com](mailto:nswresourcesregulator@service-now.com) upon completion of the audit.

Yours sincerely

**Jenny Ehmsen**  
Principal Compliance Auditor

17 January 2022

**From:** [Nicole Davis](#)  
**To:** [Elliot Holland](#)  
**Subject:** Heritage NSW - Reply - RE: Abel Underground Coal Mine - Consultation Letter.  
**Date:** Monday, 7 February 2022 5:50:10 AM  
**Attachments:** [image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)

---

Hi Elliot,

Thank you for your email.

Heritage NSW is unable to review your request at this time, I do apologise, we just do not have capacity due to lack of staffing resources.

Kind regards  
Nicole Davis

**Nicole Davis | Manager Assessments**

Heritage NSW, Community Engagement, Department of Premier and Cabinet  
Level 6, 10 Valentine Ave, Parramatta | Locked Bag 5020 Parramatta 2124  
T: 02 4927 3156 M: 0409 394 343 | [nicole.davis@environment.nsw.gov.au](mailto:nicole.davis@environment.nsw.gov.au)



*I acknowledge and respect the traditional custodians and ancestors of the lands I work across.*

[Website](#) [Facebook](#) [Instagram](#) [LinkedIn](#)

---

**From:** Elliot Holland <Elliot.Holland@ghd.com>  
**Sent:** Monday, 17 January 2022 6:57 AM  
**To:** OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>  
**Subject:** 12569203 - Consultation Letter: Heritage NSW

Hi,

I am writing to seek your input into the preparation of an independent environment audit of the Abel Underground Coal Mine (Abel) operations in accordance with Schedule 6, Condition 9 of PA 05\_0136 (as modified).

Further detail is provided in the attached. Please feel free to give myself a call if you have any queries regarding our request.

Regards

**Elliot Holland**  
**B Env. Sc. & Mgt.**  
**Exemplar Global – Lead Auditor: EMS**  
**Senior Environmental Scientist**

**GHD**  
**Proudly employee-owned | [ghd.com](http://ghd.com)**  
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**From:** [Robert Gibson](#)  
**To:** [Elliot Holland](#)  
**Cc:** [Steven Crick](#)  
**Subject:** RE: 12569203 - Consultation Letter: Biodiversity Conservation Division  
**Date:** Thursday, 3 February 2022 4:14:53 PM  
**Attachments:** [image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[BCD letter - Abel colliery letter - input into Independent Environmental Audit - PA05\\_0136 - 03Feb2022.pdf](#)

---

Dear Elliot,

Thank you for your letter dated 17 January inviting Biodiversity and Conservation Division (BCD) to provide input for the forthcoming Independent Environmental Audit of the Abel Coal Mine. BCD's input is attached.

If you have any questions about this letter then please contact me on 4927 3154 or via [huntercentralcoast@environment.nsw.gov.au](mailto:huntercentralcoast@environment.nsw.gov.au)

Kind regards,

Robert

**Robert Gibson**

**Senior Regional Biodiversity Conservation Officer, Hunter Central Coast Branch**

Biodiversity and Conservation Division | Department of Planning and Environment

T 02 4927 3154 | E [robert.gibson@environment.nsw.gov.au](mailto:robert.gibson@environment.nsw.gov.au)

6 Stewart Avenue NEWCASTLE NSW 2300

Locked Bag 1002 DANGAR NSW 2309

[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)



**Our Vision:** Together, we create thriving environments, communities and economies.

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

**Please note our branch email address has changed.** Please send all new planning requests to [huntercentralcoast@environment.nsw.gov.au](mailto:huntercentralcoast@environment.nsw.gov.au) where they will be entered into our document management system and be forwarded to our Senior Team Leader.

---

**From:** Melissa Huntsman <Melissa.Huntsman@bct.nsw.gov.au>

**Sent:** Monday, 17 January 2022 9:05 AM

**To:** OEH ROD Hunter Central Coast Mailbox <huntercentralcoast@environment.nsw.gov.au>

**Subject:** FW: 12569203 - Consultation Letter: Biodiversity Conservation Division

Hi team,

I was cc'd incorrectly. I have called Elliot and let him know that I won't be responding to this email.

Thanks

Mel

**Melissa Huntsman**

**Principal Project Officer, Agreement and Technical Services**

NSW Biodiversity Conservation Trust

T 02 9995 5688 | W [www.bct.nsw.gov.au](http://www.bct.nsw.gov.au) | [Who is the BCT?](#)

Four Parramatta Square,(4PSQ), Level7, 12 Darcy St, Parramatta 2150 NSW

---

**From:** Elliot Holland <[Elliot.Holland@ghd.com](mailto:Elliot.Holland@ghd.com)>

**Sent:** Monday, 17 January 2022 7:03 AM

**To:** OEH ROD Hunter Central Coast Mailbox <[huntercentralcoast@environment.nsw.gov.au](mailto:huntercentralcoast@environment.nsw.gov.au)>

**Cc:** Melissa Huntsman <[Melissa.Huntsman@bct.nsw.gov.au](mailto:Melissa.Huntsman@bct.nsw.gov.au)>

**Subject:** 12569203 - Consultation Letter: Biodiversity Conservation Division

Hi,

I am writing to seek your input into the preparation of an independent environment audit of the Abel Underground Coal Mine (Abel) operations in accordance with Schedule 6, Condition 9 of PA 05\_0136 (as modified).

Further detail is provided in the attached. Please feel free to give myself a call if you have any queries regarding our request.

Regards

**Elliot Holland**

**B Env. Sc. & Mgt.**

**Exemplar Global – Lead Auditor: EMS**

**Senior Environmental Scientist**

**GHD**

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24 Honeysuckle Drive Newcastle NSW 2300 Australia

**D** +612 4979 9923 **E** [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com)

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**From:** [Anthony Van der Horst](#)  
**To:** [Elliot Holland](#)  
**Subject:** RE: 12569203 - Consultation Letter: EPA  
**Date:** Thursday, 20 January 2022 5:34:44 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[RORN - OUT - Letter - Independant Environmental Audit - Donaldson Coal.pdf](#)

You don't often get email from [anthony.vanderhorst@epa.nsw.gov.au](mailto:anthony.vanderhorst@epa.nsw.gov.au). [Learn why this is important](#)

Hi Elliot,

Please find attached the EPA's standard response letter for Independent Environmental Audits.

I am aware of some recent issues relating to surface water management and shared infrastructure between Donaldson and Bloomfield.

I believe that these issues have largely been addressed, however it would be worth checking that Donaldson has clear understanding on which company has control and management of surface water management controls and that this is adequately documented in their surface water management plans.

Happy to discuss further, I will be back from leave on Monday 31 January 2022.

Regards,

Anthony.

**Anthony van der Horst**  
Operations Officer  
Regulatory Operations  
NSW Environment Protection Authority  
D 02 4908 6808  
[anthony.vanderhorst@epa.nsw.gov.au](mailto:anthony.vanderhorst@epa.nsw.gov.au)

NSW EPA logo



[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) [@NSW\\_EPA](#)

*The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.*

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Please send official electronic correspondence to: [EPA.Northopsregional@epa.nsw.gov.au](mailto:EPA.Northopsregional@epa.nsw.gov.au)

**From:** Elliot Holland <[Elliot.Holland@ghd.com](mailto:Elliot.Holland@ghd.com)>

**Sent:** Monday, 17 January 2022 7:04 AM

**To:** EPA North Operations Regional Mailbox <[EPA.Northopsregional@epa.nsw.gov.au](mailto:EPA.Northopsregional@epa.nsw.gov.au)>

**Subject:** 12569203 - Consultation Letter: EPA

Hi,

I am writing to seek your input into the preparation of an independent environment audit of the Abel Underground Coal Mine (Abel) operations in accordance with Schedule 6, Condition 9 of PA 05\_0136 (as modified).

Further detail is provided in the attached. Please feel free to give myself a call if you have any queries regarding our request.

Regards

**Elliot Holland**

**B Env. Sc. & Mgt.**

**Exemplar Global – Lead Auditor: EMS**

**Senior Environmental Scientist**

**GHD**

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DOC22/33551-1

GHD  
Attention: Elliot Holland  
24 Honeysuckle Drive  
Newcastle NSW 2300

By email: [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com)

20 January 2022

Dear Mr Holland

### **Abel Underground Coal Mine – Independent Environmental Audit**

I refer to your letter dated 17 January 2022 regarding input to the Independent Environmental Audit of the Abel Underground Coal Mine.

The Environment Protection Authority (EPA) encourages independent audit towards proponents improving their environmental performance. We do not provide input as our role is to set environmental objectives for environmental/conservation management and manage outcomes.

I refer you to the EPA's public register <http://www.epa.nsw.gov.au/prpoeo/index.htm> where you can search for regulatory activity undertaken by the EPA for Environment Protection Licence 12856 for Abel Underground Mine and Donaldson Open Cut Mine.

If you require any further information regarding this matter please me on (02) 4908 6808.

Yours sincerely

**ANTHONY VAN DER HORST**  
**Regulatory Operations Officer**

**Phone** 131 555  
**Phone** +61 2 9995 5555  
(from outside NSW)

**TTY** 133 677  
**ABN** 43 692 285 758

Locked Bag 5022  
Parramatta  
NSW 2124 Australia

4 Parramatta Square  
12 Darcy St, Parramatta  
NSW 2150 Australia

[info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)  
[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

# **Appendix C**

**Compliance tables**

# EPL 12856

Condition	Details	Compliance status	Relevant evidence	Commentary									
1	1 Administrative Conditions												
A1	A1 What the licence authorises and regulates												
A1.1	<p>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.</p> <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Coal works</td> <td>Coal works</td> <td>0 - 2000000 T annual handing capacity</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>0 - 500000 T annual production capacity</td> </tr> </tbody> </table>	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	Compliant	<p>Site interviews conducted 11 February 2022</p> <p>Site inspection conducted 11 February 2022</p> <p>Annual Reviews for 2019, 2020</p> <p>Annual Returns for 2019, 2020, 2021</p>	<p><b>2019 IEA Recommendation:</b> <i>Recommend that consideration be given to a variation to reduce the 'coal works' scale as mine in care and maintenance status. This assumes that CHPP and rail loadout facilities are included in Bloomfield's EPL.</i></p> <p><b>2021 IEA findings:</b> Coal mining operations were suspended in May 2016 when the site was placed on care and maintenance, therefore the scale of the activity does not exceed the maximum scale permitted by this condition.</p> <p>The EPL for the site was reissued on 1 October 2021, closing out the 2019 IEA recommendation.</p> <p>Note: The 2021 Annual Review was not prepared at the time of audit. The report was not overdue, and therefore not a non-compliance.</p>
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	A2 Premises or plant to which this licence applies												
A2.1	<p>A2.1 The licence applies to the following premises:</p> <table border="1"> <thead> <tr> <th>Premises Details</th> </tr> </thead> <tbody> <tr> <td><b>ABEL UNDERGROUND MINE AND DONALDSON OPEN CUT MINE</b></td> </tr> <tr> <td><b>1132 JOHN RENSHAW DRIVE</b></td> </tr> <tr> <td><b>BLACK HILL</b></td> </tr> <tr> <td><b>NSW 2322</b></td> </tr> <tr> <td><b>AREA IDENTIFIED AS: "EPL BOUNDARY (EPL12856)"; "ABEL MINE WORKINGS (UPPER AND LOWER DONALDSON COAL SEAMS)"; "D/C SHAFT"; AND "U/C SHAFT" ON PLAN TITLED "EPL LICENCE VARIATION" DATED 01/04/2021 (EPA REFERENCE DOC21/639208) AND CORRESPONDING SPATIAL FILES CONTAINED IN DOC21/639208. THIS LICENCE DOES NOT APPLY TO, OR INCLUDE PUBLIC ROADS.</b></td> </tr> </tbody> </table>	Premises Details	<b>ABEL UNDERGROUND MINE AND DONALDSON OPEN CUT MINE</b>	<b>1132 JOHN RENSHAW DRIVE</b>	<b>BLACK HILL</b>	<b>NSW 2322</b>	<b>AREA IDENTIFIED AS: "EPL BOUNDARY (EPL12856)"; "ABEL MINE WORKINGS (UPPER AND LOWER DONALDSON COAL SEAMS)"; "D/C SHAFT"; AND "U/C SHAFT" ON PLAN TITLED "EPL LICENCE VARIATION" DATED 01/04/2021 (EPA REFERENCE DOC21/639208) AND CORRESPONDING SPATIAL FILES CONTAINED IN DOC21/639208. THIS LICENCE DOES NOT APPLY TO, OR INCLUDE PUBLIC ROADS.</b>	Compliant	SIX Maps/SEED Portal	Review of aerial photography with cadastral overlay indicates activities are within the area described.			
Premises Details													
<b>ABEL UNDERGROUND MINE AND DONALDSON OPEN CUT MINE</b>													
<b>1132 JOHN RENSHAW DRIVE</b>													
<b>BLACK HILL</b>													
<b>NSW 2322</b>													
<b>AREA IDENTIFIED AS: "EPL BOUNDARY (EPL12856)"; "ABEL MINE WORKINGS (UPPER AND LOWER DONALDSON COAL SEAMS)"; "D/C SHAFT"; AND "U/C SHAFT" ON PLAN TITLED "EPL LICENCE VARIATION" DATED 01/04/2021 (EPA REFERENCE DOC21/639208) AND CORRESPONDING SPATIAL FILES CONTAINED IN DOC21/639208. THIS LICENCE DOES NOT APPLY TO, OR INCLUDE PUBLIC ROADS.</b>													
A3	A3 Information supplied to the EPA												
A3.1	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.	Compliant	Site interviews conducted	Works and activities were carried out within the bounds of the project detailed above in A2.1.									

Condition	Details	Compliance status	Relevant evidence	Commentary								
	In this condition the reference to "the licence application" includes a reference to: a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.		11 February 2022 Site inspection conducted 11 February 2022									
2	2 Discharges to Air and Water and Applications to Land											
P1	P1 Location of monitoring/discharge points and areas											
P1.1	<p>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.</p> <table border="1"> <thead> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>Air quality monitoring</td> <td></td> <td>Monitoring of air quality at Black Hill at coordinates 370613, 6365766 (Easting, Northing), identified as "Point 3" on PLAN TITLED "EPL LICENCE VARIATION" DATED 01/04/2021 (EPA REFERENCE DOC21/639208).</td> </tr> </tbody> </table>	EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	3	Air quality monitoring		Monitoring of air quality at Black Hill at coordinates 370613, 6365766 (Easting, Northing), identified as "Point 3" on PLAN TITLED "EPL LICENCE VARIATION" DATED 01/04/2021 (EPA REFERENCE DOC21/639208).	Non-compliant (administrative)	<p>Air Quality and Greenhouse Gas Management Plan Care and Maintenance (V3 – Dated 3 June 2019) Annual Reviews for 2019, 2020 Annual Returns for 2019, 2020 and 2021</p>	<p><b>2019 IEA Recommendation:</b> Recommend updating this condition when management plans updated. Consideration should be given to seek reduction or removal of depositional dust gauges from program.</p> <p><b>2021 IEA findings:</b> The EPL for the site was reissued in October 2021. The reissued EPL combined both the Abel Underground and Donaldson Open Cut (previously regulated under EPL 1108) sites. The reissued EPL reduced the dust monitoring program, therefore closing out the 2019 IEA recommendation.</p> <p>Monitoring points are documented in section 8 of Air Quality and Greenhouse Gas Management Plan Care and Maintenance. Air quality monitoring data is presented in Annual Reviews.</p> <p>The EPL Annual return identified a non-compliance for TSS monitoring, where it was not analysed for 3 locations during the month of June in 2019. This was attributed to an administrative error from the laboratory where the samples taken were not analysed. Therefore, a Non-compliant (administrative) is attributed to this condition.</p> <p>As the Non-compliant (administrative) was attributed to the laboratory and not Donaldson Coal Limited (DCL), this is considered to be closed out and corrective actions are not required.</p> <p><b>Recommendation 1: As management plans prepared for the project were prepared prior to approval of the EPL variation on 1 October 2021, a review of the relevant management plans should be undertaken to ensure monitoring location names are updated to either be consistent with the EPL or ensure location names identified in the EPL are identified in relevant plans. As an example, reduction of noise monitoring from quarterly to biannually should be captured in the NMP.</b></p>
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description									
3	Air quality monitoring		Monitoring of air quality at Black Hill at coordinates 370613, 6365766 (Easting, Northing), identified as "Point 3" on PLAN TITLED "EPL LICENCE VARIATION" DATED 01/04/2021 (EPA REFERENCE DOC21/639208).									

Condition	Details	Compliance status	Relevant evidence	Commentary																
P1.2	P1.2 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.	Note	Water Management Plan Care and Maintenance (V4 – Dated 3 June 2019) Annual Reviews for 2019, 2020 Annual Returns for 2019, 2020 and 2021	Noted																
P1.3	<p>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.</p> <table border="1"> <thead> <tr> <th colspan="4">Water and land</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>4</td> <td>Surface water monitoring</td> <td></td> <td>Monitoring of surface water quality at Buttai Creek at coordinates 365732, 6366569 (Easting, Northings), identified as "Site 1" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).</td> </tr> <tr> <td>5</td> <td>Surface water monitoring</td> <td></td> <td>Monitoring of surface water quality at Blue Gum Creek at coordinates 369268, 6363494 (Easting, Northings), identified as "Site 10" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).</td> </tr> </tbody> </table>	Water and land				EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	4	Surface water monitoring		Monitoring of surface water quality at Buttai Creek at coordinates 365732, 6366569 (Easting, Northings), identified as "Site 1" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	5	Surface water monitoring		Monitoring of surface water quality at Blue Gum Creek at coordinates 369268, 6363494 (Easting, Northings), identified as "Site 10" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	Compliant	<p>Water Management Plan Care and Maintenance (V4 – Dated 3 June 2019) Annual Reviews for 2019, 2020 Annual Returns for 2019, 2020 and 2021 Water monitoring data for 2019, 2020 and 2021</p>	<p>Monitoring point 4, 5, 6 and 16 are located on the Abel Underground site and are described in section 3.6 and 4.2 of the Water Management Plan. Point 19 and 20 are the discharge monitoring points.</p> <p>Monitoring point 7,8,9,10,11,12, 13, 14, 15, 17 and 18 refer to locations on the Donaldson site and were not assessed under the scope of this audit.</p> <p>Water monitoring is also undertaken at an additional points, named EM1, EM2 and Site 9. These locations are not included in the EPL.</p> <p>Data is presented on the project website for locations specified by the EPL and updated following water sampling. The data set presented includes a location titled Site 8 which does not appear in the EPL or the Water Management Plan.</p> <p><b>See Recommendation 1.</b></p> <p>No discharges have occurred during the reporting period. During the site inspection, the discharge location was inspected and found to be unmarked. Whilst these conditions do not require the discharge location to be marked, it would be of great benefit to site staff if was clear and easy to locate.</p> <p><b>Recommendation 2: Ensure the licensed discharge point is provided appropriate signage to identify it as an EPL discharge point.</b></p>
Water and land																				
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																	
4	Surface water monitoring		Monitoring of surface water quality at Buttai Creek at coordinates 365732, 6366569 (Easting, Northings), identified as "Site 1" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).																	
5	Surface water monitoring		Monitoring of surface water quality at Blue Gum Creek at coordinates 369268, 6363494 (Easting, Northings), identified as "Site 10" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).																	

Condition	Details	Compliance status	Relevant evidence	Commentary		
	6 Surface water monitoring					
	7 Surface water monitoring				Monitoring of surface water quality at Viney Creek at coordinates 371698, 6368339 (Eastings, Northings), identified as "Site 11" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	
	8 Surface water monitoring				Monitoring of water quality at Four Mile Creek, upstream of the Big Kahuna Dam, at coordinates 368413, 6367395 (Eastings, Northings), identified as "FMCU" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	
	9 Surface water monitoring				Monitoring of water quality at Four Mile Creek, downstream of Big Kahuna Dam, at coordinates 368257, 6369375 (Eastings, Northings), identified as "FMCD" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	
	10 Surface water monitoring				Monitoring of upstream water quality at Weakleys Flat Creek, at coordinates 370449, 6368133 (Eastings, Northings), identified as "WFCU" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	
	11 Surface water monitoring				Monitoring of downstream water quality at Weakleys Flat Creek, at coordinates 371256, 6369064 (Eastings, Northings), identified as "WFCD" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	
	12 Surface water monitoring				Monitoring of upstream water quality at Scotch Dairy Creek, at coordinates 369659, 6369739 (Eastings, Northings), identified as "SDCU" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	
		Monitoring of downstream water quality at Scotch Dairy Creek, at coordinates 371389, 6370174 (Eastings, Northings), identified as "SDCD" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).				



Condition	Details		Compliance status	Relevant evidence	Commentary	
	13	Groundwater quality monitoring	Monitoring of groundwater at coordinates 368727, 6368626 (Eastings, Northings), identified as "DPZ3" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).			
	14	Groundwater quality monitoring	Monitoring of groundwater at coordinates 369366, 6368067 (Eastings, Northings), identified as "DPZ8" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).			
	15	Groundwater quality monitoring	Monitoring of groundwater at coordinates 371142, 6371198 (Eastings, Northings), identified as "REGDPZ1" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).			
	16	Groundwater quality monitoring	Monitoring of groundwater at coordinates 368599, 6367322 (Eastings, Northings), identified as "DPZ6" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).			
	17	Groundwater quality monitoring	Monitoring of groundwater at coordinates 370936, 6368362 (Eastings, Northings), identified as "DPZ10" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).			
	18	Groundwater quality monitoring	Monitoring of groundwater at coordinates 368398, 6367109 (Eastings, Northings), identified as "JRD2" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).			
	19	Discharge quality monitoring Volume monitoring	Discharge quality monitoring Volume monitoring			Monitoring at the pipe outlet located adjacent to the bridge crossing at Four Mile Creek, at coordinates 368563, 6368698 (Eastings, Northings), identified as "Point 19" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
	20	Discharge to pipe	Discharge to pipe			Discharge of mine water to Bloomfield Colliery via pipe at coordinates 367643, 6369331 (Eastings, Northings), identified as "Point 20" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).

Condition	Details	Compliance status	Relevant evidence	Commentary																								
P1.4	<p>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.</p> <p style="text-align: center;"><i>Noise/Weather</i></p> <table border="1"> <thead> <tr> <th>EPA identification no.</th> <th>Type of monitoring point</th> <th>Location description</th> </tr> </thead> <tbody> <tr> <td>22</td> <td>Noise monitoring</td> <td>Noise monitoring at Black Hill School, at coordinates 370600, 6365820 (Eastings, Northings) identified as "Location D" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).</td> </tr> <tr> <td>23</td> <td>Noise monitoring</td> <td>Noise monitoring at Lot 684 Black Hill Road, at coordinates 367280, 6367320 (Eastings, Northings) identified as "Location F" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).</td> </tr> <tr> <td>24</td> <td>Noise monitoring</td> <td>Noise monitoring at 156 Buchanan Road, Buchanan, at coordinates 363026, 6369156 (Eastings, Northings) identified as "Location G" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).</td> </tr> <tr> <td>25</td> <td>Noise monitoring</td> <td>Noise monitoring at 49 Magnetic Drive, Ashtonfield, at coordinates 369210, 6372560 (Eastings, Northings) identified as "Location I" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).</td> </tr> <tr> <td>26</td> <td>Noise monitoring</td> <td>Noise monitoring at 220 Parish Drive, Beresfield, at coordinates 370327, 6371536 (Eastings, Northings) identified as "Location J" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).</td> </tr> <tr> <td>27</td> <td>Noise monitoring</td> <td>Noise monitoring at 17 Kilshanny Avenue, Ashtonfield, at coordinates 367885, 6372790 (Eastings, Northings) identified as "Location L" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).</td> </tr> <tr> <td>28</td> <td>Meteorological Station</td> <td>Monitoring of meteorological conditions at coordinates 369059, 6368226 (Eastings, Northings) identified as "Met Station" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).</td> </tr> </tbody> </table>	EPA identification no.	Type of monitoring point	Location description	22	Noise monitoring	Noise monitoring at Black Hill School, at coordinates 370600, 6365820 (Eastings, Northings) identified as "Location D" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	23	Noise monitoring	Noise monitoring at Lot 684 Black Hill Road, at coordinates 367280, 6367320 (Eastings, Northings) identified as "Location F" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	24	Noise monitoring	Noise monitoring at 156 Buchanan Road, Buchanan, at coordinates 363026, 6369156 (Eastings, Northings) identified as "Location G" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	25	Noise monitoring	Noise monitoring at 49 Magnetic Drive, Ashtonfield, at coordinates 369210, 6372560 (Eastings, Northings) identified as "Location I" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	26	Noise monitoring	Noise monitoring at 220 Parish Drive, Beresfield, at coordinates 370327, 6371536 (Eastings, Northings) identified as "Location J" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	27	Noise monitoring	Noise monitoring at 17 Kilshanny Avenue, Ashtonfield, at coordinates 367885, 6372790 (Eastings, Northings) identified as "Location L" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	28	Meteorological Station	Monitoring of meteorological conditions at coordinates 369059, 6368226 (Eastings, Northings) identified as "Met Station" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).	Compliant	<p>Noise Management Plan Care and Maintenance (V5 – Dated 3 June 2019)</p> <p>Noise monitoring reports for 2019, 2020 and 2021</p> <p>Annual Reviews for 2019, 2020</p> <p>Annual Returns for 2019, 2020 and 2021</p>	<p>Locations of noise monitoring sites discussed in section 8.2 and presented on Figure 5.4 of the Noise Management Plan.</p> <p>The location of the Met Station is discussed in section 9.2 of the Noise Management Plan, though its location is not discussed or presented in Figure 5.4.</p> <p><b>Recommendation3: Provide an update to the Noise Management Plan and Air Quality and Greenhouse Gas Management Plan to provide relevant location of meteorological station relied upon for monitoring purposes.</b></p>
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	P1.5 Grid coordinates in this Licence are defined by the Map Grid of Australia 1994 (MGA94) Zone 56 projection, using the Geodetic Datum of Australia 1994 (GDA94).	Note		Noted																								

Condition	Details	Compliance status	Relevant evidence	Commentary																								
	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.	Compliant	Site interviews conducted 11 February 2022 Annual Reviews for 2019, 2020 Annual Returns for 2019, 2020 and 2021	There were no reportable environmental incidents for the audit period.																								
L2	Concentration limits																											
L2.1	For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	Not triggered	Monitoring data for 2019, 2020 and 2021 Annual Reviews for 2019, 2020 Annual Returns for 2019, 2020	No discharges have been made during the audit period																								
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Not triggered	As above	No discharges have been made during the audit period																								
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\.	Note		Note																								
L2.4	Water and/or Land Concentration Limits <b>POINT 19</b>	Not triggered	Monitoring data for 2019, 2020 and 2021 Annual Reviews for 2019, 2020 Annual Returns for 2019, 2020 and 2021	No discharges have been made over the audit period.																								
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Condition	Details	Compliance status	Relevant evidence	Commentary						
L3	Volume and mass limits									
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>19</td> <td>kilolitres per day</td> <td>40000</td> </tr> </tbody> </table>	Point	Unit of Measure	Volume/Mass Limit	19	kilolitres per day	40000	Not triggered	<p>Monitoring data for 2019, 2020 and 2021</p> <p>Annual Reviews for 2019, 2020</p> <p>Annual Returns for 2019, 2020 and 2021</p>	No discharges have been made over the audit period.
Point	Unit of Measure	Volume/Mass Limit								
19	kilolitres per day	40000								
L3.2	<p>The volume of wastewater referred to in condition L3.1 must only be discharged in accordance with the following:</p> <p>a) 40,000 kL each day for the 5 days following rainfall of at least 10 mm as measured at the Donaldson meteorological station in 24 hours (09:00 to 09:00).</p>	Not triggered	As above	No discharges have been made over the audit period.						
L4	Noise limits									
L4.1	Noise generated at the premise must not exceed the noise limits presented in the table below. The noise limits in the table below represent the noise contribution from the premises.	Compliant	<p>Noise monitoring for 2019, 2020 and 2021</p> <p>Annual Reviews for 2019, 2020</p> <p>Annual Returns for 2019, 2020 and 2021</p>	<p><b>2019 IEA Recommendation:</b> Recommend updating noise monitoring locations and meteorological condition limit wording to make consistent with those shown in PA 05_0136 whilst operational.</p> <p><b>2021 IEA findings:</b> The EPL for the site was reissued on 1 October 2021. The reissued EPL does not change criteria to be consistent with DA 05_0136.</p> <p>Clause P1.3 describes points for the purposes of monitoring. Of the points listed in this clause, the monitoring data was gathered at the following points:</p> <ul style="list-style-type: none"> <li>- Location D</li> <li>- Location F</li> <li>- Location G</li> <li>- Location I</li> <li>- Location J</li> <li>- Location L.</li> </ul> <p>Noise was monitored quarterly at these points and no exceedances of criteria were reported.</p>						

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L4.2	The noise limits in the table below do not apply if the licensee has a written agreement with the relevant landowner to exceed the noise limit, and the licensee has advised the EPA in writing. The noise limits also do not apply to mine-owned residences	Not triggered	Site interviews dated 11 February 2022	No agreements have been made between DCL and surrounding landowners in regard to noise limits. Therefore, this condition is not triggered.																																																																	
L4.3	For the purposes of Condition L4.1: a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and public holidays, b) Evening is defined as the period from 6pm to 10pm, and c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and public holidays	Compliant	Site interviews dated 11 February 2022 Complaints register	Operational hours at the site are 6:00 am to 4:00 pm. No complaints regarding noise have been received by the premises.																																																																	

Condition	Details	Compliance status	Relevant evidence	Commentary
L4.4	<p>The noise limits set out in condition L4.1 apply under all meteorological conditions except for the following:</p> <p>a) Wind speeds greater than 3 metres/second at 10 metres above the ground level;</p> <p>b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or</p> <p>c) Stability category G temperature inversion conditions.</p> <p>Temperature inversion conditions (stability category) are to be determined by the methods referred to in Fact Sheet D of the Noise Policy for Industry (2017).</p>	Note		Note
4	Operating Conditions			
O1	Activities must be carried out in a competent manner			
O1.1	<p>Licensed activities must be carried out in a competent manner.</p> <p>This includes:</p> <p>a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and</p> <p>b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.</p>	Compliant	<p>Site interviews conducted 11 February 2022</p> <p>Site inspection conducted 11 February 2022</p> <p>Generic induction</p> <p>Servicing records</p>	During the conduct of the audit, documentation reviewed, and the site inspection indicates general compliance with the requirements of this condition.
O2	Maintenance of plant and equipment			
O2.1	<p>All plant and equipment installed at the premises or used in connection with the licensed activity:</p> <p>a) must be maintained in a proper and efficient condition; and</p> <p>b) must be operated in a proper and efficient manner.</p>	Compliant	<p>Site interviews conducted 11 February 2022</p> <p>Site inspection conducted 11 February 2022</p> <p>Servicing records</p>	During the conduct of the audit, documentation reviewed, and the site inspection indicates general compliance with the requirements of this condition.
O3	Dust			
O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Compliant	<p>Annual Reviews for 2019, 2020</p> <p>Annual Returns for 2019, 2020 and 2021</p> <p>Complaints register</p> <p>Site inspection conducted 11 February 2022</p>	There have been no complaints regarding dust emissions during the reporting period. During the site inspection, excess dust being generated by the site was not observed.

Condition	Details	Compliance status	Relevant evidence	Commentary
O3.2	All operations and activities occurring at the premises must be carried out in a manner that will minimise dust at the boundary of the premises.	Compliant	Annual Reviews for 2019, 2020 Annual Returns for 2019, 2020 and 2021 Complaints register Site inspection conducted 11 February 2022.	No dust issues were identified during the site inspection. Dust suppression measures such as a sprinkler line along the haul road and watering down of surfaces at the CHPP were observed.
O3.3	All trafficable areas, coal storage areas and vehicle manoeuvring areas in, or on, the premises must be maintained at all times in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.	Compliant	Site inspection conducted 11 February 2022 Site interviews conducted 11 February 2022	As the mine is currently in care and maintenance mode, the road into the site and the administration buildings are the main trafficable areas. These areas are sealed. A sprinkler line was observed along the haul road from the adit to the administration building that would be used during operation for dust suppression. Dust generation was not observed during the audit.
O4	Processes and management			
O4.1	All above-ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.	Complaint	Site inspection conducted 11 February 2022 Site interviews conducted 11 February 2022	<b>2019 IEA Recommendation:</b> Seek removal/amendment to condition O4.2 as no sprays are utilised by the septic system <b>2021 IEA findings:</b> Condition O4.2 removed in latest issue of EPL. An inspection of the workshop area found that activities were compliant with this condition. For example, the diesel tank is self-bunded and contained.
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	Complaint	Monitoring data for 2019, 2020 and 2021	At the time of audit, monitoring data up to November 2021 was available on the project website. Data up to December 2021 was observed during the audit.
M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Compliant	Monitoring data for 2019, 2020 and 2021	At the time of audit, monitoring records from April 2009 up to November 2021 were available on the project website. Upon request DCL provided data up to December 2021. Data was presented in a spreadsheet format.

Condition	Details	Compliance status	Relevant evidence	Commentary								
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample	Compliant	Monitoring data for 2019, 2020 and 2021 Sample field sheet	A sample of a field sheet used for monitoring was provided upon request (surface water monitoring) and complied with the requirements of this condition.								
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:	Non-compliant (low risk)	Monitoring data for 2019, 2020 and 2021 Annual Returns for 2019, 2020 and 2021	A non-compliance with the following conditions forms a non-compliance with this condition: – M2.2 (low risk) – M2.3 (administrative) Non-compliance with this condition is considered low risk based on the findings of condition M2.2								
M2.2	Air Monitoring Requirements <b>POINT 3</b> <table border="1" data-bbox="398 767 1133 831"> <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>	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Continuous	AM-22	Non-compliant (low risk)	Monitoring data for 2019, 2020 and 2021 Annual Returns for 2019, 2020 and 2021	A non-compliance with this condition was reported during the 2021 EPA Annual return. Depositional dust was not sampled during the month of December at DG08 due to a broken sample bottle. This reported in the 2021 Annual Return and following the update to the EPL, is no longer required to be sampled, no corrective action or recommendation has been made.
Pollutant	Units of measure	Frequency	Sampling Method									
PM10	micrograms per cubic metre	Continuous	AM-22									
M2.3	Water and/ or Land Monitoring Requirements	Non-compliant (administrative)	Monitoring data for 2019, 2020 and 2021 Annual Review for 2019, 2020 Annual Returns for 2019, 2020 and 2021	Monitoring point 4, 5, 6 and 16 are located on the Abel Underground site. Point 19 refers to the discharge location. No discharge has occurred during the audit period. During the audit period, sampling parameters stipulated by this condition were complied with. No surface water samples were taken at the following intervals: – Monitoring point 4: August 2019, December 2019 and January 2020 – Monitoring point 5: February 2019, January 2020 – Monitoring point 16 February 2020. Samples were not taken at these intervals on account of there being no flow at the location, or the location being dry. During the June 2019, TSS was not analysed for 3 locations. While samples were taken and TSS was requested to be analysed at the laboratory, due to a laboratory administration error, TSS analysis was not performed on the samples.								



Condition	Details	Compliance status	Relevant evidence	Commentary																																																
	<p><b>POINT 4,5,6,7,8,9,10,11,12</b></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Conductivity</td> <td>microsiemens per centimetre</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> </tbody> </table> <p><b>POINT 13,14,15,16,17,18</b></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Conductivity</td> <td>microsiemens per centimetre</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> </tbody> </table> <p><b>POINT 19</b></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Conductivity</td> <td>microsiemens per centimetre</td> <td>Daily during any discharge</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Daily during any discharge</td> <td>Grab sample</td> </tr> <tr> <td>Total suspended solids</td> <td>micrograms per litre</td> <td>Daily during any discharge</td> <td>Grab sample</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Conductivity	microsiemens per centimetre	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	Pollutant	Units of measure	Frequency	Sampling Method	Conductivity	microsiemens per centimetre	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	Pollutant	Units of measure	Frequency	Sampling Method	Conductivity	microsiemens per centimetre	Daily during any discharge	Grab sample	pH	pH	Daily during any discharge	Grab sample	Total suspended solids	micrograms per litre	Daily during any discharge	Grab sample			As this has not been a repeat issue and was reported in the 2019 Annual Return, no corrective action or recommendation has been made.
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<b>M3</b>	Testing methods - concentration limits																																																			
<b>M3.1</b>	<p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:</p> <p>a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or</p> <p>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</p> <p>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.</p> <p>Note: The Protection of the Environment Operations (Clean Air) Regulation 2021 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".</p>	<b>Compliant</b>	<p>Monitoring data for 2019, 2020 and 2021</p> <p>Annual Returns for 2019, 2020 and 2021</p> <p>Air Quality and Greenhouse Gas Management Plan Care and Maintenance (V3 – Dated 3 June 2019)</p>	<p>Section 8 of the Air Quality and Greenhouse Gas Management Plan Care and Maintenance describes how the project would implement its air quality monitoring program.</p> <p>Air quality monitoring over the reporting program was compliant with the methods outlined in this document.</p>																																																

Condition	Details	Compliance status	Relevant evidence	Commentary																																			
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.	Not triggered	Monitoring data for 2019, 2020 and 2021	No discharges have occurred during the reporting period, and therefore this condition remains not triggered.																																			
M4	Weather monitoring																																						
M4.1	<p>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.</p> <p><b>POINT 28</b></p> <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 &amp; 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 &amp; AM-4</td> <td>metres per second</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Sigma Theta</td> <td>AM-2 &amp; 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>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Relative humidity</td> <td>AM-4</td> <td>percent</td> <td>15 minutes</td> <td>Continuous</td> </tr> </tbody> </table>	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	15 minutes	Continuous	Relative humidity	AM-4	percent	15 minutes	Continuous	Compliant	Monitoring data for 2019, 2020 and 2021 Annual Returns for 2019, 2020 and 2021	Meteorological data is collected at the DCL weather monitoring station.
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	15 minutes	Continuous																																			
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.	Compliant	Complaints register	Review of relevant documentation indicates compliance with the requirements of this condition.																																			
M5.2	<p>The record must include details of the following:</p> <p>a) the date and time of the complaint;</p> <p>b) the method by which the complaint was made;</p> <p>c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;</p> <p>d) the nature of the complaint;</p> <p>e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and</p> <p>f) if no action was taken by the licensee, the reasons why no action was taken.</p>	Compliant	Complaints register	Review of relevant documentation indicates compliance with the requirements of this condition.																																			
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Compliant	Complaints register	Review of relevant documentation indicates compliance with the requirements of this condition.																																			
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Not triggered	Site interviews conducted 11 February 2022	Review of relevant documentation indicates this condition has not been triggered.																																			

Condition	Details	Compliance status	Relevant evidence	Commentary																		
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.	Compliant	Abel website	Review of relevant documentation indicates compliance with the requirements of this condition. <a href="https://www.doncoal.com.au/page/community/">https://www.doncoal.com.au/page/community/</a>																		
M6.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	Compliant	Abel website	Review of relevant documentation indicates compliance with the requirements of this condition. <a href="https://www.doncoal.com.au/page/community/">https://www.doncoal.com.au/page/community/</a>																		
M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	Compliant	Abel website	Review of relevant documentation indicates compliance with the requirements of this condition. <a href="https://www.doncoal.com.au/page/community/">https://www.doncoal.com.au/page/community/</a>																		
M7	Requirement to monitor volume or mass																					
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 19</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>kilolitres per day</td> <td>In line instrumentation</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="3">POINT 20</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>kilolitres per day</td> <td>In line instrumentation</td> </tr> </tbody> </table>	POINT 19			Frequency	Unit of Measure	Sampling Method	Continuous during discharge	kilolitres per day	In line instrumentation	POINT 20			Frequency	Unit of Measure	Sampling Method	Continuous during discharge	kilolitres per day	In line instrumentation	Not triggered	Monitoring data for 2019, 2020 and 2021 Annual Returns for 2019, 2020 and 2021	No discharge has occurred during the reporting period.
POINT 19																						
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M8	Noise monitoring																					
M8.1	<p>To assess compliance with the noise limits specified within this licence, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below.</p> <table border="1"> <thead> <tr> <th colspan="4">POINT 22,23,24,25,26,27</th> </tr> <tr> <th>Assessment period</th> <th>Minimum frequency in a reporting period</th> <th>Minimum duration within assessment period</th> <th>Minimum number of assessment period</th> </tr> </thead> <tbody> <tr> <td>Night</td> <td>Special Frequency 1</td> <td>15 minutes</td> <td>1 operation day</td> </tr> </tbody> </table>	POINT 22,23,24,25,26,27				Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period	Night	Special Frequency 1	15 minutes	1 operation day	Not triggered	Noise monitoring reports for 2019, 2020 and 2021. Annual Returns for 2019, 2020 and 2021	Special Frequency 1 is attributed to operational mining noise. As the mine is in care and maintenance, this condition is not triggered.						
POINT 22,23,24,25,26,27																						
Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period																			
Night	Special Frequency 1	15 minutes	1 operation day																			

Condition	Details	Compliance status	Relevant evidence	Commentary
M8.2	<p>For the purposes of Condition M8.1, Special Frequency 1 is defined as quarterly, when activities occurring at the premises generate audible noise at the nearest privately owned residence.</p> <p>Routine noise monitoring is not required when activities at the premises are inaudible at the nearest privately owned residence</p>	Compliant	<p>Noise monitoring reports for 2019, 2020 and 2021.</p> <p>Annual Returns for 2019, 2020 and 2021</p>	<p>The site was found to be barely audible at Monitoring Point 25 and have a contribution of 33 dba at Monitoring Point 27 during the quarter 4 monitoring event of 2019.</p> <p>Noise levels were within noise limits and therefore compliant with this condition. The site was inaudible at night during all other monitoring events.</p> <p>Noise monitoring frequency was changed to biannually during 2021 in consultation with the EPA.</p>
M8.3	<p>To assess compliance with the noise limits in this licence, operator-attended noise monitoring must occur:</p> <p>a) at the locations in Condition P1.4; and</p> <p>b) during one night time period as defined in the Noise Policy for Industry (2017) for a minimum of 15 minutes at each location.</p>	Compliant	<p>Noise monitoring reports for 2019, 2020 and 2021.</p> <p>Annual Returns for 2019, 2020 and 2021</p>	<p>Monitoring was undertaken in accordance with this condition.</p>
M8.4	<p>For the purposes of compliance monitoring and determining the noise generated at the premises, the modification factors in the EPA's Fact Sheet C of the Noise Policy for Industry (2017) must be applied, as appropriate, to the noise levels measured by noise monitoring equipment.</p> <p>Note: The EPA may require the licensee, in writing, to increase the frequency of noise monitoring or number of noise monitoring locations should complaints be received.</p> <p>Noise affected locations may be determined by review of meteorological data collected by the onsite meteorological station at EPA Point 28.</p>	Compliant	<p>Noise monitoring reports for 2019, 2020 and 2021.</p> <p>Annual Returns for 2019, 2020 and 2021</p>	<p>The site was managed in accordance with this condition.</p> <p>Though not required to be enacted in the audit period, a statement of modifying factors and how they apply to measurements taken would was not included in the noise monitoring reports.</p>
6	Reporting Conditions			
R1	Annual return documents			
R1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ol style="list-style-type: none"> <li>1. a Statement of Compliance,</li> <li>2. a Monitoring and Complaints Summary,</li> <li>3. a Statement of Compliance - Licence Conditions,</li> <li>4. a Statement of Compliance - Load based Fee,</li> <li>5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,</li> <li>6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and</li> <li>7. a Statement of Compliance - Environmental Management Systems and Practices.</li> </ol> <p>At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.</p>	Compliant	<p>Annual Returns for 2019, 2020 and 2021</p> <p>Monitoring data</p>	<p>Three annual returns were submitted over the reporting period:</p> <ul style="list-style-type: none"> <li>- 2018/19</li> <li>- 2019/20</li> <li>- 2020/21</li> </ul> <p>Returns were generally completed in accordance with requirements of this condition.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
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.	Compliant	Annual Returns for 2019, 2020 and 2021	As discussed above, three annual returns were prepared over 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.	Not triggered	Not triggered	The licence has not been transferred to a new licensee during the reporting period.
R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.	Not triggered	Not triggered	This licence has not been surrendered during the reporting period.
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').	Compliant	Annual Returns for 2019, 2020 and 2021.	Annual reports prepared in the reporting period were submitted to the EPA within 60 days of the end of each reporting period.
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Compliant	Annual Returns for 2018, 2019, 2020 and 2021	Review of relevant documentation indicates compliance with the requirements of this condition.
R.1.7	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	Compliant	Annual Returns for 2019, 2020 and 2021	Review of relevant documentation indicates compliance with the requirements of this condition.
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 requirements of Part 5.7 of the Act.	Note		Noted
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	Not triggered	Site interviews dated 11 February 2022	No incidents causing or threatening material harm to the environment have occur during the reporting period.

Condition	Details	Compliance status	Relevant evidence	Commentary
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.	Not triggered	Site interviews dated 11 February 2022	No incidents causing or threatening material harm to the environment have occur during the reporting period.
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.	Not triggered	Site interviews dated 11 February 2022	No incidents causing or threatening material harm to the environment have occur during the reporting period.
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Not triggered	Site interviews dated 11 February 2022	No incidents causing or threatening material harm to the environment have occur during the reporting period.
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	Not triggered	Site interviews dated 11 February 2022	No incidents causing or threatening material harm to the environment have occur during the reporting period.
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.	Not triggered	Site interviews dated 11 February 2022	No incidents causing or threatening material harm to the environment have occur during the reporting period.
R4	Other notifications			

Condition	Details	Compliance status	Relevant evidence	Commentary
	Water Quality Monitoring Report			
R4.1	<p>The Licencee must provide the EPA, with its Annual Return, an annual water quality monitoring report prepared by an appropriately qualified and experienced person that includes the following:</p> <p>a) for the monitoring required by the licence during the Annual Return reporting period:</p> <p>i) a summary of results for all surface and groundwater quality monitoring required by the licence in table and graphical form;</p> <p>ii) total daily continuous rainfall records in graphical form from the meteorological monitoring required by the licence; and</p> <p>iii) a graphical presentation of the trends of monitoring results required by the licence for the Annual Return reporting period and the preceding data for the period.</p>	Not triggered	Site interviews dated 11 February 2022	This condition was introduced when the current EPL was issued on 1 October 2021. As the reporting period has not ended at the time of audit, it remains not triggered.
	Notification of Pollution of Waters			
R4.2	The Licencee must notify the EPA by telephoning the Environment Line service on 131555 immediately after the Licencee becomes aware of any contravention or potential contravention of Condition L1 of the Licence.	Not triggered	Site interviews dated 11 February 2022	No incidents causing pollution of waters have occurred during the reporting period.
R4.3	The Licencee must provide written details of the notification to the EPA at hunter.region@epa.nsw.gov.au within 7 days of the date of the notification.	Not triggered	Site interviews dated 11 February 2022	No incidents causing pollution of waters have occurred during the reporting period.
7	General Conditions			
G1	Copy of licence kept at the premises or plant	Compliant	Site inspection dated 11 February 2022	A copy of the licence, along with the Pollution Incident Response Plan (PIRMP) were viewed during the site inspection.
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Compliant	Site inspection dated 11 February 2022	As per condition G1.
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Not triggered	Site interviews dated 11 February 2022	During site visits over the reporting period, the EPA representative did not request to view the licence and therefore this condition is not triggered.
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Compliant	Site inspection dated 11 February 2022	As per condition G1.
8	Special Conditions			
E1	Surface Water Monitoring of Big Kahuna Dam			
E1.1	The licensee must undertake water quality monitoring within the waters of Big Kahuna Dam during the Annual Return reporting period in accordance with the table below.	Compliant	Water quality monitoring data	This condition was introduced when the current EPL was issued on 1 October 2021. Monitoring in accordance with this condition has been undertaken since October 2021 and satisfies its requirements.

Condition	Details	Compliance status	Relevant evidence	Commentary																																																												
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E1.2	<p>The licensee must provide the EPA an annual water quality monitoring report, with its Annual Return, prepared by an appropriately qualified and experienced person. The report must include, for the monitoring required by Condition E1.1, the following:</p> <ul style="list-style-type: none"> <li>i) a summary of results for all water quality monitoring required by Condition E1.1 in table and graphical form;</li> <li>ii) a summary of the volume of groundwater transferred to the Big Kahuna Dam during the Annual Return reporting period;</li> <li>iii) total daily rainfall records from the closest meteorological station on the days that sampling was undertaken, in table form;</li> <li>iv) total daily continuous rainfall records from the closest meteorological station in graphical form; and</li> <li>v) a graphical and written analysis of the trends of monitoring results required by Condition E1.1 for the Annual Return reporting period and any data preceding this period.</li> </ul> <p>After 2 years' of data (8 quarterly periods), the licensee may request the EPA to review the inclusion of this condition on the licence.</p>	Not triggered	Water quality monitoring data Site interviews dated 11 February 2022	As discussed in E1.1, water quality in the Big Kahuna Dam is being monitored in accordance with the licence conditions. However, as the annual reporting period was not finished at the time of audit, this condition remains not triggered.																																																												
E2	Discontinuation of Mining																																																															
E2.1	The Licencee must notify the EPA, in writing to the EPA's Hunter Region, prior to the recommencement of mining or of any coal handling activities on the premises.	Not triggered	Not triggered	Mining activities have not recommenced during the reporting period.																																																												



## DA 05\_0136

Condition	Details	Compliance status	Relevant evidence	Commentary
	Schedule 2 – Administrative conditions			
	OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT			
1	<p>1. 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 harm to the environment that may result from the construction, operation, or rehabilitation of the project.</p>	Compliant	<p>Site inspection conducted 11 February 2022</p> <p>Site interviews conducted 11 February 2022</p> <p>This audit</p>	DCL have implemented reasonable and feasible measures to reduce harm to the environment.
	TERMS OF APPROVAL			
2	<p>2. The Proponent shall carry out the project generally in accordance with the:</p> <p>(a) EA;</p> <p>(b) EA (MOD 1);</p> <p>(c) EA (MOD 2);</p> <p>(d) EA (MOD 3);</p> <p>(e) statement of commitments; and</p> <p>(f) conditions of this approval.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>– The general layout of the project is shown on the figures in Appendix 2.</li> <li>– The statement of commitments is reproduced in Appendix 4.</li> </ul>	Administrative non-compliance	Development Consent (DA 05_0136)	<p>The project was undertaken generally in accordance with this condition. However, several non-compliances were identified:</p> <ul style="list-style-type: none"> <li>– Schedule 4 Condition 29 (administrative)</li> <li>– Schedule 6 Condition 1 (administrative)</li> <li>– Schedule 6 Condition 11 (administrative)</li> </ul> <p>Refer to respective conditions for details of the non-compliance and any corrective actions required to rectify the non-compliance. Non-compliance with this condition is considered low risk based on the findings of Schedule 4 Condition 9 and Schedule 5 Condition 1.</p>
3	<p>3. If there is any inconsistency between the above documents, the more recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.</p>	Not triggered	Site interviews conducted 11 February 2022	No inconsistencies identified.
4	<p>4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:</p> <p>(a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this approval; and</p> <p>(b) the implementation of any actions or measures contained in these documents.</p>	Not triggered	<p>Site interviews conducted 11 February 2022</p> <p>WAL41525</p>	<p><b>2019 IEA Recommendation:</b> Follow up with WaterNSW to resolve Certificate of Title for WAL 41525 being incorrectly labelled to a water source.</p> <p><b>2022 IEA Findings</b></p> <p>DCL have received no directions during the reporting period.</p> <p>WAL 41525 was reissued during the reporting period (6 June 2019) and therefore the previous IEA recommendation is considered closed.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	LIMITS ON APPROVAL			
	Mining Operations			
5	The Proponent may carry out mining operations on site until the end of December 2030. Note: Under this approval, the Proponent is required to rehabilitate the site and perform additional undertakings to the satisfaction of either the Director-General or the Executive Director, Mineral Resources. Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.	Not triggered	Not triggered	Review of this condition indicates it has not been triggered.
	Coal Extraction			
6	The Proponent shall not extract more than 6.1 million tonnes of ROM coal from the site per calendar year.	Not triggered	Not triggered	Coal mining activities ceased on 2 May 2016 when the site was placed into care and maintenance. No extraction, processing or transport has occurred during the audit period.
	Coal Processing			
7	The Proponent shall not process more than 8.5 million tonnes of ROM coal at the Bloomfield site per calendar year.	Compliant	Annual Reviews for 2019, 2020	Coal mining activities ceased on 2 May 2016 when the site was placed into care and maintenance. No processing of coal from Abel Underground has occurred during the audit period.
	Coal Transport			
8	The Proponent shall transport all ROM coal from the Abel pit-top area to the Bloomfield site via the private haul road, or by coal conveyor, or by a combination of both methods.	Compliant	Annual Reviews for 2019, 2020	Coal mining activities ceased on 2 May 2016 when the site was placed into care and maintenance. No processing of coal from Abel Underground has occurred during the audit period.
9	The Proponent shall transport all product coal produced on the Bloomfield site via the Bloomfield Rail Loop, and Rail Spur and the Main Northern Railway, except in an emergency. In an emergency, product coal may be transported from the Bloomfield site by road, with the prior written approval of the Director-General, and subject to any restrictions that the Director-General may impose. Note: The alignment of the approved coal conveyor is shown in Figure 3 of Appendix 2.	Compliant	Annual Reviews for 2019, 2020	<b>2019 IEA Recommendation:</b> Include a statement in the relevant Annual Review that discusses transportation of product coal produced on the Bloomfield Colliery site via the Bloomfield Rail Loop, and Rail Spur and the Main Northern Railway <b>2022 IEA Findings</b> A review of the 2019 and 2020 Annual review includes a statement to the effect of the 2019 IEA audit recommendations, and therefore this recommendation is considered closed out.
	Hours of Operation			
10	The Proponent shall comply with the operating hours in Table 1.	Compliant	Annual Reviews for 2019, 2020 Site interviews on 11 February 2021	Work hours on site area restricted to 6am to 4pm during Monday to Friday, indicating compliance with the requirements of this condition.

Condition	Details	Compliance status	Relevant evidence	Commentary								
	<p><i>Table 1: Operating hours</i></p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Operating Hours</th> </tr> </thead> <tbody> <tr> <td>Mining Operations</td> <td>24 hours a day, 7 days per week</td> </tr> <tr> <td>Construction activities</td> <td>7.00 am to 6.00 pm, Monday to Friday; and 8.00 am to 1.00 pm, Saturdays, unless noise from these activities does not exceed 35dB(A)<sub>L<sub>Aeq</sub>(15 min)</sub> at any privately-owned residence</td> </tr> <tr> <td>Maintenance activities</td> <td>24 hours a day, 7 days per week, providing maintenance activities are inaudible at any privately-owned residence</td> </tr> </tbody> </table>	Activity	Operating Hours	Mining Operations	24 hours a day, 7 days per week	Construction activities	7.00 am to 6.00 pm, Monday to Friday; and 8.00 am to 1.00 pm, Saturdays, unless noise from these activities does not exceed 35dB(A) <sub>L<sub>Aeq</sub>(15 min)</sub> at any privately-owned residence	Maintenance activities	24 hours a day, 7 days per week, providing maintenance activities are inaudible at any privately-owned residence			
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Maintenance activities	24 hours a day, 7 days per week, providing maintenance activities are inaudible at any privately-owned residence											
	STRUCTURAL ADEQUACY											
11	<p>The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures that are part of the project are constructed in accordance with:</p> <p>(a) the relevant requirements of the BCA; and</p> <p>(b) any additional requirements of the MSB where the building or structure is located on land within declared Mine Subsidence Districts.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>Under Part 4A of the EP&amp;A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.</li> <li>Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the project.</li> <li>Under Section 15 of the Mine Subsidence Compensation Act 1961, the Proponent is required to obtain the MSB's approval before constructing any improvements within a Mine Subsidence District.</li> </ul>	Not triggered	<p>Annual Reviews for 2019, 2020</p> <p>Site interviews on 11 February 2021</p>	<p><b>2019 IEA Recommendation:</b> <i>Include a statement in the Annual Review that discusses alterations and additions to building and structures</i></p> <p><b>2022 IEA Finding</b></p> <p>Review of relevant data indicates the 2019 IEA recommendation has been addressed via annual review reporting,</p> <p>Documentation reviewed identified that construction has occurred during the audit period, and therefore this condition is not triggered.</p>								
	DEMOLITION											
12	The Proponent shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	Not triggered	<p>Annual Reviews for 2019, 2020</p> <p>Site interviews on 11 February 2021</p>	No demolition has occurred over the reporting period; therefore this condition remains not triggered.								
	OPERATION OF PLANT AND EQUIPMENT											
13	The Proponent shall ensure that all plant and equipment used at the site is: <p>(a) maintained in a proper and efficient condition; and</p> <p>(b) operated in a proper and efficient manner.</p>	Compliant	<p>Site interviews on 11 February 2021</p> <p>Induction materials (Eimco LHD with</p>	<p>DCL operate a SAP based preventative maintenance system. Work order 42528510 – Part of YPM3 routine work order (Maintenance) was viewed during the site interviews.</p> <p>Inductions and training for employees were provided by DCL. Training materials for Eimco LHD with attachment – Theory and Practical Assessment Doc ID (ABE-MINE-</p>								

Condition	Details	Compliance status	Relevant evidence	Commentary
			attachment – Theory and Practical Assessment Doc ID (ABE-MINE-010874)) Example work order provided (42528510)	010874) were viewed during site interviews, as well as a register of compliance for employees. A review of this documentation provides satisfactory evidence that this condition is being complied with.
	STAGED SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS			
14	<p>14. With the approval of the Director-General, the Proponent may submit any strategies, plans or programs required by this approval on a progressive basis. Strategies, plans or programs approved before 31 October 2013 continue to apply to the project, until revised strategies, plans or programs required under the terms of this modified approval are approved by the Director-General.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>– 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.</li> <li>– 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.</li> </ul>	Not triggered	Not triggered	Review of relevant data indicates this condition was not triggered during the audit period.
	Schedule 3 – Specific Environmental Conditions – Underground Mining			
	SUBSIDENCE			
	Performance Measures – Natural and Heritage Features, etc			
1	The Proponent shall ensure that the project does not cause any exceedances of the performance measures in Table 2, to the satisfaction of the Director-General.	Compliant	Annual Reviews for 2019, 2020 Flora and Fauna Management Plan Care and Maintenance (V4 – dated 3 June 2019) Rehabilitation Management Plan Care and Maintenance	<p><b>2019 IEA Non-compliance recommendation</b> <u>Blue Gum Creek and Long Gully – Water Quality</u> Recommend for future Trigger Level EC exceedances, assessment of metals (Fe, Al and Mn) are used to assess whether change in EC is mining induced. Trigger values for metals should also be included for Site 10 in Table 3.7 of the WMP.</p> <p>Further consideration of this trigger level in the revised WMP should be undertaken in consultation with a relevant water specialist and relevant regulators in consideration of distance to active mining.</p> <p><u>Pambalong Nature Reserve – Groundwater Levels</u> Recommend monthly monitoring at Piezometer C081B or in accordance with approved WMP. Further consideration of this trigger level in the revised WMP</p>

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	<p><i>Table 2: Subsidence Impact Performance Measures</i></p> <table border="1"> <thead> <tr> <th colspan="2" data-bbox="360 252 510 272"><b>Water Resources</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="360 272 734 464"> <ul style="list-style-type: none"> <li>Hexham Swamp;</li> <li>Blue Gum Creek and Alluvium; and</li> <li>Long Gully.</li> </ul> </td> <td data-bbox="734 272 1160 464"> <ul style="list-style-type: none"> <li>Negligible environmental consequences, including:               <ul style="list-style-type: none"> <li>negligible reduction in the quantity of water entering the swamp or the creeks (ie baseflow or environmental flows);</li> <li>negligible reduction in the quality of water entering the swamp or the creeks; and</li> <li>negligible reduction in creek bed or bank stability.</li> </ul> </li> <li>No connective cracking between the surface and the mine.</li> </ul> </td> </tr> <tr> <td data-bbox="360 464 734 501"> <ul style="list-style-type: none"> <li>All other watercourses in the mining area.</li> </ul> </td> <td data-bbox="734 464 1160 501"> <ul style="list-style-type: none"> <li>No greater environmental consequences than predicted in the EA and EA (MOD 3).</li> </ul> </td> </tr> <tr> <th colspan="2" data-bbox="360 501 450 521"><b>Land</b></th> </tr> <tr> <td data-bbox="360 521 734 619"> <ul style="list-style-type: none"> <li>Cliffs.</li> </ul> </td> <td data-bbox="734 521 1160 619"> <ul style="list-style-type: none"> <li>Minor environmental consequences (that is, occasional rockfalls, displacement of or dislodgement of boulders or slabs, or fracturing, that in total do not impact more than 3% of the total face area of cliffs within the mining area).</li> </ul> </td> </tr> <tr> <td data-bbox="360 619 734 719"> <ul style="list-style-type: none"> <li>Minor cliffs</li> <li>Rock face features; and</li> <li>Steep slopes.</li> </ul> </td> <td data-bbox="734 619 1160 719"> <ul style="list-style-type: none"> <li>Minor environmental consequences (that is, occasional rockfalls, displacement or dislodgement 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 the mining area).</li> </ul> </td> </tr> <tr> <td data-bbox="360 719 734 740"> <ul style="list-style-type: none"> <li>Pambalong Nature Reserve.</li> </ul> </td> <td data-bbox="734 719 1160 740"> <ul style="list-style-type: none"> <li>Negligible environmental consequences.</li> </ul> </td> </tr> <tr> <th colspan="2" data-bbox="360 740 472 761"><b>Biodiversity</b></th> </tr> <tr> <td data-bbox="360 761 734 836"> <ul style="list-style-type: none"> <li>Threatened species; and</li> <li>Endangered ecological communities (including unspecified Lowland Rainforest EEC).</li> </ul> </td> <td data-bbox="734 761 1160 836"> <ul style="list-style-type: none"> <li>Negligible environmental consequences.</li> </ul> </td> </tr> <tr> <th colspan="2" data-bbox="360 836 488 857"><b>Heritage Sites</b></th> </tr> <tr> <td data-bbox="360 857 734 916"> <ul style="list-style-type: none"> <li>Aboriginal heritage sites.</li> </ul> </td> <td data-bbox="734 857 1160 916"> <ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences than predicted in the EA and EA (MOD 3).</li> </ul> </td> </tr> <tr> <td data-bbox="360 916 734 975"> <ul style="list-style-type: none"> <li>Historic heritage.</li> </ul> </td> <td data-bbox="734 916 1160 975"> <ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences than predicted in the EA and EA (MOD 3).</li> </ul> </td> </tr> <tr> <th colspan="2" data-bbox="360 975 495 995"><b>Mine workings</b></th> </tr> <tr> <td data-bbox="360 995 734 1086"> <ul style="list-style-type: none"> <li>First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible subsidence impacts, negligible environmental consequences.</li> </ul> </td> <td data-bbox="734 995 1160 1086"> <ul style="list-style-type: none"> <li>To remain long-term stable and non-subsiding.</li> </ul> </td> </tr> <tr> <td data-bbox="360 1086 734 1129"> <ul style="list-style-type: none"> <li>Second workings.</li> </ul> </td> <td data-bbox="734 1086 1160 1129"> <ul style="list-style-type: none"> <li>To be carried out only in accordance with an approved Extraction Plan.</li> </ul> </td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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 Director-General will be the final arbiter.</li> </ul>	<b>Water Resources</b>		<ul style="list-style-type: none"> <li>Hexham Swamp;</li> <li>Blue Gum Creek and Alluvium; and</li> <li>Long Gully.</li> </ul>	<ul style="list-style-type: none"> <li>Negligible environmental consequences, including:               <ul style="list-style-type: none"> <li>negligible reduction in the quantity of water entering the swamp or the creeks (ie baseflow or environmental flows);</li> <li>negligible reduction in the quality of water entering the swamp or the creeks; and</li> <li>negligible reduction in creek bed or bank stability.</li> </ul> </li> <li>No connective cracking between the surface and the mine.</li> </ul>	<ul style="list-style-type: none"> <li>All other watercourses in the mining area.</li> </ul>	<ul style="list-style-type: none"> <li>No greater environmental consequences than predicted in the EA and EA (MOD 3).</li> </ul>	<b>Land</b>		<ul style="list-style-type: none"> <li>Cliffs.</li> </ul>	<ul style="list-style-type: none"> <li>Minor environmental consequences (that is, occasional rockfalls, displacement of or dislodgement of boulders or slabs, or fracturing, that in total do not impact more than 3% of the total face area of cliffs within the mining area).</li> </ul>	<ul style="list-style-type: none"> <li>Minor cliffs</li> <li>Rock face features; and</li> <li>Steep slopes.</li> </ul>	<ul style="list-style-type: none"> <li>Minor environmental consequences (that is, occasional rockfalls, displacement or dislodgement 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 the mining area).</li> </ul>	<ul style="list-style-type: none"> <li>Pambalong Nature Reserve.</li> </ul>	<ul style="list-style-type: none"> <li>Negligible environmental consequences.</li> </ul>	<b>Biodiversity</b>		<ul style="list-style-type: none"> <li>Threatened species; and</li> <li>Endangered ecological communities (including unspecified Lowland Rainforest EEC).</li> </ul>	<ul style="list-style-type: none"> <li>Negligible environmental consequences.</li> </ul>	<b>Heritage Sites</b>		<ul style="list-style-type: none"> <li>Aboriginal heritage sites.</li> </ul>	<ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences than predicted in the EA and EA (MOD 3).</li> </ul>	<ul style="list-style-type: none"> <li>Historic heritage.</li> </ul>	<ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences than predicted in the EA and EA (MOD 3).</li> </ul>	<b>Mine workings</b>		<ul style="list-style-type: none"> <li>First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible subsidence impacts, negligible environmental consequences.</li> </ul>	<ul style="list-style-type: none"> <li>To remain long-term stable and non-subsiding.</li> </ul>	<ul style="list-style-type: none"> <li>Second workings.</li> </ul>	<ul style="list-style-type: none"> <li>To be carried out only in accordance with an approved Extraction Plan.</li> </ul>		<p>(V2 – dated 3 June 2019)</p> <p>Water Management Plan Care and Maintenance (V4- dated 3 June 2019)</p> <p>Noise Management Plan Care and Maintenance (V5 – Dated 3 June 2019)</p> <p>Air Quality and Greenhouse Gas Management Plan Care and Maintenance (V3 – dated 3 June 2019)</p> <p>Aboriginal Heritage Management Plan (Rev 2.2 – Dated June 2019)</p> <p>Evidence of Director-General satisfaction</p>	<p><i>should be undertaken in consultation with a relevant groundwater specialist and relevant regulators in consideration of distance to active mining. Recommend the following updates to the WMP:</i></p> <ul style="list-style-type: none"> <li>Revision of Piezometer Monitoring Sites for Pambalong Nature Reserve to ensure the piezometer relevant to the feature; and</li> <li>Clarify Trigger Level 1 and 2 for Groundwater levels for the Pambalong Nature Reserve.</li> </ul> <p><b>2019 IEA Recommendation:</b></p> <ol style="list-style-type: none"> <li>“Minor Cliff” definition be clarified on review of EP/management plans.</li> <li>Whilst mining, AEMR include PA 05_0136 Table 2 and a tabulated summary of impacts and conclusions.</li> <li>Labelling of Water Quality Monitoring Sites 9 and 10 in AEMR are consistent with that shown in the WMP.</li> <li>If mining recommences, a clear definition of GDE’s in the Hexham Swamp be documented (impacts and monitoring).</li> </ol> <p><b>2022 IEA finding</b></p> <p>A review of the Water Management Plan found that whilst a statement of corrective action for <i>Blue Gum Creek and Long Gully – Water Quality</i> was included in the plan and that this recommendation has been closed out.</p> <p>In regard to the second recommendation of monitoring <i>Pambalong Nature Reserve – Groundwater Levels</i>, DCL have made to install additional piezometers around Pambalong Nature Reserve and Hexham Swamp if mining were to recommence. This is outlined in Section 4.16 of the Water Management Plan. Trigger levels are defined in Table 18. Whilst monthly monitoring was recommended by the 2019 IEA, no commitment to monthly monitoring has been made.</p> <p><b>Recommendation 4: If mining is to recommence, ensure monitoring frequency of surface water and groundwater is determined in consultation with NRAR and DPE.</b></p> <p>A review of the Subsidence Management Plan for 2019 and 2020 appended to the annual report found that whilst minor surface cracking has occurred, subsidence impacts remained within the limits of this condition.</p> <p>In response to the four recommendations from the 2019 IEA, labelling of Water Quality Monitoring Sites 9 and 10 were included in the 2019 and 2020 Annual Review.</p>
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Condition	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> <li>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 3.</li> </ul>			Minor Cliff's will be defined in the next update to the Subsidence Monitoring Program required under the Extraction Plan. As the mine is in care and maintenance, a new Extraction Plan has not been prepared over the reporting period. Likewise, recommendation 2 and 4 would only be applicable if mining recommences on the site.
	Offsets			
2	If the Proponent exceeds the performance measures in Table 2 and the Director-General determines that: (a) it is not reasonable or feasible to remediate the impact or environmental consequence; or (b) remediation measures implemented by the Proponent have failed to satisfactorily remediate the impact or environmental consequence; the Proponent shall provide a suitable offset to compensate for the impact or environmental consequence, to the satisfaction of the Director-General. Note: Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence.	Compliant	Annual subsidence monitoring reports for 2019, 2020 Site interviews conducted 11 February 2022	No subsidence issues exceeding performance measures have occurred during the audit period and therefore no need for offsets.
	Performance Measures – Built Features			
3	The Proponent shall ensure that the project does not cause any exceedances of the performance measures in Table 3, to the satisfaction of the Director-General. Any dispute between the Proponent and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 3 is to be settled by the Director-General, following consultation with the MSB and the Executive Director Mineral Resources. Any decision by the Director-General shall be final and not subject to further dispute resolution under this approval.	Compliant	Annual Reviews for 2019, 2020 Site interviews conducted 11 February 2022	No subsidence issues exceeding performance measures have occurred during the audit period.

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	<p><i>Table 3: Subsidence Impact Performance Measures</i></p> <table border="1"> <thead> <tr> <th colspan="2" data-bbox="360 248 1155 268"><b>Built Features</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="360 268 725 387"> <b>Key Public Infrastructure:</b> <ul style="list-style-type: none"> <li>F3 Freeway;</li> <li>Hunter Expressway;</li> <li>330kV transmission line and transmission towers; and</li> <li>132kV and 66kV powerlines.</li> </ul> </td> <td data-bbox="725 268 1155 387"> <ul style="list-style-type: none"> <li>Always safe and serviceable.</li> <li>Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired.</li> </ul> </td> </tr> <tr> <td data-bbox="360 387 725 507"> <b>Other Public Infrastructure:</b> <ul style="list-style-type: none"> <li>Timber power poles;</li> <li>Roads;</li> <li>Fibre-optic cables; and</li> <li>Telecommunication cables.</li> </ul> </td> <td data-bbox="725 387 1155 507"> <ul style="list-style-type: none"> <li>Always safe and serviceable.</li> <li>No greater subsidence impact or environmental consequences than predicted in the EA and EA (MOD 3).</li> <li>Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired.</li> </ul> </td> </tr> <tr> <td data-bbox="360 507 725 770"> <b>Key Privately-Owned Built Features</b> <ul style="list-style-type: none"> <li>Principal residences;</li> <li>All buildings and structures on, or built in the future on: <ul style="list-style-type: none"> <li>the Black Hill Public School;</li> <li>Catholic High School site (Lot 131 DP1057179);</li> <li>Black Hill Church and Cemetery;</li> <li>Coal &amp; Allied Operations Pty Limited site (Lot 30 DP870411); and</li> </ul> </li> <li>The 4 largest dams at the commercial orchard on Lots 11 and 12 DP877937 and Lots 610 and 611 DP1035588, while this land is used for this purpose.</li> </ul> </td> <td data-bbox="725 507 1155 770"> <ul style="list-style-type: none"> <li>First workings only within a 26.5° angle of draw of the structure, except with the prior written agreement of the relevant landowner.</li> <li>Always safe.</li> <li>Serviceability should be maintained wherever practicable.</li> <li>Damage must be fully repairable, and must be fully repaired, or else replaced or fully compensated.</li> </ul> </td> </tr> <tr> <td data-bbox="360 770 725 898"> <b>Other Privately-Owned Built Features</b> <ul style="list-style-type: none"> <li>Rural buildings;</li> <li>Farm dams;</li> <li>Tracks and fences;</li> <li>Black Hill Quarry; and</li> <li>Stockrington Quarry.</li> </ul> </td> <td data-bbox="725 770 1155 898"> <ul style="list-style-type: none"> <li>Always safe.</li> <li>Serviceability should be maintained wherever practicable. 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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 Director-General will be the final arbiter.</li> <li>The requirements of this condition only apply to the impacts and consequences of mining operations undertaken following the date of this approval.</li> <li>Requirements under this condition may be met by measures undertaken in accordance with the Mine Subsidence Compensation Act 1961.</li> <li>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.</li> </ul>	<b>Built Features</b>		<b>Key Public Infrastructure:</b> <ul style="list-style-type: none"> <li>F3 Freeway;</li> <li>Hunter Expressway;</li> <li>330kV transmission line and transmission towers; and</li> <li>132kV and 66kV powerlines.</li> </ul>	<ul style="list-style-type: none"> <li>Always safe and serviceable.</li> <li>Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired.</li> </ul>	<b>Other Public Infrastructure:</b> <ul style="list-style-type: none"> <li>Timber power poles;</li> <li>Roads;</li> <li>Fibre-optic cables; and</li> <li>Telecommunication cables.</li> </ul>	<ul style="list-style-type: none"> <li>Always safe and serviceable.</li> <li>No greater subsidence impact or environmental consequences than predicted in the EA and EA (MOD 3).</li> <li>Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired.</li> </ul>	<b>Key Privately-Owned Built Features</b> <ul style="list-style-type: none"> <li>Principal residences;</li> <li>All buildings and structures on, or built in the future on: <ul style="list-style-type: none"> <li>the Black Hill Public School;</li> <li>Catholic High School site (Lot 131 DP1057179);</li> <li>Black Hill Church and Cemetery;</li> <li>Coal &amp; Allied Operations Pty Limited site (Lot 30 DP870411); and</li> </ul> </li> <li>The 4 largest dams at the commercial orchard on Lots 11 and 12 DP877937 and Lots 610 and 611 DP1035588, while this land is used for this purpose.</li> </ul>	<ul style="list-style-type: none"> <li>First workings only within a 26.5° angle of draw of the structure, except with the prior written agreement of the relevant landowner.</li> <li>Always safe.</li> <li>Serviceability should be maintained wherever practicable.</li> <li>Damage must be fully repairable, and must be fully repaired, or else replaced or fully compensated.</li> </ul>	<b>Other Privately-Owned Built Features</b> <ul style="list-style-type: none"> <li>Rural buildings;</li> <li>Farm dams;</li> <li>Tracks and fences;</li> <li>Black Hill Quarry; and</li> <li>Stockrington Quarry.</li> </ul>	<ul style="list-style-type: none"> <li>Always safe.</li> <li>Serviceability should be maintained wherever practicable. 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4	Extraction Plan	Not triggered		<b>2019 IEA Recommendation:</b> Future TARP's include Trigger Levels for Groundwater Drawdown, especially at														

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	<p>The Proponent shall prepare and implement an Extraction Plan for all second workings on site to the satisfaction of the Director-General. Each extraction plan must:</p> <p>(a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Director-General;</p> <p>(b) be approved by the Director-General 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 2 and 3;</p> <p>(e) give particular consideration to any proposed multi-seam mining;</p> <p>(f) include a detailed investigation of any overlying or adjacent West Borehole Seam workings, in consultation with DRE, which:</p> <ul style="list-style-type: none"> <li>– assesses the stability of remnant coal pillars in the former West Borehole Seam workings;</li> <li>– includes revised multi-seam subsidence predictions for the second workings areas;</li> <li>– gives particular consideration to the risks of irregular subsidence and for pillar run leading to subsidence outside of the predicted angle of draw; and</li> <li>– recommends final design of the second workings panels and any necessary adaptive management measures;</li> </ul> <p>(g) 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>(h) describe the measures that would be implemented to ensure compliance with the performance measures in Tables 2 and 3, and manage or remediate any impacts and/or environmental consequences;</p> <p>(i) include a Built Features Management Plan, which has been prepared in consultation with DRE and the owners of affected built features, to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings, and which:</p> <ul style="list-style-type: none"> <li>– addresses in appropriate detail all items of key public infrastructure (with particular consideration of angle towers on transmission lines and powerlines), other public infrastructure and all other built features;</li> <li>– has been prepared following appropriate consultation with the owner/s of potentially affected feature/s;</li> <li>– 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</li> <li>– 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 which may impact the infrastructure;</li> </ul> <p>(j) include a Water Management Plan, which has been prepared in consultation with EPA and NOW, which provides for the management of the potential impacts and/or</p>			<p><i>bores relevant to Pambalong Nature Reserve (excluded from Area 4 EP).</i></p> <p><b>2022 IEA Finding</b></p> <p>Review of the WMP indicates TARPs are included for Groundwater Drawdown, including at Pambalong Nature Reserve. However, it is noted this recommendation relates specifically to preparation of Extraction Plans for future mining, which has not occurred during the audit period.</p> <p>Review of this condition indicates it has otherwise not been triggered.</p>



Condition	Details	Compliance status	Relevant evidence	Commentary
	<p>environmental consequences of the proposed second workings on watercourses and aquifers, including:</p> <ul style="list-style-type: none"> <li>– surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality;</li> <li>– a program to monitor and report stream flows, assess any changes resulting from subsidence impacts and remediate and improve stream stability;</li> <li>– a program to monitor and report groundwater inflows to underground workings;</li> <li>– a program to predict, manage and monitor impacts to groundwater bores on privately-owned land; and</li> </ul> <p>(k) include a Biodiversity Management Plan, which has been prepared in consultation with OEHL, 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>(l) 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, with a specific focus on cliffs, rock face features and steep slopes;</p> <p>(m) include a Heritage Management Plan, which has been prepared in consultation with OEHL 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 the requirements of condition 21 of schedule 4;</p> <p>(n) include a Public Safety Management Plan, which has been prepared in consultation with DRE, to ensure public safety in the mining area;</p> <p>(o) include a Subsidence Monitoring Program, which has been prepared in consultation with DRE; to:</p> <ul style="list-style-type: none"> <li>– provide data to assist with the management of the risks associated with subsidence;</li> <li>– validate the subsidence predictions;</li> <li>– analyse the relationship between the predicted and resulting subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and</li> <li>– inform the contingency plan and adaptive management process;</li> </ul> <p>(p) 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 1 and 2, or where any such exceedance appears likely;</p> <p>(q) proposes appropriate revisions to the Rehabilitation Management Plan required under condition 28 of Schedule 4; and</p> <p>(r) include a program to collect sufficient baseline data for future Extraction Plans.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>– To identify the second workings mining domains referred to in this condition, see Appendix 2.</li> <li>– In accordance with Condition 14 of Schedule 2, the preparation and implementation of Extraction Plans may be staged, with each plan covering a defined area of</li> </ul>			

Condition	Details	Compliance status	Relevant evidence	Commentary
	<p>underground workings. In addition, these plans are only required to contain management plans that are relevant to the specific underground workings that are being carried out.</p> <ul style="list-style-type: none"> <li>- An SMP that is substantially consistent with this condition and which is approved by DRE prior to 31 October 2013 is taken to satisfy the requirements of this condition.</li> </ul>			
5	<p>The Proponent shall ensure that the management plans required under conditions 4(h)-(m) 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>	Not triggered		Review of relevant data indicates mining has not recommenced therefore no new management plans have been required during the audit period and this condition has not been triggered.
	First Workings			
6	<p>The Proponent may carry out first workings on site, other than in accordance with an approved Extraction Plan, provided that DRE 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>Note: The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with zero resulting subsidence impacts.</p>	Not triggered	S	<p><b>2019 IEA Recommendation:</b> No written evidence was provided that first working in South Mains were designed to DRG's satisfaction. Recommend a response is sought for any future first workings in accordance with this condition prior to works being undertaken.</p> <p><b>2022 IEA Finding</b></p> <p>Review of relevant data indicates mining has not recommenced; therefore the 2019 IEA recommendation is not yet applicable.</p> <p>Review of this condition indicates it has otherwise not been triggered.</p>
	Alternative Mining Methods			
7	The Proponent may carry out bord and pillar mining and pillar extraction in the longwall mining and shortwall mining areas shown in Figure 2 of Appendix 2, subject to any necessary Extraction Plan. Payment of Reasonable Costs	Not triggered		Review of relevant data indicates mining has not recommenced; therefore this condition has not been triggered.
8	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.	Not triggered		Review of relevant data indicates mining has not recommenced; therefore no new extraction plans have been required during the audit period and this condition has not been triggered.
	SURFACE INFRASTRUCTURE MANAGEMENT			
	Gas Drainage			
9	The Proponent shall ensure that all gas drainage pipelines (other than connection points, monitoring points, dewatering facilities, regulation or isolation points) between gas drainage plants are buried, unless otherwise agreed with the relevant landowner or unless burial is inappropriate for safety or other reasons, to the satisfaction of the Director-General.	Not triggered		<p>Review of relevant data indicates no new gas drainage infrastructure has been introduced during the audit period requiring revision of the management plan.</p> <p>Review of this condition indicates it has otherwise not been triggered.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
10	<p>The Proponent shall prepare and implement a Gas Drainage Management Plan in respect of construction and use of future gas drainage infrastructure (i.e. for any gas drainage not subject to approval at the date of approval of MOD 3), to the satisfaction of the Director-General. This plan must be submitted to the Director-General for approval prior to the construction of any future gas drainage infrastructure and must include details of the Proponent's commitments regarding:</p> <ul style="list-style-type: none"> <li>(a) community consultation;</li> <li>(b) landholder agreements;</li> <li>(c) assessment of noise, air quality, traffic, biodiversity, heritage, public safety and other impacts in accordance with approved methods;</li> <li>(d) avoidance of significant impacts and minimisation of impacts generally;</li> <li>(e) beneficial re-use or flaring of drained hydrocarbon gases, wherever practicable;</li> <li>(f) achievement of applicable standards and goals;</li> <li>(g) mitigation and/or compensation for significant noise, air quality and visual impacts; and</li> <li>(h) rehabilitation of disturbed sites.</li> </ul>	Not triggered		<p>Review of relevant data indicates no new gas drainage infrastructure has been introduced during the audit period requiring revision of the management plan.</p> <p>Review of this condition indicates it has otherwise not been triggered.</p>
	Service Boreholes			
11	<p>The Proponent shall prepare and implement a Service Boreholes Management Plan in respect of construction and use of future service boreholes (ie any service boreholes not subject to approval at the date of approval of MOD 3) to the satisfaction of the Director-General. This plan must be submitted to the Director-General for approval prior to the construction of any future service borehole and must include details of the Proponent's commitments regarding:</p> <ul style="list-style-type: none"> <li>(a) community consultation;</li> <li>(b) landholder agreements;</li> <li>(c) assessment of noise, air quality, traffic, biodiversity, heritage, public safety and other impacts in accordance with approved methods;</li> <li>(d) avoidance of significant impacts and minimisation of impacts generally;</li> <li>(e) achievement of applicable standards and goals;</li> <li>(f) mitigation and/or compensation for significant noise, air quality and visual impacts; and</li> <li>(g) rehabilitation of disturbed sites.</li> </ul>	Not triggered		<p><b>2019 IEA Recommendation:</b> <i>When revising Service Boreholes Management Plan, include mitigation and management measures for visual impacts and compensation for noise, air and visual impacts.</i></p> <p><b>2022 IEA Finding</b></p> <p>Review of relevant data indicates mining has not recommenced; therefore the 2019 IEA recommendation is not yet applicable, with no new service borehole introduced during the audit period requiring revision of the management plan.</p> <p>Review of this condition indicates it has otherwise not been triggered.</p>
	Personal Emergency Device (PED) Communications			
12	<p>The Proponent shall prepare and implement a PED Communications Management Plan in respect of construction and use of future PED communications infrastructure (i.e. for any PED communications infrastructure not subject to approval at the date of approval of MOD 3) to the satisfaction of the Director-General. This plan must be submitted to the Director-General for approval prior to the construction of any future PED communications infrastructure and must include details of the Proponent's commitments regarding:</p> <ul style="list-style-type: none"> <li>(a) community consultation;</li> <li>(b) landholder agreements;</li> </ul>	Not triggered		<p>Review of relevant data indicates no new PED communications infrastructure has been introduced during the audit period requiring revision of the management plan.</p> <p>Review of this condition indicates it has otherwise not been triggered.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary																																		
	(c) assessment of noise, air quality, traffic, biodiversity, heritage, public safety and other impacts in accordance with approved methods; (d) avoidance of significant impacts and minimisation of impacts generally; (e) achievement of applicable standards and goals; (f) mitigation and/or compensation for significant noise, air quality and visual impacts; and (g) rehabilitation of disturbed sites.																																					
	SCHEDULE 4 – SPECIFIC ENVIRONMENTAL CONDITIONS – GENERAL																																					
	NOISE																																					
	Operational Noise Criteria																																					
1	<p>The Proponent shall ensure that the noise generated by the project does not exceed the criteria in Table 4 at any residence on privately-owned land.</p> <p><i>Table 4: Operational noise criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th rowspan="2">Receiver Area</th> <th>Day</th> <th>Evening</th> <th colspan="2">Night</th> </tr> <tr> <th>L<sub>Aeq</sub> (15 min)</th> <th>L<sub>Aeq</sub> (15 min)</th> <th>L<sub>Aeq</sub> (15 min)</th> <th>L<sub>A1</sub> (1 min)</th> </tr> </thead> <tbody> <tr> <td>Location I</td> <td>Lord Howe Drive, Ashtonfield</td> <td>36</td> <td>36</td> <td>36</td> <td>45</td> </tr> <tr> <td>Location K</td> <td>Catholic Diocese Land</td> <td>37</td> <td>37</td> <td>37</td> <td>45</td> </tr> <tr> <td>Location L</td> <td>Kilshanny Avenue, Ashtonfield</td> <td>40</td> <td>40</td> <td>40</td> <td>47</td> </tr> <tr> <td>All other locations</td> <td>All other privately-owned residences</td> <td>35</td> <td>35</td> <td>35</td> <td>45</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> <li>– To interpret the locations referred to Table 4, see the plan in Appendix 3.</li> <li>– Noise generated by the project is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy. Appendix 4 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.</li> </ul> <p>However, these noise criteria do not apply if the Proponent has an agreement with the relevant landowner to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	Location	Receiver Area	Day	Evening	Night		L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>A1</sub> (1 min)	Location I	Lord Howe Drive, Ashtonfield	36	36	36	45	Location K	Catholic Diocese Land	37	37	37	45	Location L	Kilshanny Avenue, Ashtonfield	40	40	40	47	All other locations	All other privately-owned residences	35	35	35	45	Compliant	Noise monitoring for 2019, 2020 and 2021	<p><b>2019 IEA Recommendation:</b> Remove Location K from PA 05_0136 Table 4 and any other strategy, plan or program.</p> <p><b>2022 IEA Findings</b></p> <p>Review of relevant documentation indicates DCL do not have any planned modifications to PA 05_0136 for which this would be captured; however, do note it would be considered if a future modification is sought.</p> <p>A review of noise monitoring reports found that the project was being operated in compliance with these conditions.</p>
Location	Receiver Area			Day	Evening	Night																																
		L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>A1</sub> (1 min)																																	
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All other locations	All other privately-owned residences	35	35	35	45																																	
	Construction Noise Criteria																																					
2	2. The Proponent shall ensure that the noise generated during the construction of the downcast ventilation shaft as described in EA (MOD 3) does not exceed the criteria in Table 5.	Not triggered		Review of relevant data indicates this condition precedes the current audit period and is no longer applicable.																																		

Condition	Details	Compliance status	Relevant evidence	Commentary											
	<p><i>Table 5: Construction noise criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th rowspan="2">Receiver</th> <th>Day</th> </tr> <tr> <th>L<sub>Aeq</sub> (15 min)</th> </tr> </thead> <tbody> <tr> <td>Location R</td> <td>281 Lings Road, Buttai</td> <td>50</td> </tr> <tr> <td>Location S</td> <td>189 Lings Road Buttai</td> <td>43</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> <li>The criteria in Table 5 apply only whilst the downcast ventilation shaft is being constructed, and for a maximum of 12 weeks from the commencement of construction.</li> <li>To interpret the locations referred to Table 5, see the plan in Appendix 3.</li> <li>Noise generated by the project is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy.</li> </ul> <p>However, these noise criteria do not apply if the Proponent has an agreement with the relevant landowner to generate higher construction noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	Location	Receiver	Day	L <sub>Aeq</sub> (15 min)	Location R	281 Lings Road, Buttai	50	Location S	189 Lings Road Buttai	43				
Location	Receiver			Day											
		L <sub>Aeq</sub> (15 min)													
Location R	281 Lings Road, Buttai	50													
Location S	189 Lings Road Buttai	43													
	Rail Noise Criteria														
3	<p>The Proponent shall ensure that the noise from rail movements on the Bloomfield Rail Spur does not exceed the limits in Table 6 at any residence on privately-owned land</p> <p><i>Table 6: Rail Spur noise criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>Day</th> <th>Evening</th> <th>Night</th> </tr> <tr> <th colspan="3">L<sub>Aeq</sub> (period)</th> </tr> </thead> <tbody> <tr> <td>All privately-owned land</td> <td>55</td> <td>45</td> <td>40</td> </tr> </tbody> </table>	Location	Day	Evening	Night	L <sub>Aeq</sub> (period)			All privately-owned land	55	45	40	Not triggered	Noise monitoring reports Annual Reviews for 2019, 2020	<p><b>2019 IEA Recommendation:</b> Include statement in AEMR that reports on Cumulative Noise Criteria.</p> <p><b>2022 IEA Finding</b></p> <p>A statement regarding cumulative noise is included in section 6.3 of the Annual Review verify the 2019 IEA recommendation has been closed out.</p> <p>Coal mining activities ceased on 2 May 2016 when the site was placed into care and maintenance. No extraction, processing or transport has occurred during the audit period.</p> <p>Noise monitoring for the CHPP is reported by Bloomfield Colliery.</p>
Location	Day		Evening	Night											
	L <sub>Aeq</sub> (period)														
All privately-owned land	55	45	40												
	Cumulative Noise Criteria														
4	<p>The Proponent shall implement all reasonable and feasible measures to ensure that the noise generated by the project combined with the noise generated by other mines in the area does not exceed the criteria in Table 7 at any residence on privately-owned land.</p> <p><i>Table 7: Cumulative noise criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>Day</th> <th>Evening</th> <th>Night</th> </tr> <tr> <th colspan="3">L<sub>Aeq</sub> (period)</th> </tr> </thead> <tbody> <tr> <td>All privately-owned land</td> <td>55</td> <td>45</td> <td>40</td> </tr> </tbody> </table> <p>Note: Cumulative noise is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy. Appendix 4 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.</p>	Location	Day	Evening	Night	L <sub>Aeq</sub> (period)			All privately-owned land	55	45	40	Compliant	Noise monitoring Annual Reviews for 2019, 2020	Noise monitoring over the audit period showed that activities at Abel Underground were compliant with this condition.
Location	Day		Evening	Night											
	L <sub>Aeq</sub> (period)														
All privately-owned land	55	45	40												

Condition	Details	Compliance status	Relevant evidence	Commentary
	Operating Conditions			
5	<p>The Proponent shall:</p> <p>(a) implement best management practice to minimise the construction, operational, road and rail noise of the project;</p> <p>(b) operate an on-site noise management system to ensure compliance with the relevant conditions of this approval;</p> <p>(c) minimise the noise impacts of the project during meteorological conditions under which the noise limits in this consent do not apply (see Appendix 4);</p> <p>(d) only receive and/or dispatch locomotives and rolling stock either on or from the site that are approved to operate on the NSW rail network in accordance with the noise limits in ARTC's EPL (No. 3142);</p> <p>(e) carry out regular monitoring to determine whether the project is complying with the noise criteria and other relevant conditions of approval, to the satisfaction of the Director-General.</p>	Compliant	<p>Noise monitoring for 2019, 2020 and 2021</p> <p>Annual reviews for 2019, 2020</p> <p>Noise Management Plan Care and Maintenance (V5 – Dated 3/06/2019)</p>	<p><b>2019 IEA Recommendation:</b> Clarify noise mitigation process in NMP under meteorological conditions to which noise limits do not apply.</p> <p><b>2022 IEA Findings</b></p> <p>Review of relevant data verifies compliance with the requirements of this condition.</p> <p>During the reporting period, the monitoring frequency was changed from quarterly to biannually, which is documented in section 8 of the NMP. Noise monitoring reports showed that the site was being operated as per the requirements of the development consent.</p> <p>Monitoring data found that activities being undertaken at Abel Underground were being undertaken in accordance with this condition</p> <p>Meteorological conditions where noise limits do not apply are defined by Condition L4.4 of the EPL. As Abel Underground is in care and maintenance, minimal noise is being generated. Whilst noise exceedances during the audit period have not been recorded, the recommendation of the 2019 IEA have not been addressed, as the NMP does not discuss what mitigation measures would be put in place during times when noise limits do not apply due to meteorological conditions.</p> <p><b>Recommendation 5: Ensure the NMP is updated to identify times where relevant noise limits do not apply, as identified in Condition L4.4 of EPL 12856.</b></p> <p><b>Recommendation 6: Discuss additional measures of noise mitigation during times where noise limits do not apply due to meteorological conditions.</b></p>
	Noise Management Plan			
6	<p>The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with EPA, and submitted to the Director-General for approval within 6 months of the date of approval of MOD 3;</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"> <li>– uses attended monitoring to evaluate the compliance of the project against the noise criteria in this approval;</li> </ul>	Compliant	<p>Noise Management Plan Care and Maintenance (V5 – Dated 3/06/2019)</p> <p>EPA consultation completed 30/04/2019</p> <p>EPA response received 19/06/2019</p>	<p>Review of relevant data verifies general compliance with the requirements of this condition, including closing out of the 2019 IEA recommendation during the 2019 revision of the noise management plan (NMP).</p> <p>In response to clause (a) the EPA were consulted during the update of the management plan in 2019, and responded that they do not provide comment on management plans. They recommended that DCL be audited to an industry standard or to ISO 14001 standard as part of any overall environmental management system. This audit satisfies this requirement.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> <li>- evaluates and reports on: <ul style="list-style-type: none"> <li>• the effectiveness of the on-site noise management system; and</li> <li>• compliance against the noise operating conditions; and</li> </ul> </li> <li>- defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.</li> </ul>		Letter from DPIE on 4/06/2019	<p>DPIE provided a letter of approval for the updated management plans on 4 June 2019.</p> <p>Given the site is currently in care and maintenance mode, DCL do not make use of the Bloomfield CHPP. Whilst this site is solely used by Bloomfield, as it was approved under DA05_0136 DCL still have responsibility over this plant. Conduct of the audit indicates minimal contact between Bloomfield and DCL in relation to operation of the CHPP. While the CHPP is used minimally, approximately one week per month, the potential risk is considered minimal; however, lack of a process to share information relation to operation of the CHPP is considered to present a risk to compliance with DA05_0136. Particularly in relation to reporting incidents.</p> <p><b>Recommendation 7: A process should be documented in relevant plans (i.e. AQGGMP and NMP) for both Bloomfield Colliery and Abel Underground to ensure that Abel personnel are formally notified as soon as possible by Bloomfield in relation to any potential exceedances due to operations at the CHPP, rail loadout facility, rail loop and rail spur.</b></p>
	AIR QUALITY & GREENHOUSE GAS =			
	Odour			
7	The Proponent shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act.	Compliant	Complaints Register	Review of relevant data indicates compliance with the requirements of this condition.
	Greenhouse Gas Emissions			
8	The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Director-General.	Compliant	Site inspection and interviews on 11 February 2022	As the site is in care and maintenance mode, there is limited scope for reduction of Greenhouse Gas Emissions as they are already lower than operational levels.
	Air Quality Criteria			
9	The Proponent shall implement all reasonable and feasible mitigation measures to ensure that the particulate emissions generated by the project do not exceed the criteria listed in Tables 8, 9 and 10 at any residence on privately-owned land.	Compliant	Annual reviews for 2019, 2020 Monitoring data Air Quality and Greenhouse Gas Management	Review of relevant documentation verifies compliance with the requirements of this condition.

Condition	Details	Compliance status	Relevant evidence	Commentary																							
	<p><i>Table 8: Long-term criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th><sup>d</sup> Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td><sup>a</sup> 90 µg/m<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>Annual</td> <td><sup>a</sup> 30 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 9: Short-term criterion for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th><sup>d</sup> Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>24 hour</td> <td><sup>a</sup> 50 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 10: Long-term criteria for deposited dust</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td><sup>c</sup> Deposited dust</td> <td>Annual</td> <td><sup>b</sup> 2 g/m<sup>2</sup>/month</td> <td><sup>a</sup> 4 g/m<sup>2</sup>/month</td> </tr> </tbody> </table> <p><i>Notes to Tables 8-10:</i></p> <ul style="list-style-type: none"> <li><sup>a</sup> Total impact (ie incremental increase in concentrations due to the project plus background concentrations due to other sources);</li> <li><sup>b</sup> Incremental impact (ie incremental increase in concentrations due to the project on its own);</li> <li><sup>c</sup> 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</li> <li><sup>d</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed to by the Director-General.</li> </ul>	Pollutant	Averaging period	<sup>d</sup> Criterion	Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 30 µg/m <sup>3</sup>	Pollutant	Averaging period	<sup>d</sup> Criterion	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>a</sup> 50 µg/m <sup>3</sup>	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month		Plan Care and Maintenance (V3 – Dated 3 June 2019)	
Pollutant	Averaging period	<sup>d</sup> Criterion																									
Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>																									
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 30 µg/m <sup>3</sup>																									
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<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month																								
	Operating Conditions																										
10	<p>The Proponent shall:</p> <p>(a) implement best practice air quality management at the site, including all reasonable and feasible measures to minimise off-site odour and dust emissions generated by the project, including from any spontaneous combustion on site;</p> <p>(b) operate an air quality management system on site to ensure compliance with the relevant conditions of this approval;</p> <p>(c) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see note d to Tables 8-10 above); and</p> <p>(d) co-ordinate the air quality management on site with the air quality management of the Bloomfield Colliery, to minimise cumulative air quality impacts, to the satisfaction of the Director-General.</p>	Compliant	Air Quality and Greenhouse Gas Management Plan Care and Maintenance (V3 – dated 3/06/2019)	<p><b>2019 IEA Non-compliance Recommendation:</b> Recommend dust gauges re-sited (if not being removed from program).</p> <p><b>2022 IEA Finding</b> Review of relevant data indicates cessation of depositional dust monitoring as a requirement of monitoring during the care and maintenance period, with depositional dust monitoring also removed from the EPL for the site. Monitoring of PM<sub>10</sub> will continue at the Black Hill Monitoring Station</p>																							



Condition	Details	Compliance status	Relevant evidence	Commentary
	Air Quality & Greenhouse Gas Management Plan			
11	<p>The Proponent shall prepare and implement a detailed Air Quality &amp; Greenhouse Gas Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with EPA, and submitted to the Director-General for approval within 6 months of the date of approval of MOD 3;</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 measures that would be implemented to minimise the greenhouse gas emissions from the site;</p> <p>(d) describe the proposed on-site air quality management system; and</p> <p>(e) include an air quality monitoring program that:</p> <ul style="list-style-type: none"> <li>– is capable of evaluating the operating conditions of this approval;</li> <li>– evaluates and reports on: - the effectiveness of the air quality management system; and - compliance against the air quality operating conditions; and</li> <li>– 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.</li> </ul>	Compliant	<p>Air Quality and Greenhouse Gas Management Plan Care and Maintenance (V3 – dated 3/06/2019)</p> <p>EPA consultation completed 30/04/2019</p> <p>EPA response received 19/06/2019</p> <p>Letter from DPIE on 4/06/2019</p>	<p><b>2019 IEA Recommendation:</b> Energy efficiency opportunities for the Abel Underground Mine to be identified, assessed and reported through a series of five-year assessment cycles in accordance with the Energy Efficiency Opportunities Act 2006 (EEO Act, 2006).</p> <p><b>2022 IEA Findings</b></p> <p>Review of relevant data verifies compliance with the requirements of this condition. It is noted the EEO Act was repealed in 2014 and relevant reporting committed to in the management plan has been removed in the latest revision. Therefore, the 2019 IEA recommendation is no longer relevant.</p> <p>In response to clause (a) the EPA were consulted during the update of the management plan in 2019 and responded that they do not provide comment on management plans. They recommended that DCL be audited to an industry standard or to ISO 14001 standard as part of any overall environmental management system. This audit satisfies this requirement.</p> <p>DPIE provided a letter of approval for the updated management plans on 4 June 2019.</p>
	METEOROLOGICAL MONITORING			
12	<p>During the life of the project, the Proponent shall ensure that there is a suitable meteorological station operating 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 Industrial Noise Policy, unless a suitable alternative is approved by the Director-General following consultation with the EPA.</p>	Compliant	<p>Air Quality and Greenhouse Gas Management Plan Care and Maintenance (V3 – dated 3/06/2019)</p> <p>EPL 12856 Noise Management Plan Care and Maintenance (V5 – Dated 3/06/2019)</p>	DCL operate a meteorological station in compliance with the requirements of this condition.
	SOIL & WATER			
	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.	Note		Noted

Condition	Details	Compliance status	Relevant evidence	Commentary
	Water Supply			
13	The Proponent shall ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of mining operations to match its available water supply, to the satisfaction of the Director-General.	Compliant	Section 3.42 of Water Management Plan Care and Maintenance (V4 – Dated 3/06/2019)	Review of relevant data verifies compliance with the requirements of this condition.
	Compensatory Water Supply			
14	<p>The Proponent shall provide a compensatory water supply to any landowner of privately-owned land whose water entitlements are adversely impacted (other than an impact that is negligible) as a result of the project, in consultation with NOW, and to the satisfaction of the Director-General.</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 must 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 Director-General 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 Director-General.</p>	Not triggered	Annual reviews for 2019, 2020 Site interviews on 11 February 2022	Not triggered during the reporting period.
	Surface Water Discharges			
15	The Proponent shall not discharge any water from the site or cause any pollution of waters except as expressly provided for in an EPL.	Not-triggered	Annual Returns for 2019, 2020 Site interviews on 11 February 2022	No discharge has occurred during the audit period, and therefore this condition remains not triggered.
	Surface Water Transfer			
16	The Proponent may transfer water between the site, the Donaldson Open-Cut Coal Mine and the Bloomfield Colliery, in accordance with the Water Management Plans for these operations.	Compliant	Annual Reviews for 2019, 2020 Site interviews on 11 February 2022	<p><b>2019 IEA Recommendation:</b> Recommend clearly labelling column on water transfer amounts on site spreadsheet e.g. “Transfer from Big Kahuna to Lake Kennerson (ML)” and including pumped volumes in Annual Review.</p> <p><b>2022 IEA Findings</b></p> <p>Review of relevant data indicates compliance with the requirements of this condition, with the 2019 IEA recommendation being addressed by 28 February 2019.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary								
	Water Management Plan											
17	<p>The Proponent shall prepare and implement a Water Management Plan for the project, for all areas that are not, or will not, be subject to condition 4 of schedule 3, to the satisfaction of the Director-General. This plan must be prepared in consultation with NOW and EPA, by suitably qualified and experienced persons whose appointment has been endorsed by the Director-General, and submitted to the Director-General for approval within 6 months of the date of approval of MOD 3. This plan must include:</p> <p>(a) a comprehensive water balance for the project that includes details of:</p> <ul style="list-style-type: none"> <li>– sources and security of water supply;</li> <li>– water make in the underground workings;</li> <li>– water use; and</li> <li>– any water discharges; and</li> </ul> <p>(b) management plans for the Surface facilities sites, that include:</p> <ul style="list-style-type: none"> <li>– a detailed description of water management systems for each site, including: <ul style="list-style-type: none"> <li>• clean water diversion systems;</li> <li>• erosion and sediment controls; and</li> <li>• any water storages;</li> </ul> </li> <li>– measures to minimise potable water use and to reuse and recycle water; and</li> <li>– monitoring and reporting procedures.</li> </ul> <p>Note: This plan can be integrated with the Water Management Plans prepared for the Donaldson Open-Cut Mine and the Bloomfield Colliery.</p>	Compliant	<p>Water Management Plan Care and Maintenance (V4 – Dated 3/06/2019)</p> <p>EPA consultation completed 30/04/2019</p> <p>NRAR Consultation completed 30/04/2019</p> <p>EPA response received 19/06/2019</p> <p>Letter from DPIE on 4/06/2019</p>	<p>The EPA were consulted during the update of the management plan in 2019 and responded that they do not provide comment on management plans. They recommended that DCL be audited to an industry standard or to ISO 14001 standard as part of any overall environmental management system. This audit satisfies this requirement.</p> <p>DPIE provided a letter of approval for the updated management plans on 4 June 2019.</p> <p>The WMP was sent to NRAR (formally NOW) on 30 April 2019. No comments were received.</p> <p>A review of the WMP found it compliant with this condition.</p>								
	BIODIVERSITY											
	Biodiversity Offset Strategy											
18	<p>The Proponent shall develop and implement a Biodiversity Offset Strategy as summarised in Table 11, prior to the commencement of construction of the coal conveyor or the vegetation clearing described in the EA, whichever is sooner, in consultation with OEH, and to the satisfaction of the Director-General.</p> <p><i>Table 11: Biodiversity Offset Strategy</i></p> <table border="1"> <thead> <tr> <th>Area</th> <th>Offset Type</th> <th>Minimum Size/Amount</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Biodiversity Offset Area</td> <td>Lower Hunter Spotted Gum-Ironbark Forest EEC</td> <td>10 ha</td> </tr> <tr> <td>Remnant native woodland vegetation</td> <td>10 ha</td> </tr> </tbody> </table>	Area	Offset Type	Minimum Size/Amount	Biodiversity Offset Area	Lower Hunter Spotted Gum-Ironbark Forest EEC	10 ha	Remnant native woodland vegetation	10 ha	Not triggered		<p>The overland conveyor was not constructed during the audit period and therefore biodiversity offsets were not required.</p>
Area	Offset Type	Minimum Size/Amount										
Biodiversity Offset Area	Lower Hunter Spotted Gum-Ironbark Forest EEC	10 ha										
	Remnant native woodland vegetation	10 ha										

Condition	Details	Compliance status	Relevant evidence	Commentary
	Long Term Security of Offset			
19	<p>Within 12 months of the commencement of construction of the coal conveyor, or the vegetation clearing described in the EA, whichever is sooner, unless the Director-General agrees otherwise, the Proponent shall make suitable arrangements to provide appropriate long term security for the biodiversity offset area identified in Table 11, to the satisfaction of the Director-General.</p> <p>Note: In order of preference, mechanisms to provide appropriate long term security to the land within the Biodiversity Offset Strategy include incorporation into the nearby State Conservation Areas, Biobanking Agreement, Voluntary Conservation Agreement, or restrictive covenant on land titles.</p>	Not triggered		The overland conveyor was not constructed during the audit period and therefore biodiversity offsets were not required.
	Biodiversity Management Plan			
20	<p>The Proponent shall prepare and implement a Biodiversity Management Plan for the project, for all areas that are not, or will not, be subject to condition 4 of schedule 3, to the satisfaction of the Director-General.</p> <p>This plan must:</p> <p>(a) be prepared in consultation with OEH, and be approved by the Director-General prior to the commencement of construction of the coal conveyor;</p> <p>(b) establish baseline data for the existing habitat in the biodiversity offset area and on the site;</p> <p>(c) describe the short, medium, and long term measures that would be implemented to:</p> <ul style="list-style-type: none"> <li>– manage vegetation clearing;</li> <li>– manage the remnant vegetation and habitat in the biodiversity offset area and on the site; and</li> <li>– implement the biodiversity offset strategy, including detailed performance and completion criteria;</li> </ul> <p>(d) include a program to monitor and report on the effectiveness of these measures, and progress against detailed performance and completion criteria;</p> <p>(e) identify the potential risks to the successful implementation of the Biodiversity Offset Strategy, and the contingency measures that would be implemented to mitigate these risks; and</p> <p>(f) include details of who would be responsible for monitoring, reviewing, and implementing the plan.</p>	Compliant	<p>Flora and fauna management plan care and maintenance (V4 – Dated 3 June 2019</p> <p>OEH consultation dated 30/04/2019</p> <p>OEH Response 2/05/2019</p> <p>Letter from DPIE on 4/06/2019</p>	<p>Review of relevant data indicates compliance with the requirements of this condition.</p> <p>In regard to subclause (a), OEH were consulted via email on 30 April 2019. DCL received a response on 2 May 2019 from OEH saying they had no comment on the plan.</p> <p>DPE issued a letter of approval on 4 June 2019.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	Conservation Bond			
21	<p>Within 6 months of the commencement of construction of the coal conveyor, or the vegetation clearing described in the EA, whichever is sooner, the Proponent shall lodge a conservation bond with the Department to ensure that the Biodiversity Offset Strategy is implemented in accordance with the performance and completion criteria described in the Biodiversity Management Plan. The sum of the bond shall be determined by:</p> <p>(a) calculating the full cost of implementing the offset strategy (other than land acquisition costs); and</p> <p>(b) employing a suitably qualified quantity surveyor to verify the calculated costs.</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 Director-General, the Director-General will release the bond. If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Director-General will call in all or part of the conservation bond, and arrange for the satisfactory completion of the relevant works</p>	Not triggered		The overland conveyor was not constructed during the audit period and therefore biodiversity offsets were not required.
	HERITAGE			
	Aboriginal Cultural Heritage Management Plan			
22	<p>The Proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan for the project, for all areas that are not, or will not, be subject to condition 4 of Schedule 3, to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with OEH and the Aboriginal community;</p> <p>(b) be submitted to the Director-General for approval within 6 months of the date of approval of MOD 3;</p> <p>(c) identify any actions required to ensure that the performance measures in Table 1 are met;</p> <p>(d) include the following program/procedures for Aboriginal cultural heritage management:</p> <ul style="list-style-type: none"> <li>– managing Aboriginal cultural heritage sites, and the discovery of any new Aboriginal cultural heritage sites, objects or skeletal remains;</li> <li>– maintaining consultation with, and the involvement of, the Aboriginal community in the conservation and management of Aboriginal heritage sites, and managing access for the Aboriginal community to Aboriginal heritage sites and culturally significant areas; and</li> <li>– a trigger action response plan to manage unexpected subsidence impacts.</li> </ul>	Compliant	<p>Abel Underground Mine: Aboriginal Heritage Management Plan (Rev 2.2 – Dated June 2019)</p> <p>OEH consultation dated 30/04/2019, with response received 2 May 2019</p> <p>Letter to the Mindaribba LALC dated 30 April 2019</p> <p>DPIE Approval on 4/06/2019</p>	<p>Review of relevant data indicates compliance with the requirements of this condition.</p> <p>DPE issued a letter of approval on 4 June 2019.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	TRANSPORT			
	Monitoring of Coal Transport			
23	<p>The Proponent shall:</p> <p>(a) keep accurate records of the amount of coal transported from the site (on a monthly basis); and</p> <p>(b) make these records publicly available on its website at the end of each calendar year.</p>	Not triggered	<p>Annual Reviews for 2019, 2020</p> <p>Site interviews on 11 February 2022.</p>	<p><b>2019 IEA Recommendation:</b> Coal Transport records are consistently made publicly available on website when production recommences.</p> <p><b>2022 IEA Finding</b></p> <p>Review of relevant data indicates coal transport has not occurred during the audit period. Therefore, this condition has not been triggered and the 2019 IEA Recommendation is remains irrelevant until production recommences.</p>
	VISUAL			
	Visual Amenity and Lighting			
24	<p>The Proponent shall:</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 unshielded outdoor lights shine above the horizontal; and</p> <p>(c) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting or its latest version, to the satisfaction of the Director-General.</p>	Compliant	<p>Annual Reviews for 2019, 2020</p> <p>Site interviews on 11 February 2022.</p>	<p><b>2019 IEA Recommendation:</b> Audit be undertaken to confirm compliance at lighting components which will operate in next period (e.g. CHPP and rail loadout).</p> <p><b>2022 IEA Finding</b></p> <p>Abel Underground operates between 6 am and 4 pm Monday to Friday. Lighting is not required during these hours.</p> <p>Review of relevant data indicates recommencement of mining (including use of the CHPP and Rail Loadout) has not occurred. Therefore, the 2019 IEA recommendation has not been triggered.</p>
	WASTE			
25	<p>The Proponent shall:</p> <p>(a) minimise and monitor the waste generated by the project;</p> <p>(b) ensure that the waste generated by the project is appropriately stored, handled and disposed of;</p> <p>(c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and</p> <p>(d) report on waste management and minimisation in the Annual Review, to the satisfaction of the Director-General.</p>	Compliant	<p>Annual Reviews for 2019, 2020</p> <p>Site interviews on 11 February 2022.</p> <p>Site inspection on 11 February 2022.</p>	<p><b>2019 IEA Recommendation:</b> Recommend that refresher training provided to any personnel on site to ensure that waste management and waste bins handled correctly (see Plates 7, 8, 10, 14, 15 and 18).</p> <p><b>2019 IEA Recommendation:</b> Investigate redundant tank (see Plate 19) and respond accordingly. Confirm source of which pipe below operating sewage system to confirm it is benign.</p> <p><b>2022 IEA Finding</b></p> <p>Review of relevant data indicates the 2019 IEA Recommendations were addressed in March 2019 via a waste management presentation at a toolbox talk on-site.</p> <p>Furthermore, review of the 2019 Annual Review indicates advice was received from the wastewater treatment contractor confirming that the pipe is not associated with the STP but is rather a stormwater pipe</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
				draining from the car park. No further actions are required. Section 6.9 in the Annual Review details the waste management strategies occurring on site. Waste was observed to be stored correctly during the site inspection. Adequate waste removal contractors have been engaged to manage waste.
	BUSHFIRE			
26	26. The Proponent shall: (a) ensure that the project is suitably equipped to respond to fires on site; and (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the vicinity of the site.	Compliant	Site interviews dated 11 February 2022	<b>2019 IEA Recommendation:</b> <i>Bush Fire Response Procedure Section be added to site induction presentation at next review.</i> <b>2022 IEA Finding</b> Review of relevant data indicates the Abel Site Familiarisation Induction covers the Emergency Muster Area and what to do in the event of an emergency. It also covers fire equipment onsite. The Rural Fire Service have been provided access to dams on the site to use as a source of water for managing bushfires. The Rural Fire Service also have access to fire trails on the site.
	REHABILITATION			
	Rehabilitation Objectives			
27	The Proponent shall rehabilitate the site to the satisfaction of the Executive Director Mineral Resources. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EA, and comply with the objectives in Table 12.	Not triggered	Abel Underground Coal Mine Mining Operations Plan Amendment B (2 May 2016 to 1 May 2021) Correspondence from Resources Regulator 22/02/2021 Environmental Assessment Rehabilitation Management Plan – Care and Maintenance (Version 2 –	<b>2019 IEA Recommendation:</b> <i>Recommend at next review of MOP, remove any requirements above that are not required for care and maintenance status.</i> <i>The RMP should include confirmation of where topsoil is stored and confirmation that adequate volumes exist to achieve the nominated final land uses</i> <b>2022 IEA Finding</b> The current Mining Operations Plan (MOP) for the site (Amendment B) was for the period of 2 May 2016 to 2 May 2021). DCL requested for an extension of the MOP term, which was granted by Resources Regulator on 22 February 2021. The MOP term was extended to 2 May 2022. There were no areas of the site under active rehabilitation over the reporting period. General maintenance such as subsidence crack repair, wild dog baiting and vegetation maintenance. <b>Recommendation 8: The previous audit recommended that at next review of MOP (now known as an RMP and Annual Rehabilitation Report and Forward Program) to remove any requirements that are not required for care and maintenance</b>

Condition	Details	Compliance status	Relevant evidence	Commentary																		
	<p><i>Table 12: Rehabilitation Objectives</i></p> <table border="1"> <thead> <tr> <th data-bbox="349 252 685 272">Feature</th> <th data-bbox="685 252 1193 272">Objective</th> </tr> </thead> <tbody> <tr> <td data-bbox="349 272 685 316">• Mine site (as a whole).</td> <td data-bbox="685 272 1193 316">• Safe, stable &amp; non-polluting; and • Final land use compatible with surrounding land uses.</td> </tr> <tr> <td data-bbox="349 316 685 359">• Surface infrastructure.</td> <td data-bbox="685 316 1193 359">• To be decommissioned and removed, unless the Executive Director Mineral Resources agrees otherwise.</td> </tr> <tr> <td data-bbox="349 359 685 402">• Portals and ventilation shafts.</td> <td data-bbox="685 359 1193 402">• To be decommissioned and made safe and stable; and • Retain habitat for threatened species (eg bats), where practicable.</td> </tr> <tr> <td data-bbox="349 402 685 445">• Watercourses within project area.</td> <td data-bbox="685 402 1193 445">• Hydraulically and geomorphologically stable.</td> </tr> <tr> <td data-bbox="349 445 685 488">• Cliffs.</td> <td data-bbox="685 445 1193 488">• No additional risk to public safety compared to prior to mining.</td> </tr> <tr> <td data-bbox="349 488 685 612">• Other land affected by the project.</td> <td data-bbox="685 488 1193 612">• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of: - local native plant species (unless the Executive Director Mineral Resources agrees otherwise); and - a landform consistent with the surrounding environment.</td> </tr> <tr> <td data-bbox="349 612 685 719">• Built features damaged by mining operations.</td> <td data-bbox="685 612 1193 719">• Repair to pre-mining condition or equivalent unless: - the owner agrees otherwise; or - the damage is fully restored, repaired or compensated under the <i>Mine Subsidence Compensation Act 1961</i></td> </tr> <tr> <td data-bbox="349 719 685 778">• Community.</td> <td data-bbox="685 719 1193 778">• Ensure public safety; and • Minimise the adverse socio-economic effects associated with mine closure</td> </tr> </tbody> </table> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <li>• <i>These rehabilitation objectives apply to all subsidence impacts and environmental consequences caused by mining taking place after the date of this approval; and to all surface infrastructure sites and other disturbance which forms part of the project, whether constructed prior to or following the date of this approval.</i></li> <li>• <i>Rehabilitation of subsidence impacts and environmental consequences caused by mining which took place prior to the date of this approval may be subject to the requirements of other approvals (eg under a mining lease or a Subsidence Management Plan approval).</i></li> </ul>	Feature	Objective	• Mine site (as a whole).	• Safe, stable & non-polluting; and • Final land use compatible with surrounding land uses.	• Surface infrastructure.	• To be decommissioned and removed, unless the Executive Director Mineral Resources agrees otherwise.	• Portals and ventilation shafts.	• To be decommissioned and made safe and stable; and • Retain habitat for threatened species (eg bats), where practicable.	• Watercourses within project area.	• Hydraulically and geomorphologically stable.	• Cliffs.	• No additional risk to public safety compared to prior to mining.	• Other land affected by the project.	• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of: - local native plant species (unless the Executive Director Mineral Resources agrees otherwise); and - a landform consistent with the surrounding environment.	• Built features damaged by mining operations.	• Repair to pre-mining condition or equivalent unless: - the owner agrees otherwise; or - the damage is fully restored, repaired or compensated under the <i>Mine Subsidence Compensation Act 1961</i>	• Community.	• Ensure public safety; and • Minimise the adverse socio-economic effects associated with mine closure		<p>Dated 3 June 2019)</p> <p>Site inspection dated 11 February 2022</p> <p>Site interviews dated 11 February 2022</p> <p>Annual reviews for 2019, 2020</p>	<p><b>status. This should be considered during the updates currently being completed. In addition, this update should consider the need for a rehabilitation care and maintenance program in consultation with the NSW Resources Regulator.</b></p> <p>The Rehabilitation Management Plan was updated following the 2018 Audit to reflect the site going to Care and Maintenance. The updated plans do not address the recommendation from the previous audit to identify where topsoil would be stored, and the volumes considered adequate to complete rehabilitation works.</p> <p><b>Recommendation 9: Ensure the RMP required by DA 05_0136 is updated to consider the requirements of the RMP and Annual Rehabilitation Report and Forward Program currently being prepared (as now required by the NSW Resources Regulator instead of a MOP) and documents where topsoil will be stored and the estimated volumes required for rehabilitation.</b></p>
Feature	Objective																					
• Mine site (as a whole).	• Safe, stable & non-polluting; and • Final land use compatible with surrounding land uses.																					
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• Community.	• Ensure public safety; and • Minimise the adverse socio-economic effects associated with mine closure																					
	Progressive Rehabilitation																					
28	The Proponent shall carry out the rehabilitation of the site progressively, that is, as soon as reasonably practicable following disturbance.	Not triggered	<p>Annual reviews for 2019, 2020</p> <p>Abel Underground Coal Mine Mining Operations Plan Amendment B (2 May 2016 to 1 May 2021)</p> <p>Correspondence from Resources Regulator 22/02/2021</p>	The mine will be rehabilitated following completion of works. As the mine is currently in care and maintenance mode, no rehabilitation has occurred.																		



Condition	Details	Compliance status	Relevant evidence	Commentary
	Rehabilitation Management Plan			
29	<p>The Proponent shall prepare and implement a Rehabilitation Management Plan for the project, in consultation with OEH, NOW, Cessnock City Council, Maitland City Council and Newcastle City Council, and the CCC, and to the satisfaction of the Director-General and the Executive Director Mineral Resources. This plan must:</p> <p>(a) be submitted to the Director-General and the Executive Director Mineral Resources for approval within 9 months of the date of approval of MOD 3;</p> <p>(b) be prepared in accordance with any relevant DRE guideline and be consistent with the rehabilitation objectives in the EA, EA (MOD 3) and in Table 11;</p> <p>(c) describe how the performance of the rehabilitation would be monitored and assessed against the objectives in Table 11;</p> <p>(d) describe the process whereby additional measures would be identified and implemented to ensure the rehabilitation objectives are achieved;</p> <p>(e) provide for detailed mine closure planning, including measures to minimise socio-economic effects due to mine closure, to be conducted prior to the site being placed on care and maintenance; and</p> <p>(f) be integrated with the other management plans required under this approval.</p> <p>Note: The Rehabilitation Management Plan should address all land impacted by the project, and should be suitably integrated with the approved Rehabilitation Management Plans for the Donaldson Open-Cut Mine and the Bloomfield Colliery.</p>	Non-compliance (administrative)	<p>Rehabilitation Management Plan Care and Maintenance (V2 – dated 3 June 2019)</p> <p>Cessnock City Council letter dated 30/04/2019, with response dated 3 June 2019</p> <p>Maitland City Council letter dated 30/04/2019, with response dated 31/05/2019</p> <p>Department of Industry – Lands &amp; Water and NRAR letter dated 30 April 2019.</p> <p>OEH letter dated 30 April 2019. Response dated 2 May 2019</p> <p>NSW Resources Regulated dated 30 April 2019.</p>	<p><b>2019 IEA Recommendation:</b> Complete mine closure plan at least 5 years prior to closure or consent expiry date.</p> <p><b>2022 IEA Finding</b></p> <p>Review of relevant data indicates the 2019 IEA recommendation will not be triggered until 2025, with the consent allowing operation until 2030.</p> <p>A review of the consultation log included in Appendix 4 of the plan found that the plan was developed in consultation with several of the required parties. However, no consultation evidence was viewed for:</p> <ul style="list-style-type: none"> <li>– Newcastle City Council</li> <li>– CCC</li> </ul> <p>As this is a requirement of the condition, an administrative non-compliance is recorded.</p> <p><b>Recommendation 10: Ensure consultation is undertaken with all prescribed parties during the next revision of the RMP.</b></p>
	SCHEDULE 5 – ADDITIONAL PROCEDURES			
	NOTIFICATION OF LANDOWNERS			
1	<p>1. As soon as practicable after obtaining monitoring results which show:</p> <p>(a) an exceedance of any relevant criteria in Schedule 4, the Proponent shall notify affected landowners in writing of the exceedance, and provide regular monitoring results</p>	Not triggered	Site interviews on 11	Review of relevant documentation indicates this condition has not been triggered during the audit period.

Condition	Details	Compliance status	Relevant evidence	Commentary
	to each affected landowner until the Proponent is again complying with the relevant criteria; and  (b) an exceedance of any relevant air quality criteria in Schedule 4, 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).		February 2022	
	INDEPENDENT REVIEW			
2	2. If an owner of privately-owned land considers that the Proponent is exceeding the relevant criteria in Schedule 4, then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land. If the Director-General is satisfied that an independent review is warranted, then within 2 months of the Director-General's decision the Proponent shall:  (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to: (i) consult with the landowner to determine his/her concerns; (ii) conduct monitoring to determine whether the Proponent is complying with the relevant criteria in Schedule 4; and (iii) if the Proponent is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and (b) give the Director-General and landowner a copy of the independent review.	Not triggered	Site interviews on 11 February 2022	This has not been triggered during the reporting period.
	SCHEDULE 6 – ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING			
	ENVIRONMENTAL MANAGEMENT			
	Environmental Management Strategy			
1	1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must: (a) be submitted to the Director-General for approval within 6 months of the date of approval of MOD 3; (b) provide the strategic framework for environmental management of the project; (c) identify the statutory approvals that apply to the project; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project; (e) describe the procedures that would be implemented to: (i) keep the local community and relevant agencies informed about the operation and environmental performance of the project; (ii) receive, handle, respond to, and record complaints; (iii) resolve any disputes that may arise during the course of the project; (iv) respond to any non-compliance; (v) respond to emergencies; and (f) include: (i) copies of any strategies, plans and programs approved under the conditions of this approval; and	Non-compliance (administrative)	Environmental Management Strategy (31/08/2018)  Director-General Approval (31/08/2018)	<b>2019 IEA Recommendation:</b> Recommend adding links to EMS attached documents or including as appendix to EMS  <b>2022 IEA:</b> The EMS have not been modified during the audit period. The recommendation of the 2019 IEA have not been implemented.  <b>Recommendation 11: The previous audit recommended adding links to EMS attached documents or including as appendix to EMS. This has not been addressed during this audit period, and this recommendation still remain open.</b>  A review of the EMS identified that Appendix D – Integrated Environmental Monitoring Program was prepared in 2007 and documents the operational environmental monitoring requirements for Abel Underground, Tasman Underground and Donaldson Open Cut. As Abel Underground is in care and maintenance mode, and neither Donaldson or Tasman are operational, this plan is out of date and therefore an

Condition	Details	Compliance status	Relevant evidence	Commentary
	(ii) a clear plan depicting all the monitoring required to be carried out under the conditions of this approval.			administrative non-compliance against clause F (ii) of this condition is recorded. <b>Corrective Action 1: Ensure the Integrated Environmental Management Program, which has not been revised since 2007, is updated to reflect the current status of mining operations and associated monitoring on site.</b>
	Management Plan Requirements			
2	<p>The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) detailed baseline data;</p> <p>(b) a description of:</p> <p>(i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);</p> <p>(ii) any relevant limits or performance measures/criteria;</p> <p>(iii) 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> <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> <p>(i) impacts and environmental performance of the project;</p> <p>(ii) effectiveness of any management measures (see c above);</p> <p>(e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;</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> <p>(i) incidents;</p> <p>(ii) complaints;</p> <p>(iii) non-compliances with statutory requirements; and</p> <p>(iv) exceedances of the impact assessment criteria and/or performance criteria; and</p> <p>(h) a protocol for periodic review of the plan.</p> <p>Note: The Director-General may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</p>	Compliant	<p>Flora and Fauna Management Plan Care and Maintenance (V4 – dated 3 June 2019)</p> <p>Rehabilitation Management Plan Care and Maintenance (V2 – dated 3 June 2019)</p> <p>Water Management Plan Care and Maintenance (V4- dated 3 June 2019)</p> <p>Noise Management Plan Care and Maintenance (V5 – Dated 3 June 2019)</p> <p>Air Quality and Greenhouse Gas Management Plan Care and Maintenance (V3 – dated 3 June 2019)</p> <p>Aboriginal Heritage Management Plan (Rev 2.2</p>	<p><b>2019 IEA Recommendation:</b> Condition list made into a table and included in each revised management plan during C&amp;M and demonstrate where each is addressed.</p> <p><b>General Management Plan Recommendation:</b></p> <ul style="list-style-type: none"> <li>– Most plans required update for care and maintenance status. Detail in table A and B should be considered during this review. The plans would all benefit from clarification of what responsibilities are Bloomfield's (CHPP and rail loadout) and which are care and maintenance activities and as such the responsibility of Abel Underground.</li> <li>– Some of the changes will be inconsistent with the SOCs which include significant detail which is more suited to inclusion in the management plans.</li> <li>– An appendix should include evidence of consultation with relevant regulators for each plan. Address recommended changes to each plan as listed in Table A of Appendix D.</li> </ul> <p><b>2022 IEA findings:</b> The following plans were required under this consent:</p> <ul style="list-style-type: none"> <li>– Air quality and Greenhouse Gas management plan</li> <li>– Aboriginal Heritage management plan</li> <li>– Flora and Fauna management plan</li> <li>– Noise Management Plan</li> <li>– Rehabilitation Management Plan.</li> <li>– Water Management Plan</li> </ul> <p>Management plans prepared were generally compliant with this condition and the 2019 IEA Recommendations. However, the recommendation that a condition list made into a table is included in the front of each management plan has only occurred in the Water Management Plan.</p> <p><b>Recommendation 12: It is recommended that other plans prepared under this consent implement the tabular condition list as per the 2019 IEA Recommendation.</b></p>

Condition	Details	Compliance status	Relevant evidence	Commentary
			– Dated June 2019)	The following plans are required under the consent; however, were not triggered during the audit period: <ul style="list-style-type: none"> <li>– Extraction plan</li> <li>– Service Boreholes Management Plan</li> <li>– PED Communications Management Plan.</li> </ul>
	Adaptive Management			
3	<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 and 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&amp;A Act or EP&amp;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 Director-General, to the satisfaction of the Director-General.</p>	Compliant	<p>Annual Reviews for 2019, 2020</p> <p>Annual return 2019, 2020, 2021</p> <p>Site interviews on 11 February 2022</p> <p>Site inspection on 11 February 2022.</p>	Whilst some non-compliances with the conditions of DA 05_0136 and EPL 12856 occurred during the reporting period, all were considered low risk or administrative and were not repeated over the reporting period, showing that DCL implemented improved practices to limit environmental impact.
	Annual Review			
4	<p>By the end of March each year, or other timing as may be agreed by the Director-General, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:</p> <p>(a) describe the development (including any rehabilitation) that was carried out in the past 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 past calendar year, which includes a comparison of these results against the:</p> <p>(i) relevant statutory requirements, limits or performance measures/criteria;</p> <p>(ii) requirements of any plan or program required under this approval;</p> <p>(iii) monitoring results of previous years; and</p> <p>(iv) relevant predictions in the EA and EA (MOD 3);</p> <p>(c) identify any non-compliance over the past calendar 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 current calendar year to improve the environmental performance of the project.</p>	Compliant	<p>Annual Reviews for 2019, 2020</p>	<p>A review of the 2019 and 2020 Annual Review found that they are compliant with the requirements of this condition.</p> <p>The 2021 Annual Review was not due for submission during the reporting period.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	Revision of Strategies, Plans and Programs			
5	<p>Within 3 months of:</p> <p>(a) the submission of an 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 report under Condition 9 below; or</p> <p>(d) any modification to the conditions of this approval, (unless the conditions require otherwise),</p> <p>the Proponent shall review the strategies, plans, and programs required under this approval, to the satisfaction of the Director-General. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the Director-General.</p> <p>Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the project.</p>	Compliant	<p>Annual Reviews for 2019, 2020</p> <p>DPIE Approval on 4/06/2019</p> <p>Flora and Fauna Management Plan Care and Maintenance (V4 – dated 3 June 2019)</p> <p>Rehabilitation Management Plan Care and Maintenance (V2 – dated 3 June 2019)</p> <p>Water Management Plan Care and Maintenance (V4- dated 3 June 2019)</p> <p>Noise Management Plan Care and Maintenance (V5 – Dated 3 June 2019)</p> <p>Air Quality and Greenhouse Gas Management Plan Care and Maintenance (V3 – dated 3 June 2019)</p> <p>Aboriginal Heritage Management Plan (Rev 2.2 – Dated June 2019)</p>	<p>The following plans were revised over the reporting period:</p> <ul style="list-style-type: none"> <li>– Air quality and Greenhouse Gas management plan</li> <li>– Aboriginal Heritage management plan</li> <li>– Flora and Fauna management plan</li> <li>– Noise Management Plan</li> <li>– Rehabilitation Management Plan.</li> <li>– Water Management Plan</li> </ul> <p>DPE approval was granted for these plans on 4 June 2019.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	Community Consultative Committee			
6	<p>The Proponent shall continue to operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General. This CCC must be operated in general accordance with the Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version).</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>– The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval.</li> <li>– In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Proponent, Council/s, recognised environmental groups and the local community.</li> <li>– In operating the CCC, the Department will accept the continued representation from existing CCC members.</li> </ul>	Compliant	CCC Chair consultation CCC Meeting minutes for the reporting period	Review of relevant data indicates compliance with the requirements of this condition.
	REPORTING			
	Incident Reporting			
7	<p>The Proponent shall notify, at the earliest opportunity, the Director-General 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 Director-General 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 Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.</p>	Compliant	Site interviews dated 11 February 2022	No incidents were reported during the audit period
	Regular Reporting			
8	<p>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.</p>	Compliant	Abel website	<p>Review of relevant data indicates compliance with the requirements of this condition.</p> <p><a href="https://www.doncoal.com.au/page/donaldson/publications/donaldson-environmental-monitoring/">https://www.doncoal.com.au/page/donaldson/publications/donaldson-environmental-monitoring/</a></p>
	INDEPENDENT ENVIRONMENTAL AUDIT			
9	<p>By the end of March 2015 (or other such timing as agreed by the Director-General), and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <ul style="list-style-type: none"> <li>(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;</li> <li>(b) include consultation with the relevant agencies;</li> <li>(c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);</li> </ul>	Compliant	This audit	This audit covers the period of 21 December 2018 to 31 December 2021.

Condition	Details	Compliance status	Relevant evidence	Commentary
	<p>(d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and</p> <p>(e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.</p> <p>Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Director-General. 10. Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report</p>			
	ACCESS TO INFORMATION			
11	<p>From the end of December 2013, the Proponent shall: (a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> <li>– the EA, EA (MOD 1), EA (MOD 2) and EA (MOD 3);</li> <li>– all current relevant statutory approvals for the project;</li> <li>– approved strategies, plans and programs required under the conditions of this approval;</li> <li>– 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;</li> <li>– a complaints register (updated monthly);</li> <li>– minutes of CCC meetings;</li> <li>– the Annual Reviews of the project;</li> <li>– any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit;</li> <li>– any other matter required by the Director-General; and</li> </ul> <p>(b) keep this information up-to-date, to the satisfaction of the Director-General.</p>	Non-compliance (administrative)	<a href="https://www.doncoal.com.au/">https://www.doncoal.com.au/</a>	<p>Review of the website for Abel Underground indicates the following documents were not available on-line at the time of the audit:</p> <ul style="list-style-type: none"> <li>– Noise monitoring reports for 2021</li> <li>– ML1653</li> </ul> <p><b>Corrective action 2: Whilst the mining lease has been uploaded following the audit, noise monitoring results for 2021 are required to be on the website.</b></p>

# **Appendix D**

**Independent audit submission form**




Independent Audit Declaration Form	
<b>Project name</b>	Abel Coal Project
<b>Consent Number</b>	DA 05_0136
<b>Description of project</b>	Refer to Section 1.1
<b>Project address</b>	1132 John Renshaw Drive, Black Hill
<b>Proponent</b>	Donaldson Coal Pty Ltd
<b>Title of audit</b>	Independent Environmental Audit for DA 05_0136
<b>Date</b>	14 April 2022

I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:

- The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2014 and Post Approval Guidelines – Independent Audits.
- The findings of the audit are reported truthfully, accurately and completely.
- I have exercised due diligence and professional judgement in conducting the audit.
- I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit.
- I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child.
- I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family).
- Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit.
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a. The Independent Audit is an 'environmental audit' for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.
- b. The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).

<b>Name of Lead auditor</b>	Elliot Holland
<b>Signature</b>	
<b>Qualification</b>	Lead Auditor – Environmental Management Systems
<b>Email address</b>	Elliot.holland@ghd.com
<b>Company and address</b>	GHD Pty Ltd (GHD) GHD Tower, Level 3, 24 Honeysuckle Drive Newcastle NSW 2300
<b>Date</b>	14 April 2022



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