



# Chain Valley Colliery

Independent Environmental Audit for  
SSD-5465

Delta Coal

16 September 2022

→ The Power of Commitment

**GHD Pty Ltd | ABN 39 008 488 373**

GHD Tower, Level 3, 24 Honeysuckle Drive

Newcastle, New South Wales 2300, Australia

T +61 2 4979 9999 | F +61 2 9475 0725 | E [ntlmail@ghd.com](mailto:ntlmail@ghd.com) | [ghd.com](http://ghd.com)

**Document status**

Status Code	Revision	Author	Reviewer		Approved for issue		
			Name	Signature	Name	Signature	Date
S3	0	L Taylor	E Holland		M Kiejda		20/06/22
S4	1	L Taylor	B Rice		M Kiejda		16/09/22

© GHD 2022

This document is and shall remain the property of GHD. The document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement for the commission. Unauthorised use of this document in any form whatsoever is prohibited.

# 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>14</b>
4.1	Context of compliance assessment	14
4.2	Summary of compliance	15
4.2.1	General environmental compliance	15
4.2.2	Complaints	17
4.2.3	Incidents	18
4.2.4	Site inspection observations	20
4.3	Compliance with SSD-5465	23
4.3.1	Summary of non-compliances	23
4.4	Compliance with EPL 1770	24
4.4.1	Summary of non-compliances	24
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	CCC Chair	30
4.7.4	EPA	30
4.7.5	Other agencies	30
<b>5.</b>	<b>Corrective actions and recommendations</b>	<b>31</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	2019 IEA findings/recommendations	7
Table 4.1	Summary of incidents during the audit period	18
Table 4.2	Summary of SSD-5465 non-compliances	23
Table 4.3	Summary of EPL 1770 Non-Compliances	24
Table 4.4	Status of key monitoring and management	27
Table 4.5	DPE comments and auditor's response	29
Table 4.6	NSW Resources Regulator comments and auditor's response	29
Table 5.1	Corrective Actions	31
Table 5.2	Recommendations	31

## 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

The Chain Valley Colliery (CVC) is an underground coal mine located at the southern end of Lake Macquarie, approximately 60 km south of Newcastle, New South Wales (NSW). CVC is owned and operated by Great Southern Energy Pty Ltd (trading as 'Delta Coal').

The mine operated under existing use rights until 23 January 2012 when major project approval (MP 10\_0161) was issued under the *Environmental Planning and Assessment Act 1979* (EP&A Act). The approval was subsequently modified on 30 August 2012, to permit a revised mine layout associated with the introduction of wider miniwalls within the Domain 1 and 2 areas.

In 2013 the mine lodged an application for the Chain Valley Colliery Mining Extension 1 Project (SSD-5465) under Part 4 of the EP&A Act, which was approved on 23 December 2013.

This audit covers a period of time from 10 April 2019 to 12 April 2022. The site inspection component of the IEA was conducted on 12 April 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 was completed by *Michelle Kiejda* - Technical Director – Environment.

Schedule 6, Condition 9 of SSD-5465 requires an IEA to be commissioned by the end of February 2022, and every three years thereafter. Schedule 6, Condition 9 constitutes the audit scope and requires that:

*By the end of February 2022, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:*

*(a) led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;*

*(b) be led and conducted by a suitably qualified, experienced and independent team of experts (including any be expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;*

*(c) be carried out in consultation with the relevant agencies and the CCC;*

*(d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);*

*(e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;*

*(f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and*

*(g) be conducted and reported to the satisfaction of the Planning Secretary.*

As required by Schedule 6, Condition 9 of SSD-5465 the audit team was approved by the Department of Planning and Environment (DPE) to undertake the audit on 23 February 2022 (see Appendix A).

## 1.2 Scope of the audit

The audit took the following form:

- An initial start-up teleconference was held with relevant Delta Coal 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 and the Community Consultative Committee chair (CCC chair), including the Department of Planning and Environment (DPE), DPE – Water, Department of Primary Industries – Fisheries (DPI – Fisheries), Environment Protection Authority (EPA), Biodiversity Conservation Division (BCD), the NSW Resources Regulator, Lake Macquarie City Council (LMCC), and Central Coast Council (CC Council) 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 Delta Coal representatives and the Mine inspection. Additional documents were reviewed during and following the interviews with Delta Coal 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 Delta Coal to review.
- Finalisation of the audit report and submission to Delta Coal.

## 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

Audit team members	Organisation	Role
Michelle Kiejda	GHD	Technical Review
Elliot Holland	GHD	Lead Auditor
Lachlan Taylor	GHD	Assistant auditor
Lachlan McWha	Delta Coal	Environmental Compliance Coordinator

## 1.4 Limitations

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

GHD otherwise disclaims responsibility to any person other than Delta Coal 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 11 March 2022 with relevant Delta Coal 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. Delta Coal personnel provided a number of documents for review including:

- Road Transport Protocol, including Traffic Management Plan (TMP) and Code of Conduct
- Noise Management Plan (NMP)
- Air Quality Management Plan (AQMP)
- Water Management Plan, including Surface Water Management Plan (SWMP) and Groundwater Monitoring Program (GWMP)
- Biodiversity Management Plan (BMP)
- Biodiversity Enhancement Strategy
- Heritage Management Plan (HMP)
- Rehabilitation Management Plan (RMP)
- Pollution Incident Response Management Plan (PIRMP)
- Environmental Management Strategy (EMS)
- Mining Operations Plan (MOP)
- Extraction Plan, including Built Features Management Plan, Benthic Communities Management Plan, Seagrass Management Plan, Public Safety Management Plan, and Subsidence Monitoring Program
- SSD-5465
- EPL 1770
- Consolidated Coal Lease (CCL) 706, 707; Mining Lease (ML) 1051, 1052, 1308, 1370, 1632 and 1992; and Mining Production lease (MPL) 1349, 1389, 1400 and 337
- EA documentation
- Correspondence to/from relevant agencies and CCC Chairperson

Additional documents were provided during and following the audit as evidence of compliance with SSD-5465, 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
- DPE – Water
- BCD
- EPA
- LMCC
- CC Council
- DPI – Fisheries
- The CCC Chairperson

Letters requesting comment from the agencies were emailed on 23 March 2022. Correspondence was received from DPE, NSW Resources Regulator, EPA, and CCC Chairperson.

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 CVC on 12 April 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 23.9 degrees Celsius (°C), with slight winds up to 22 km/hr, from the south-east.

The opening and closing meetings were held at the CVC offices. 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
Lachlan Taylor	GHD	Assistant auditor
Lachlan McWha	Delta Coal	Environmental Compliance Coordinator
Pieter Van Rooyen	Delta Coal	Technical Services Manager

Following the opening meeting, a site inspection was undertaken of the Mine and operations.

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 Delta Coal 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 CVC was undertaken on 12 April 2022. The following locations were inspected:

- Sewage treatment discharge area
- Above ground tanks and bunding
- Oily water separator
- Workshop
- Hazardous and dangerous goods storage area
- Coal stockpile area
- CCP facilities
- Water storage dams
- EPL licensed discharge locations
- Ventilation fan compound

## 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 is 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

Section	Description	Where addressed
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
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	Delta Coal 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.	Delta Coal 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, or</li> <li>– Potential for moderate environmental consequences, but is likely to occur.</li> </ul>
Low		Non-compliance with: <ul style="list-style-type: none"> <li>– Potential for moderate environmental consequences, but is unlikely to occur, or</li> <li>– Potential for low environmental consequences, but is likely to occur.</li> </ul>
Administrative Non-compliance		Only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions).

### 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 SSD-5465, EPL 1770, 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 2019 IEA prepared by SLR Consulting Australia Pty Ltd (2019), and the status of recommendations as at 12 April 2022 are detailed in Table 3.1 below.

Table 3.1 2019 IEA findings/recommendations

Reference	2019 findings/recommendations	2022 status	Status (closed/open)
EPL 1770 – Condition L2.1	2019 Audit recommendation: The Annual Reviews need to provide a clear statement regarding whether discharge criteria have been met.	In regard to recommendation from the previous audit, the Annual Review includes a statement whether the discharge criteria have been met. This recommendation has been closed out.	Closed
EPL 1770 – Condition O1.1 & O7.2	Ensure the minor waste management issues identified during the audit are rectified: <ul style="list-style-type: none"> <li>– Improve bin labelling</li> <li>– Ensure all hydrocarbon containers (empty or full) are stored within bunds</li> </ul>	While bin labelling and availability of appropriate receptacles was identified. A non-compliance with this condition in relation to on-site waste disposal has been found. Refer to findings for Condition O1.1 in Section 4.4.  In regard to hydrocarbon containers, all hydrocarbon waste containers were stored within a bund. As a result, <b>Corrective action 2</b> has been made in this audit.	Open
EPL 1770 – Condition O3.1	Ensure exceedances and other incidents are reported as per this condition (Detailed Incident Report within 7 days).	Several incident reports were viewed during the audit. Appropriate action was taken by Delta Coal in responding to incidents.	Closed
	Ensure TEOM is setup with alarms/notifications for when results are approaching or have exceeded the short term criterion for particulate matter. This will ensure exceedances are immediately detected and reported as soon as possible to the EPA and DPE.	Delta Coal provided evidence that the TEOM is set up with alarms and notifications when the short-term criterion for particulate matter is approached or exceeded, and this recommendation is considered closed out.	Closed
EPL 1770 – Condition O5	Update PIRMP to include: <ul style="list-style-type: none"> <li>– Current site contacts;</li> <li>– Email details for government contacts; and</li> <li>– Figures that clearly show the location of hazardous substances and where pollution response equipment is stored.</li> </ul>	A review of the PIRMP found that the recommendations of the 2019 IEA have been incorporated and are closed out.	Closed

Reference	2019 findings/recommendations	2022 status	Status (closed/open)
EPL 1770 – Condition O8.2	<ul style="list-style-type: none"> <li>– Include additional detail in the Water Management Plan regarding sewage management.</li> <li>– Include an update of sewage system during the audit period in the Annual Review.</li> <li>– Ensure servicing is completed and records kept onsite.</li> </ul>	Review of relevant documentation verifies the relevant recommendations have been addressed. However, a non-compliance with Condition O8.4 has been identified in Section 4.4, with it noted by the auditors that the servicing for Q4 2020 was not completed on time, therefore constituting an administrative non-compliance. However, the servicing event occurred seven days following the end of Q4 2020 and has subsequently been completed as per Condition O8.4. Therefore, no corrective action is proposed.	Closed
EPL 1770 – Condition M2.2 & SSD-5465, Schedule 3, Conditions 11, 12 & 13, and Schedule 6, Condition 6	<p>Improve data capture for PM10. Review possibilities of backup power supply.</p> <p>Ensure issues with data capture are reported in Section 1 and 7 of the Annual Review.</p> <p>Ensure TEOM is setup with alarms/notifications for when results are approaching or have exceeded the short term criterion for particulate matter. This will ensure exceedances are immediately detected and reported as soon as possible to the EPA and DPE.</p>	With the exception of back-up power supply for capture of PM10 data, these recommendations have been closed out. Therefore, the recommendation for back-up power supply has been re-produced in Section 5. This forms <b>Recommendation 3</b> of this audit.	Open
EPL 1770 – Condition M4.1	Update Noise Management Plan. Ensure monitoring is completed in accordance with Noise Management Plan.	While this was addressed at the time of the site inspection, it is understood an updated NMP was approved by DPE in mid-April 2022, which addresses this recommendation.	Closed.
EPL 1770 – Condition M4.2	For future Annual Returns a single noise monitoring report should be prepared and attached to the Annual Return.	Consolidated noise reports were completed for 2019, 2020 and 2021 over the reporting period.	Closed
EPL 1770 – Condition M6.2	Ensure all complaints are recorded in the internal database on site and the relevant details required under this condition are outlined in the Annual Review.	The auditor viewed the complaints and incidents register on the website and the internal complaints database and was found to be compliant.	Closed
EPL 1770 – Condition M7.2	With the new ownership an advertisement should be placed in the paper/newsletter providing a link to the Delta Coal website and outlining the complaint management details.	The Community Newsletter from July 2019 fulfilled the 2019 IEA recommendation.	Closed
EPL 1770 – Condition M7.4	Update the details of designated representatives of the company in the PIRMP.	The PIRMP has been updated within the reporting period. Designated representatives are nominated in Table 3 of the PIRMP.	Closed
EPL 1770 – Condition R1.3	LakeCoal and Delta Coal to prepare Annual Returns based on the period of the Annual Return and dates of the sale of Chain Valley.	The licence was transferred from LakeCoal to Delta Coal on 1 April 2019, which is outside the reporting period.	Closed
EPL 1770 – Condition R1.5	Ensure Annual Returns are completed as per the EPA requirements and submitted within the due date.	Review of relevant data indicates compliance with the requirements of this condition.	Closed
EPL 1770 – Condition R4.1	Send a combined noise report for the Annual Return period to the EPA.	Consolidated noise reports were completed for 2019, 2020 and 2021 over the reporting period via the EPA eConnect portal.	Closed

Reference	2019 findings/recommendations	2022 status	Status (closed/open)
EPL 1770 – Condition U1.1	Liaise with the EPA regarding the current status of the Sewage System Project. Implement any agreed actions in terms of timing.	This upgrade is in the process of being completed and is on track to be completed by 26 August 2022, as per the requirements of this condition. <b>Corrective action 1</b> and <b>Recommendation 5</b> have been made in relation to these works.	Open
SSD-5465 – Schedule 2, Conditions 7, 8, 9 & 10 Schedule 3, Condition 1	Ensure detailed records of coal transportation are recorded and able to be provided to auditors upon request. The spreadsheets should cover the requirements of the key conditions of the Development Consent.	Review of relevant data indicates this recommendation is closed out, with coal generally transferred to Vales Point Power Station via conveyor. Some haulage trucks were used over the reporting period to supplement the conveyor transport.	Closed
SSD-5465 – Schedule 2, Condition 23 and Schedule 6 Condition 3	All management plans require updating due to the length of time since the previous reviews. All should be in a Delta Coal template. Ensure there is a cross referencing table covering this condition in management plans. Additional detail including TARPs (contingency plan) should be developed in the next round of management plan updates.	The recommendation of the previous audit to ensure that Trigger Action Response Plans (TARPs) are added into the management plans has not been followed though in the audit for the AQMP, HMP, Seagrass Management Plan, Benthic Communities Management Plan and WMP. A non-compliance with clause (c) of this condition is recorded in Section 4.3. Therefore, the recommendation for TARPs to be included in management plan updates has been reproduced in Section 5. This has been reproduced as <b>Corrective action 4</b> of this audit.	Partially open
SSD-5465 – Schedule 3, Condition 1	Ensure transport records from this Audit period (January 2016) onwards are recorded on the website. This could be appended to the Annual Review summarising the weekly transport.	Weekly Coal Haulage has been reported on the website adequately over the reporting period.	Closed
SSD-5465 – Schedule 3, Condition 3	Ensure Coal Haulage TMP is reviewed as per the requirements of the consent and commitments in the management plan. Attach Driver Code of Conduct to the management plan.	The recommendation of the previous audit has been incorporated into the plan.	Closed
SSD-5465 – Schedule 3, Condition	Ensure Traffic Audits are completed annually in accordance with this condition.	The independent traffic audits were undertaken on an annual basis over the reporting period and were in compliance with the requirements of this condition.	Closed
SSD-5465 – Schedule 3, Condition 5	Ensure the report is submitted to the DPE.	The recommendation of the previous audit has been closed out.	Closed
SSD-5465 – Schedule 3, Condition 6	Ensure the Alternative Transport Options Report is completed as per the frequency in this condition.	Delta Coal received correspondence from DPE on 15 December 2020 granting an exception from conducting the Alternative Coal Transport Options Assessment. The exception applies until such time coal haulage via public roads is proposed to re-commence.	Closed

Reference	2019 findings/recommendations	2022 status	Status (closed/open)
SSD-5465 – Schedule 3, Condition 7	Continue investigations of any noise issues and, where practicable, implement reasonable and feasible mitigation measures. Ensure accurate/consistent monitoring results are presented in Annual Reviews.	The recommendation of the previous audit has been closed out.	Closed
SSD-5465 – Schedule 3, Condition 8	The real-time noise monitor should be re-established for the site. Liaise with the DPE regarding the best location, as the majority of noise complaints have resulted from Mannering Colliery operations, not CVC. Mannering Colliery is also owned by Delta Coal. Update the Noise Management Plan.	The real – time noise monitor was re-established on site in October 2019. Photographic evidence was provided for its installation. Data was also provided to show its implementation. Therefore, the recommendation of the previous audit is considered closed.	Closed.
SSD-5465 – Schedule 3, Condition 17	Include additional detail in the WMP regarding sewage management. Include an update of sewage system during the audit period in the Annual Review. Ensure servicing is completed and records kept onsite.	Additional details have been included in the WMP regarding the wastewater system. The proposed upgrades are not discussed as at the time of audit they have not been constructed. However, update on the progress of this project is included in Section 12.2 of the Annual Reviews.	Closed
SSD-5465 – Schedule 3, Condition 18	Update the water balance or justify why the current water balance is still applicable to the current operations.	The WMP includes a Water Balance that adequately fulfils the requirements of clause (a). The Water Balance has been updated since the previous IEA fulfilling the recommendation.	Closed
	Ensure dams and drainage lines are free on silt. Establish a maintenance schedule.	The implementation of the plan on site was generally adequate. It is noted that maintenance schedules are currently not established for desilting dams on site.  Therefore, the recommendation of the previous IEA is still applicable. This has been reproduced as <b>Recommendation 6</b> of this audit.	Open
SSD-5465 – Schedule 3, Conditions 19 & 20	Include the biodiversity monitoring reports as appendices to the Annual Review.  The current monitoring is provided in a spreadsheet with an email summary. Prepare a small Biodiversity Monitoring Report outlining results, a comparison against trigger levels and potential reasons for changes.	The recommendations of the 2019 IEA have been closed out, whereby a standalone annual Biodiversity Report is appended to the Annual Review.	Closed
SSD-5465 – Schedule 3, Condition 20	Prepare a separate section with short, medium and long-term measures in the BMP.	Short, medium and long term measures are described adequate within the BMP.  Therefore, the recommendation of the previous IEA is closed.	Closed
SSD-5465 – Schedule 3, Condition 21A	Update the HMP, including the removal of Site #45-7-0154.	Review of the current HMP indicates the recommendation of the previous IEA is closed.	Closed

Reference	2019 findings/recommendations	2022 status	Status (closed/open)
SSD-5465 – Schedule 3, Condition 22	Complete a visual and lighting assessment against the Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting.	Delta Coal undertook a lighting survey to assess the sites compliance with this condition and Australian Standards. The survey found that the development is being carried out in compliance with this condition.	Closed
SSD-5465 – Schedule 3, Condition 27	Ensure a copy of the approved Rehabilitation Management Plan is put on the website.	The RMP was updated in 2020 following the 2019 IEA. The RMP is available on the project website, therefore closing out the 2019 IEA Recommendation.	Closed
SSD-5465 – Schedule 4, Conditions 1, 2, 3 & 4	A more conservative approach to assessing future impacts from further mining is recommended to build confidence that the subsidence processes in play are understood and impacts that rely on the subsidence impacts can be suitably assessed prior to mining. A significant upgrade of subsidence monitoring systems and reporting protocols at CVC is recommended. The use of three dimensional surveying with total station survey and high quality global positioning system (GPS) control is recommended. This technology is readily available and widely used for subsidence monitoring in NSW.	Review of relevant documentation indicates this recommendation has been addressed.	Closed
	For sensitive high value features such as the marina or similar features, real-time continuous GNSS monitoring is available at relatively low cost and can be used to provide high confidence subsidence monitoring in three dimensions.	Review of relevant data indicates this recommendation for improvement has not been adopted. It is noted this is a recommendation for improvement and not a corrective action, as this recommendation is beyond the requirements of relevant conditions of SSD-5465. Therefore, while the recommendation is still open, it has not been reproduced in this audit report.	Open
	A thorough review of the survey data and monitoring approach for Line 23 along the northern lakeshore of CVC Bay is recommended.	Review of relevant data indicates this recommendation is closed.	Closed
	A review of benthic and seagrass community monitoring systems is recommended to confirm that the monitoring is capable of discriminating minor and negligible impacts as required by the development consent conditions.	Review of the 2019 IEA does not provide a justification for this recommendation, there is simply the recommendation without any discussion as to why the auditor felt the recommendation was necessary or relevant. Review of relevant documentation for the audit period does not indicate this recommendation is necessary. Therefore, this recommendation has not been reproduced in this audit report.	Closed

Reference	2019 findings/recommendations	2022 status	Status (closed/open)
	<p>A separate subsidence impact assessment report should be prepared annually and appended to the Annual Review. Presentation of all future survey data in Annual Reviews would benefit from a thorough and comprehensive analysis of the subsidence monitoring being undertaken by an external consultant so that the data can be meaningfully interpreted and is comprehensible by anyone with an interest in the outcomes. The report should:</p> <ul style="list-style-type: none"> <li>– Assess performance against subsidence impact performance measures from the Development Consent as well as any other commitments, triggers and management measures from Extraction Plans.</li> <li>– Assess how the Extraction Plans tracked against Trigger Action Response Plan (TARP's).</li> </ul>	An annual subsidence report is appended to Annual Reviews for the audit period, addressing the requirements of this recommendation.	Closed
	<p>Include how the site is tracking against subsidence performance criteria (Schedule 4 Condition 4) in the Biodiversity Monitoring Reports, Annual Seagrass Monitoring Report and the Annual Review. This should include a table outlining if performance criteria have been met and where further information can be found.</p>	Reporting in relation to subsidence performance and the inclusion of Biodiversity Monitoring Reports, Annual Seagrass Monitoring Report in Annual Reviews was observed during document review for the audit.	Closed
	<p>Develop a TARP when updating the Benthic Communities Management Plan. This should address the wording of Schedule 4 Condition 2 SSD 5465. A series of triggers should be developed based on quantitative data and this should be reported in the bi-annual monitoring reports and the Annual Review. An example of a trigger would be '% change in organisms between monitoring events'.</p>	This recommendation has not been addressed during the audit period, as noted in Section 4.3. This forms <b>Recommendation 10</b> of this audit.	Open
	<p>Assess the triggers from the Extraction Plans e.g. ANOVA/ANOSIM level is approaching 5% in the bi-annual monitoring reports.</p>	Review of relevant document indicates this comment has not been closed during the audit period. This forms <b>Recommendation 9</b> of this audit.	Open
SSD-5465 – Schedule 5, Condition 1	<p>Define who are potentially 'affected landowners' in the Air Quality Management Plan.</p> <p>Affected landowners should be contacted when there is a non-compliance relating to dust or noise. This should be completed even if it is a regional dust event as Delta Coal are still recording it as a non-compliance in the Annual Review.</p>	<p>In response to the recommendations of the previous IEA, the updated AQMP adequately defines 'potentially affected landowners' in Section 6.3.</p> <p>The auditor disagrees with the 2019 recommendation to contact landowners affected by regional dust events. Regardless of how it is reported in Annual Reviews, Schedule 3, Condition 11 of SSD-5465 specifically notes that exceedances at any residence on privately-owned land do not apply in relation to extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary of DPE.</p>	Closed

Reference	2019 findings/recommendations	2022 status	Status (closed/open)
SSD-5465 – Schedule 6, Condition 1	Prepare a cross referencing table outlining where sub conditions have been covered.	Cross referencing tables are provided in Appendix 3 and Appendix 4 of the EMS.	Closed
	Ensure plans are reviewed as per Schedule 6 Condition 5.	The EMS has been reviewed within the reporting period and is compliant with the required revision timeframe.	Closed
	Include Schedule 5 Condition 2 requirement in the EMS to notify landowners of exceedances ‘as soon as practical’. Define a time period for as soon as practical.	The recommendation from the previous audit to notify land owners has not been incorporated into the EMS. This therefore remains outstanding.	Closed
SSD-5465 – Schedule 6, Condition 8	The Annual Reviews are set out differently to the DPE Annual Review Guidelines (2015). Ensure table of contents matches the guidelines. Include the biodiversity monitoring reports as appendices to the Annual Review.	The form of the Annual Reports has been updated since the previous IEA and is consistent with DPE Annual Review Guidelines (2015). The recommendations of the 2019 IEA have been closed out, whereby a standalone annual Biodiversity Report is appended to the Annual Review.	Closed
SSD-5465 – Schedule 6, Condition 13	Ensure all relevant information is brought across to the Delta Coal website.	A review of the documentation on the website found that it generally contained the information listed in this clause. The information was up to date, and generally easy to find.  There were however some documents on the website that were not the most up to date versions available, as discussed in Section 4.3, with <b>Corrective action 8</b> identified.	Open
Statement of Commitments recommendations	A separate report should be completed for Stream Health Channel Flow and Riparian Vegetation Monitoring. This should compare results from previous inspections. Information to be included in the Annual Review.	This data is presented in Annual Reviews. It is noted the requirement for this information to be presented in a separate report is not a commitment or requirement of the project, but rather a component of the previous auditor’s recommendation. Therefore, this component of the recommendation has not been considered and this recommendation is considered closed.	Closed
	The real - time noise monitor should be re-established for the site. Liaise with the DPE regarding the best location as the majority of noise complaints have resulted from Mannering Colliery operations, not CVC. Mannering Colliery is also owned by Delta Coal. Update the Noise Management Plan.	The real-time monitor was re-established in October 2019, addressing the requirements of this recommendation.	Closed
CCL 721	Report against compliance with the MOP in future Annual Reviews.	Review of Annual Reviews for the reporting period verifies this recommendation has been closed.	Closed
Additional recommendation	The Annual Reviews need to provide a clear statement regarding whether discharge criteria have been met	Review of Annual Reviews for the reporting period verifies this recommendation has been closed.	Closed

# 4. Audit findings

## 4.1 Context of compliance assessment

CVC operates under SSD-5465, which initially provided approval for:

- An extension of the currently approved extraction area to allow underground mining to continue within the Fassifern Seam.
- The increase of the approved maximum rate of production from 1.2 million tonnes per annum (Mtpa) to 1.5 Mtpa of run-of-mine (ROM) coal.
- An increase in the approved hours for haulage of coal from the Colliery on private roads to Delta Electricity's VPPS.
- Minor upgrades and modifications to existing approved infrastructure.
- An extension of the approved mining by a period of approximately 14 years (i.e. to around 2027).
- The consolidation of the above with all the operations and environmental activities currently approved under MP10\_0161, as modified, within a single development consent.

SSD-5465 has been modified five times during the operation of the mine:

- **Modification 1 (approved 27 November 2014):** Development of an underground linkage between Chain Valley Colliery and Mannering Colliery.
- **Modification 2 (approved 16 December 2015):** The modification approved the following changes to the CVC operations:
  - An increase in the maximum rate of ROM coal extraction at the mine from 1.5 Mtpa to 2.1 Mtpa.
  - Mine design changes, primarily the re-orientation of minewall panels in the mine's northern area.
  - An increase in full-time personnel from approximately 160 to approximately 220.
  - Construction of asset protection zones (APZs) around critical infrastructure to protect from bushfires.
- **Modification 3 and Modification 5 (approved 26 June 2020):** Allowed for the following changes to the CVC operations:
  - The use of alternate bord and pillar mine designs.
  - An extension of allowed operations until 31 December 2027.
- **Modification 4 (approved 5 August 2021):** Allowed for the following changes in CVC operations:
  - Extend the currently approved underground mining area by approximately 117 hectares (ha) into an area termed the Northern Mining Area, which is located under the suburbs of Brightwater, Mirrabooka and Sunshine, to extract an additional 2.6 Mt of ROM coal from the Fassifern Seam.
  - Access the proposed extension area via existing Chain Valley Colliery underground workings.
  - Undertake first workings coal extraction using herringbone bord and pillar underground mining methods.
  - Transport ROM coal extracted from the Northern Mining Area via underground workings to either the Chain Valley Colliery or Mannering Colliery surface facilities for processing.
  - Increase the maximum number of employees reporting to the Chain Valley Colliery pit top by 110 to 330 FTE.

The site is regulated by EPL1770, with the current version last varied on 21 February 2022.

Operations at CVC currently takes place in accordance with CCL 706, CCL 707, CCL 719, CCL 1721, ML 1051, ML 1052, ML 1308, ML 1632, MPL 1370, MPL 1349, MPL 1389, MPL 1400, and MPL 337.

## 4.2 Summary of compliance

Review of compliance with the requirements of relevant SSD-5465 identified:

- 12 non-compliances associated with SSD-5465, including:
  - Two deemed to represent a low risk
  - 10 deemed administrative non-compliances (ANC)
- 14 non-compliances associated with EPL 1770, including:
  - Eight (8) deemed to represent a low risk
  - Six (6) deemed ANC

### 4.2.1 General environmental compliance

Delta Coal 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

The AQGGMP was revised in January 2022, with review of the indicating monitoring is in accordance with the requirements of EPL 1770 and SSD-5465. During the audit period, CVC experienced a number of exceedances of air quality criteria, all noted to be as a result of contamination of samples or extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents, etc.

These exceedances are therefore not considered non-compliances. This notwithstanding, they were reported as incidents and are covered in Section 4.2.3.

During 2020, the TEOM had a short period of not recording data in December 2020 due to severe thunderstorms. The gap in monitoring were recorded as a non-compliance against EPL 1770 Condition M2.2. Delta Coal have since rectified the system; however, the 2019 IEA recommendation to investigate back-up power supply for the TEOM is deemed as still relevant to this audit also.

#### 4.2.1.2 Noise

With the exception of administrative non-compliances, the auditor found noise generated on-site is compliant with the requirements of EPL 1770.

In relation to SSD-5465, noise monitoring results over the audit period indicate that the premises is operating within the limits of this condition. The noise monitoring reports note a technical non-compliance for ATN007 for every monitoring event due to access issues. Noise monitoring for ATN007 was conducted at representative locations. Total noise levels shown were measured at the representative and site contributions were calculated back to ATN007. The use of representative locations is allowed via operation of Schedule 6, Condition 12 of SSD-5465.

Review of relevant documentation during conduct of the audit, including complaints and incident data (see Sections 4.2.2 and 4.2.3 respectively) would indicate appropriate noise management is undertaken on-site. While only one noise complaint received in the audit period, the response in this instance was proactive and resulted in a positive community response.

It is understood Delta Coal are currently in the process of undertaking a noise mitigation study in consultation with DPE – Compliance, the results of which should assist in further mitigating and managing noise from the site, particularly during adverse meteorological conditions. The outcomes of this study should be captured in a revised noise management plan and reflect any changes to monitoring, as relevant.

#### 4.2.1.3 Water management

Several non-compliances with EPL 1770 discharge criteria and volume limits, including simultaneously on a number of occasions, were recorded during the audit period. In addition, volumetric monitoring ceased between 26 December 2021 and 10 January 2022 due to vandalism and damage sustained to the discharge flow monitor. This has since been fixed and monitoring has recommenced. These incidents are discussed in Section 4.2.3.

As per the findings of the 2019 IEA, the site inspection observed siltation of on-site water storage dams, some of which were observed to be overgrown with bullrush. A recommendation to establish a maintenance schedule to ensure dams and drainage lines are free of silt was made in the 2019 IEA.

The auditor believes completing this recommendation may address the exceedances of combined daily discharge volume limits by ensuring water storage in dams is maximised.

The exceedances of faecal coliform may be related to on-site septic systems covered by EPL 1770. A temporary chlorine dosing unit was added to this septic in June 2020 (though exceedances are noted to have continued). This system would be decommissioned once works under CC Council approval DA 845-2020 are completed, which allows connection to the CC Council sewer network and decommissioning of on-site septic.

In relation to the above, the auditor notes the following:

- Review of relevant data indicates elevated faecal coliforms are observed at upstream baseline locations. The draft surface water impact assessment for the Chain Valley Colliery Consolidation Project identifies elevated faecal coliforms and Enterococci are highest at upstream baseline background monitoring locations and does not appear to be site related; however, could indicate an influence on water sampling results from the EPL 1770 licensed discharge point located downstream.
- The *Australian Drinking Water Guidelines 6* (Version 3.7, updated January 2022) and the *Guidelines for Managing Risks in Recreational Water* (2008) state faecal coliforms:
  - May be derived from sewage effluents. However, it may also be derived from livestock, industrial processes, farming activities, domestic animals and wildlife. Furthermore, they note faecal coliforms may include organisms not faecally derived.
  - Are unsuitable as regulatory parameters.
- NSW Health notes monitoring of faecal coliforms are no longer recommended by the *Australian Drinking Water Guidelines*, as updated in January 2022. They note this is because members of this bacteria can occur naturally in soil and water in the absence of faecal contamination.

The above points notwithstanding, a non-compliance has been found in relation to these exceedances. It is considered works under DA 845-2020 would address the potential for site contribution to elevated faecal coliform downstream of the discharge point once works are completed by 26 August 2020. **Corrective action 1** and **Recommendation 5** have been made in relation to these works.

Delta holds a groundwater bore license WAL41508 under the *Water Act, 1912*, which permits the industrial dewatering of groundwater up to volume of 4,443 megalitres (ML) per year. Based on the information in the Annual Reviews for the audit period, the site was within extraction licence limits allowed by WAL41508.

#### 4.2.1.4 Biodiversity

The recommendations of the 2019 IEA to include a Biodiversity Monitoring Report in the Annual Reviews have been closed out. The results of these monitoring reports for 2019, 2020 and 2021 indicate vegetation and habitat values have remained generally consistent across the audit period and indicated no need for remedial actions. However, the monitoring reports, while noting successful weed control each year, did also note the need to continue weed control activities to prevent re-establishment.

#### 4.2.1.5 Heritage

During the 2020 reporting period two previously unidentified Aboriginal Heritage Sites were disturbed during the demolition of former mine cottages. An incident report was submitted to DPE-compliance, BCD, the EPA and to Registered Aboriginal Parties (RAPs) on 22 October 2020. An independent heritage consultant inspected the site to provide further management recommendations. The sites were added to the AHIMS register as CV002 (AHIMS Site ID 45-7-0412) and CV003 (45-7-0413), with access to the sites prevented by locked gates and fencing to prevent further damage.

Review of relevant documentation indicates appropriate management of this issue was undertaken. It is noted the HMP was revised to cover these additional sites; and has been approved.

#### 4.2.1.6 Visual

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

#### 4.2.1.7 Waste

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

Waste systems were viewed on site during the site inspection. There were adequate, clearly marked receptacles placed around the site for waste; however, it was observed that staff were not segregating waste appropriately (see Plate 4.3, Plate 4.4 and Plate 4.14). This therefore constitutes a non-compliance with a number of conditions of EPL 1770 and SSD-5465, with **Corrective action 2** identified to address.

Therefore, a low risk non-compliance has been identified and corrective action 2 has been identified.

#### 4.2.1.8 Rehabilitation

Review of the current approved MOP indicates minimal rehabilitation is proposed during the MOP period, with rehabilitation goals generally related to mine closure and addressing subsidence impacts, the consent allows operation up to 31 December 2027; therefore, closure planning in accordance with SSD-5465 is not required to commence until 31 December 2022.

The site is currently in the process of preparing a 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). As part of the RMP preparation, it is also recommended that this document discuss topsoil storage and estimated volumes required for rehabilitation.

Review of relevant documentation indicates minor rehabilitation has been undertaken in relation to demolition works undertaken during 2021 (i.e. demolition of former mine cottages and infrastructure pertaining to coal conveyors & ROM coal handling facilities).

### 4.2.2 Complaints

Review of complaints records for CVC identified complaints as follows:

- 9 October 2020 – The complainant noted noise from the CVC. At the time of the complaint, demolition of redundant site infrastructure was being undertaken. The Environmental Compliance Coordinator attended the residence and met with the complainant, who was satisfied knowing the works were temporary and the noise was not related to on-going mining operations at the CVC.
- 6 June 2021 – The complainant noted suspected damage sustained to the property. The complainant was issued a letter response on 8 June 2021, noting no active or former CVC mining was occurring beneath the property. A review of mine plans indicated the property was underlain by former Wallarah Colliery workings, progressed in the late 1970's. The complainant was referred to Subsidence Advisory NSW to make a claim for damages suspected to be caused by 1970's mine workings.

## 4.2.3 Incidents

Review of incidents records for CVC identified incidents is summarise in Table 4.1 below.

**Table 4.1** Summary of incidents during the audit period

Issue	Date(s)	Description
Licensed water discharge	30/08/2019	Exceedance of EPL 1770 – Volumetric Discharge Limit. The incident was reported to relevant authorities.
	18/09/2019 and 17/12/2019	Exceedance of EPL 1770 – Faecal Coliform Concentration Limit. The incident was reported to relevant authorities.
	09/02/2020, 18/03/2021, 21/03/2021	Exceedance of EPL 1770 – Volumetric Discharge Limit, and Total suspended solids (TSS) & Faecal Coliform Concentration Limits. The exceedances were noted to have all occurred during significant rainfall events. The incident was reported to relevant authorities.
	26/07/2020	Exceedance of EPL 1770 – Volumetric Discharge Limit. The exceedance was noted to have occurred during a significant rainfall event (131.2 mm in 24hr). The incident was reported to relevant authorities.
	24/12/2021	Telemetry for LDP1 went offline, with an inspection indicating vandalism of the meter, damaging the MACE FloPro unit and solar panel. This incident was reported to relevant authorities, repairs were undertaken to the unit on 10/01/2022 when replacement parts became available. The unit resumed functionality on the date of repairs.
	18/01/2022	Exceedance of EPL 1770 Faecal Coliform Limit at CVC LDP1. The incident was reported to relevant authorities, with Delta reviewing and updating its chlorine dosing units for the bathhouse and shower septic, including consideration of dosage, timing, and volume of CVC effluent.
	30/03/2022	Exceedance of EPL 1770 Faecal Coliform Limit (200 CFU/100ml) at LDP 27 (CVC spillway) during a significant rainfall event. The incident was reported to relevant authorities, with Delta reviewing the chlorine dosing system for the bathhouse and shower septic, noting it had recently increased dosage volumes, with field testing identifying chlorine presenting in concentrations that would disinfect water during routine monthly sampling.
Heritage	21/09/2020	This incident is discussed in Section 4.2.1.5.

Issue	Date(s)	Description
Air quality exceedances	10/12/2019	Exceedance of depositional dust criteria, reported to relevant authorities. The exceedance was identified as contaminated, with no need for an incident report.
	<b>2019:</b> 26/10/2019, 30/10/2019, 31/10/2019, 7/11/2019, 12/11/2019, 19/11/2019, 22/11/2019, 28/11/2019, 29/11/2019, 30/11/2019, 2/12/2019, 3/12/2019, 4/12/2019, 5/12/2019, 6/12/2019, 10/12/2019, 19/12/2019 & 31/12/2019 <b>2020:</b> 4/01/2020, 5/01/2020, 8/01/2020, 24/01/2020,	Exceedances of PM10 air quality criteria during the audit period, all of which were reported to relevant authorities. All exceedances were identified as extraordinary events, with no need for an incident report.
	9/04/2020, 5/06/2020, 7/07/2020, 7/09/2020, 18/11/2020, 11/12/2020, 31/12/2020, 18/02/2021 & 21/04/2021	Exceedance of depositional dust criteria, with each incident reported to relevant authorities. The formal incident reports to DPE for each incident identified the exceedances as being due to contamination. Consultation from DPE to Delta during the audit period noted DDG005 (which was installed in February 2020 at the same general location as DDG005) provided better representation of potential emissions from the CVC ventilation fan site. The AQMP was revised during the audit period to replace monitoring at DDG005 with DDG006.
	3, 6, 16, 18, 19, 20 and 24 January 2022	PM2.5 daily average exceedances, with Delta determining, based on operations at the time and meteorological conditions that its operations did not contribute with any significance to the non-compliances recorded at Tingley Road, Wyee. Further calibration and replacement of filters was undertaken by the maintenance contractor and the unit's performance to be monitored. Delta has committed to developing a TARP to further detail the management procedures for the newly established PM2.5 alarms, see <b>Corrective action 4</b> .

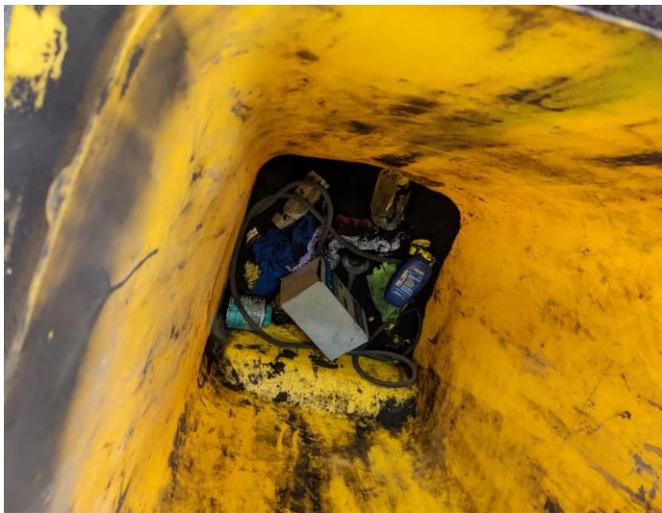
## 4.2.4 Site inspection observations



**Plate 4.1** Treated effluent discharge location within CVC



**Plate 4.2** Treated effluent system within CVC



**Plate 4.3** Inappropriate waste disposal, with general waste in an oil rags bin



**Plate 4.4** Inappropriate waste disposal, with general waste in an emergency spill kit bin



**Plate 4.5** Groundwater discharge location at D8, part of the sediment dam catchment



**Plate 4.6** Hazardous materials and oil storage bay



**Plate 4.7** Chlorine dosing pump



**Plate 4.8** Above ground, bunded diesel storage tank



**Plate 4.9** Licensed discharge point for EPL 1770



**Plate 4.10** Dam D10 spillway to licensed discharge point for EPL 1770



**Plate 4.11** Coal stockpile area, with no active stockpiling undertaken at present



**Plate 4.12** Bunded oil storage bay



**Plate 4.13** Oil water separator capturing runoff from the oil storage facilities, diesel tank storage, workshop / maintenance areas and wash bay



**Plate 4.14** Inappropriate waste disposal within the diesel particulate filters bin



**Plate 4.15** Grouted drain valve, removing ability to drain diesel storage bund, in accordance with the EPL



**Plate 4.16** Oily water separator for compressors

## 4.3 Compliance with SSD-5465

### 4.3.1 Summary of non-compliances

The review of compliance with SSD-5465 identified 12 non-compliances. Two non-compliances were deemed to represent a low risk, while 10 were deemed administrative in nature.

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

*Table 4.2 Summary of SSD-5465 non-compliances*

Condition	Reason for non-compliance	Risk rating
Schedule 2, Condition 2	<p>The following conditions of this licence were identified as being non-compliant over the reporting period:</p> <ul style="list-style-type: none"> <li>– Schedule 2, Condition 2</li> <li>– Schedule 2, Condition 23</li> <li>– Schedule 3, Condition 5</li> <li>– Schedule 3, Condition 9</li> <li>– Schedule 3, Condition 17</li> <li>– Schedule 3, Condition 18</li> <li>– Schedule 3, Condition 23</li> <li>– Schedule 6, Condition 3</li> <li>– Schedule 6, Condition 4</li> <li>– Schedule 6, Condition 5</li> <li>– Schedule 6, Condition 12</li> <li>– Schedule 6, Condition 13</li> </ul> <p>As these conditions of the licence have not been complied with, this condition is also non-compliant.</p> <p>Refer to corrective actions and recommendations on each condition.</p>	Low
Schedule 2, Condition 23	<p>As the recommendation of the 2019 IEA audit to ensure that Trigger Action Response Plans (TARPs) are added into the management plans has not been followed though in the audit for the following plans:</p> <ul style="list-style-type: none"> <li>– AQGGMP</li> <li>– HMP</li> <li>– Seagrass Management Plan</li> <li>– Benthic Communities Management Plan</li> <li>– WMP</li> </ul> <p>A non-compliance with clause (c) of this condition is recorded and <b>Corrective action 4</b> has been made.</p>	Administrative
Schedule 3, Condition 5	<p>A summary of the Independent Traffic Audit findings are not included in the annual review documentation. This constitutes an administrative non-compliance.</p> <p>Therefore, <b>Corrective action 5</b> has been made.</p>	Administrative
Schedule 3, Condition 9	<p>A review of the approved NMP for the site found it generally compliant with the requirements of this condition. The plan however has not been updated since 2014, and therefore does not accurately reflect the activities and conditions occurring on site (including relevant monitoring locations), therefore an administrative non-compliance has been identified.</p> <p>The auditor notes a revised NMP was approved by DPE following conduct of the site inspection, addressing this non-compliance.</p>	Administrative
Schedule 3, Condition 17	<p>The wastewater system was generally being operated in accordance with this condition and of the conditions of the EPL. However, quarterly servicing regimes were not followed at times during the reporting period, constituting a non-compliance against the condition of the EPL (refer to discussion for Condition O8.4)</p>	Administrative

Condition	Reason for non-compliance	Risk rating
Schedule 3, Condition 18	As above, the wastewater system was generally being operated in accordance with this condition and of the conditions of the EPL. However, quarterly servicing regimes were not followed at times during the reporting period, constituting a non-compliance with the approved WMP. Quarterly servicing was missed due to scheduling and contractor delay.	Administrative
Schedule 3, Condition 23	Waste systems were viewed on site during the site inspection. There were adequate, clearly marked receptacles placed around the site for waste; however, it was noticed that staff were not segregating waste appropriately. This therefore constitutes a non-compliance with clause (b).  Therefore, a low risk non-compliance has been identified and corrective action 2 has been identified.	Low
Schedule 6, Condition 3	Refer to discussion for Schedule 2, Condition 23 and Schedule 3, Condition 9.	Administrative
Schedule 6, Condition 4	Refer to discussion for Schedule 2, Condition 23 and Schedule 3, Condition 9. Failure to complete a review and (as necessary) a revision of the relevant plans has resulted in an administrative non-compliance with Schedule 6, Condition 4 and clauses (c) and (d) of Schedule 6, Condition 5, with <b>Corrective action 6</b> made.	Administrative
Schedule 6, Condition 5		
Schedule 6, Condition 12	Refer to discussion for Schedule 3, Condition 9.	Administrative
Schedule 6, Condition 13	A review of the documentation on the website found that it generally contained the information listed in this clause. The information was up to date, and generally easy to find. There were however some documents on the website that were not the most up to date versions available. These were: <ul style="list-style-type: none"> <li>– Benthic Communities Management Plan, with the website revision dated 17 June 2019, but the current revision dated 6 April 2021.</li> <li>– Seagrass Management Plan, with the website revision dated 10 July 2020, but the current revision dated 6 April 2021.</li> <li>– Built Features Management Plan, with the website revision dated 12 May 2020, but the current revision dated 6 April 2021.</li> </ul> This therefore constitutes a non-compliance against clause (b) of this condition and <b>Corrective action 7</b> .	Administrative

## 4.4 Compliance with EPL 1770

### 4.4.1 Summary of non-compliances

A review of compliance against EPL 1770 identified 14 non-compliances. Eight (8) non-compliances were deemed to represent a low risk, while six (6) were deemed administrative in nature.

A summary of non-compliances are detailed in Table 4.3 below.

*Table 4.3 Summary of EPL 1770 Non-Compliances*

Condition	Reason for non-compliance	Risk rating
P1.4	Monitoring locations are shown in Figure 2 of the Noise Management Plan and are described in Section 5.2. These locations are generally consistent with the requirements of this condition; however, point 13 (R12) and point 14 (R13) are not shown, thus forming an administrative non-compliance.  The auditor notes that a revision to the NMP was approved by DPE following the site inspection on 12 April 2022, which adequately describes the monitoring locations. Therefore, no corrective action is required.	Administrative
L1.1	Several incidents related to water pollution occurred over the reporting period. These are described below in L2.4, L3.1 and L3.2	Low
L2.1	Several non-compliances have occurred within the reporting period. Refer to condition L2.4, L3.1 and L3.2	Low

Condition	Reason for non-compliance	Risk rating
L2.4	<p>Several non-compliances were recorded against this condition over the reporting period:</p> <ul style="list-style-type: none"> <li>– Exceedance of faecal coliform limit at LDP01 on 31 August 2019</li> <li>– Exceedance of faecal coliform limit at LDP01 on 18 September 2019</li> <li>– Exceedance of faecal coliform limit at LDP01 on 17 December 2019</li> <li>– Exceedance of faecal coliform and TSS limit at LDP27 on 7 February 2020</li> <li>– Exceedance of faecal coliform and TSS limit at LDP27 on 26 July 2020</li> <li>– Exceedance of faecal coliform and TSS limit at LDP27 on 9 September 2020</li> <li>– Exceedance of faecal coliform and TSS limit at LDP27 on 18 March 2021</li> <li>– Exceedance of faecal coliform and TSS limit at LDP27 on 21 March 2021</li> <li>– Exceedance of faecal coliform limit at LDP01 on 18 January 2022</li> <li>– Exceedance of faecal coliform limit at LDP27 on 31 March 2022</li> </ul> <p>These exceedances therefore form a non-compliance against this condition, with <b>Corrective Action 1</b> made address the non-compliance.</p>	Low
L3.1	<p>Exceedance of the daily volume limit at LDP01 on 30 August 2019. This exceedance therefore forms a non-compliance against this condition, with <b>Recommendation 6</b> made to address.</p>	Low
L3.2	<p>Several non-compliances were recorded against this condition over the reporting period:</p> <ul style="list-style-type: none"> <li>– Exceedance of combined daily volume limit at LDP1 and LDP27 on 9 February 2020.</li> <li>– Exceedance of combined daily volume limit at LDP1 and LDP27 on 26 July 2020 – there was also an exceedance of faecal coliforms and TSS at LDP27 on this day. This forms a medium risk non-compliance.</li> <li>– Exceedance of combined daily volume limit at LDP1 and LDP27 on 18 March 2021 – there was also an exceedance of faecal coliforms and TSS at LDP27 on this day. This forms a medium risk non-compliance.</li> <li>– Exceedance of combined daily volume limit at LDP1 and LDP27 on 21 March 2021- there was also an exceedance of faecal coliforms and TSS at LDP27 on this day. This forms a medium risk non-compliance.</li> <li>– Volumetric monitoring also ceased between 26 December 2021 and 10 January 2022 due to the volumetric flow met. This has been fixed and monitoring has recommenced.</li> </ul> <p><b>Corrective Action 1</b> has therefore been made to address the non-compliance.</p>	Low
L5.1	<p>A review of the data presented in the quarterly noise monitoring reports and the annual compliance assessments found that Chain Valley Colliery is operating within the noise limits defined by this condition, with the exception of Point 23 (ATN007).</p> <p>It was noted that there appears to be a typographical error in the limits for Point 23 (ATN007) and that the noise limits of the EPL were not consistent with the noise limits in SSD-5465.</p> <p>The EPL was modified on 30 September 2021 so that the noise limits for Point 23 (ATN007) were consistent with those presented in SSD-5465. Even so, noise monitoring results did not compare findings against previous EPL criteria, thus constituting an administrative non-compliance.</p> <p>As this issue with the EPL has been resolved, no corrective actions are required.</p>	Administrative
L5.7	<p>Monitoring for LA1(1minute) noise levels is not completed at 1 m from a façade; however, such noise monitoring is generally not practical due to disturbance to residents during the sensitive night-time period. Furthermore, operation of Schedule 6, Condition 12 of SSD-5465 allows monitoring from representative locations.</p>	Administrative
O1.1	<p>Waste tracking sheets were viewed during the audit and were found to be adequate and in compliance with this condition.</p> <p>During the site inspection, the auditor noted that waste disposal was generally non-compliant with the requirements of this condition, with inappropriate waste disposal identified at a number of waste storage locations (see Section 4.2.4). As a result <b>Corrective action 2</b> has been made.</p>	Low
O7.2	<p>The site inspection identified that there were adequate vessels for recycling on site; however, recycling was not adequately implemented by staff. There were several instances of incorrect waste being placed into a clearly labelled waste stream bin.</p> <p>As a result <b>Corrective action 2</b> has been made.</p>	Low

Condition	Reason for non-compliance	Risk rating
O8.4	<p>Servicing records were provided showing evidence of regular servicing. It was noted by the auditors that the servicing for Q4 2020 was not completed on time, therefore constituting an administrative non-compliance. However, the servicing event occurred 7 days following the end of Q4 2020 and subsequent servicing has been undertaken at quarterly intervals.</p> <p>Therefore, no corrective action is proposed.</p>	Administrative
M1.3	<p>Review of air quality monitoring sheets were found to be generally compliant with the requirements of this condition; however, they did not include a sample time, thus a non-compliance against clause (b) is recorded.</p> <p>Therefore, <b>Corrective action 3</b> has been made.</p>	Administrative
M2.2	<p>The TEOM stopped recording data for a short period in December 2020 due to severe thunderstorms. The gap in monitoring is recorded as a non-compliance against this condition. Delta Coal have since rectified the system and no corrective action is required.</p> <p>The 2019 IEA recommended that the TEOM is set up with alarms and notifications when the short term criterion for particulate matter is approached or exceeded. Delta Coal provided evidence that this has occurred, and this recommendation is considered closed out.</p> <p>The 2019 IEA recommendation to investigate back up power supply for the TEOM has not been carried out in the reporting period. Therefore, this recommendation has been reproduced as part of this audit.</p>	Low
M8.1	<p>A review of the Annual Review and monitoring data has found that monitoring of discharge points was generally adequate over the reporting period.</p> <p>The exception being volumetric monitoring also ceased between 26 December 2021 and 10 January 2022 due to the vandalism of the volumetric flow measuring equipment. This constitutes a non-compliance against condition (a).</p> <p>This has been fixed and monitoring has recommenced. As Delta Coal have been prompt in addressing this issue, no corrective action is recommended.</p>	Administrative

## 4.5 Compliance with relevant leases

### 4.5.1 Summary of non-compliances

The review of compliance with the relevant leases (CCL 706, CCL 707, CCL 719, CCL 1721, ML 1051, ML 1052, ML 1308, ML 1632, MPL 1370, MPL 1349, MPL 1389, MPL 1400, and MPL 337) 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 SSD-5465 and EPL 1770. Table 4.4 provides a summary of the key monitoring and management practices on site and areas recommended for improvement.

Table 4.4 Status of key monitoring and management

Environmental aspect	Reference	Implementation	Recommendation
General compliance	EMS Management plans listed in this table	<p>Management plans prepared for the site are generally compliant with the requirements of the project approval and the EPL.</p> <p>The EPL was reissued in February 2022 to reflect current mining operations and minor changes to the requirements of the EPL.</p> <p>The EMS was generally compliant with the requirements of SSD-5465; however, the recommendation from the previous audit to notify land owners has not been incorporated into the EMS. This therefore remains outstanding and has been reproduced as a recommendation in this audit.</p>	Recommendation 7
Traffic and transport	Road Transport Protocol, including TMP and Code of Conduct	<p>Review of relevant data indicates negligible impacts on traffic and transport as a result of CVC operation, with independent traffic audits undertaken on annual basis over the audit period and in compliance with the requirements SSD-5465. Relevant recommendations from the 2019 IEA relating to this plan were also noted to have been closed out. However, it is noted independent traffic audits are not reported in annual reviews in accordance with Schedule 3, Condition 5. Therefore, corrective action 5 has been made.</p>	Corrective action 5
Noise management plan	NMP	<p>Review of relevant documentation indicated the 2014 NMP was still the relevant management plan for the site during the audit period, with non-compliances consistent with the 2019 IEA. However, it is noted a 2022 version was approved by DPE following the conduct of the site inspection on 12 April 2022, addressing relevant non-compliances and recommendations associated with the 2014 NMP.</p> <p>A review of the complaints register found that one noise complaints was received over the reporting period. This complaint occurred in October 2020 and did not occur again over the reporting period. This indicates that adaptive noise management is being undertaken by Delta Coal.</p>	N/A
AQMP	AQMP	A review of the AQMP prepared for the site found it to be generally compliant with SSD-5465 and EPL 1770.	N/A
Water management	WMP, including SWMP and GWMP	<p>The implementation of the WMP on site was generally considered adequate. However, as discussed in Section 4.2.1.3, a number of non-compliances with the requirements of EPL 1770 have occurred during the reporting period.</p> <p>As per the findings of the 2019 IEA, the site inspection observed siltation of on-site water storage dams, some of which were observed to be overgrown with bullrush. A recommendation to establish a maintenance schedule to ensure dams and drainage lines are free of silt was made in the 2019 IEA. The auditor believes completing this recommendation may address the exceedances of combined daily discharge volume limits and TSS by ensuring water storage in dams is maximised.</p> <p>Furthermore, a non-compliance has been found in relation to exceedances of faecal coliform criteria in EPL 1770. It is considered works under DA 845-2020 to connect to the CC Council sewer network rather than relying on on-site septic tanks would address the potential for site contribution to elevated faecal coliform downstream of the discharge point once works are completed by 26 August 2020.</p>	<p>Corrective actions 1 and 4</p> <p>Recommendations 5 and 6</p>

Environmental aspect	Reference	Implementation	Recommendation
Biodiversity	BMP	A review of the BMP prepared for the site found it to be generally compliant with SSD-5465 and EPL 1770.	N/A
	Biodiversity Enhancement Strategy	A review of the Biodiversity Enhancement Strategy prepared for the site found it to be generally compliant with SSD-5465.	N/A
Heritage	HMP	<p>During the 2020 reporting period, two previously unidentified Aboriginal Heritage Sites were disturbed during the demolition of former mine cottages. An incident report was submitted to DPE-compliance, BCD, the EPA and to Registered Aboriginal Parties (RAPs) on 22 October 2020.</p> <p>Review of relevant documentation indicate appropriate management of this issue was undertaken. It is noted the HMP was revised to cover these additional sites and has been approved.</p>	N/A
Rehabilitation	RMP	<p>A review of the MOP found them compliant with the requirements of SSD-5465. The RMP was also found to be generally compliant with the requirements of SSD-5465.</p> <p>There were no areas of the site under active rehabilitation over the reporting period. General maintenance vegetation maintenance and weed management have been undertaken.</p> <p>It is noted Delta are in the process of preparing a 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). This RMP is recommended to ensure to discuss topsoil storage and estimated volumes required for rehabilitation.</p>	Recommendation 8
Pollution incident response	PIRMP	<p>A review of the PIRMP found that the recommendations of the 2019 IEA have been incorporated and are closed out.</p> <p>The PIRMP was tested three times in the audit period:</p> <ul style="list-style-type: none"> <li>– 17 December 2019</li> <li>– 22 December 2020</li> <li>– 22 December 2021</li> </ul> <p>The PIRMP was produced in the site inspection.</p>	N/A

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

### 4.7.1 DPE

A consultation letter was provided to the DPE Compliance Team on 23 March 2022, with a subsequent response received 28 March 2022 and is summarised in Table 4.5.

Table 4.5 DPE comments and auditor's response

NSW Resource Regulator comments	Auditor response
Implementation of approved management plans	Sections 4.2 and 4.6
Noise management and monitoring – in particular, is the current monitoring regime adequate for the surrounding receivers and are the monitoring locations most representative of the nearest residential receivers?	Section 4.2.1.2
Surface water management and discharge events	Section 4.2.1.3
Complaints management and responses	Section 4.2.2

### 4.7.2 NSW Resources Regulator

A consultation letter was provided to the NSW Resources Regulator on 23 March 2022, with a subsequent response received 23 March 2022 and is summarised in Table 4.6.

Table 4.6 NSW Resources Regulator comments and auditor's response

NSW Resource Regulator comments	Auditor response
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.	The existing MOP which applies to CVC is Amendment 2 dated 12 August 2021. However, it is noted while the current MOP period ends in 2023, the new RMP and Annual Report & Forward Program are in the process of being prepared for submission by 2 July 2022.
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 SSD-5465 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 indicate relevant rehabilitation commitments and objectives for CVC relate to addressing any potential subsidence impacts, for which relevant performance measures detailed under Schedule 5, Conditions 2 and 4 of SSD-5465 have been met during 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.	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 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 Delt 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.	Review of relevant documentation and conduct of the site inspection on 12 April 2022 indicates operations at CVC are being undertaken in accordance with the existing MOP.
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.	As discussed, review of the existing MOP indicates minimal rehabilitation is proposed during the MOP period (noting that it will be superseded in July 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.	This notwithstanding, review of relevant documentation indicates minor rehabilitation in relation to demolition works undertaken during 2021 (i.e. demolition of former mine cottages and infrastructure pertaining to coal conveyors & ROM coal handling facilities). This area has been rehabilitated to open grasslands, with ongoing priority weed management. Delta notes they do not intend to relinquish these rehabilitated areas from the mining lease.

### 4.7.3 CCC Chair

A consultation letter was provided to the CCC Chair on 23 March 2022, with a response (including input of CCC members) received on 1 April 2022. This response indicated no one raised any matters of concern for the auditor to investigate.

The CCC Chair noted general consensus that CVC operations and performance are in accordance with the relevant approvals.

### 4.7.4 EPA

A consultation letter was provided to the EPA on 23 March 2022, with a response received 25 March 2022 noting the EPA did not have any comments.

### 4.7.5 Other agencies

A consultation letter was provided to the BCD, DPI – Fisheries, Heritage NSW, DPI – Water, CC Council and LMCC on 23 March 2022, with no response received to date.

## 5. Corrective actions and recommendations

Table 5.1 and Table 5.2 summarise the corrective actions and recommendations respectively made based on the findings of the audit.

Table 5.1 Corrective actions

Number	Condition	Corrective action
<b>EPL 1770</b>		
1	L2.4 and L3.2	Keep DPE up-to-date on the progress of works under DA 845-2020 to address exceedances associated with licensed discharges.
2	O1.1 & O7.2	As bins are clearly labelled and adequate disposal facilities are available across the site, Delta should investigate means to address the workforce culture in relation to inadequate disposal of waste that has persisted across this, and the previous, audit.
3	M1.3	Ensure contractors record sample time when recording air quality monitoring data in accordance with the requirements of Condition M1.3.
<b>SSD-5465</b>		
4	Schedule 2, Condition 23	Ensure that TARPs are included in the AQMP, HMP, Seagrass Management Plan, Benthic Communities Management Plan and WMP in the next update. This includes developing a TARP to further detail the management procedures for the newly established PM2.5 alarms within the AQMP.
5	Schedule 3, Condition 5	Ensure a summary of the results of Independent Traffic Audits are included in Annual Reviews.
6	Schedule 6, Condition 5	Ensure plans are updated within three months of submission of this IEA and otherwise in accordance with the requirements of Schedule 6, Condition 5.
7	Schedule 6, Condition 13	Ensure that the most up to date management plans are uploaded onto the website.

Table 5.2 Recommendations

Number	Condition	Recommendation
<b>EPL1770</b>		
1	P1.1	As part of updates required to the AQMP, update Figure 3 to show the location of the meteorological station.
2	L2.4	There is an inconsistent naming convention for the discharge locations between sites. It is recommended that they are consistently referenced across management plans and annual reviews.
3	M2.2	To improve data capture for PM10, review possibilities of backup power supply for the system.
<b>SSD-5465</b>		
4	Schedule 2, Condition 22	The outcome of consultation is not included in the BMP, it is recommended a statement be added to indicate no comments were received to be included in the plan.
5	Schedule 3, Condition 17 and Condition 18	The WMP has not been implemented as approved in relation to sewage management. Ensure the WMP is updated to reflect the changes to on-site sewage management, which are scheduled to be completed by 26 August 2022.
6	Schedule 3, Condition 18	Ensure a maintenance schedule is established to ensure dams and drainage lines are free of silt and water storage is maximised.
7	Schedule 6, Condition 1	Include a requirement in the EMS to notify landowners of exceedances 'as soon as practical'. Define a time period for as 'soon as practical'.

Number	Condition	Recommendation
8	Schedule 3, Condition 27	Ensure the RMP required by SSD-5465 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.
9	Schedule 3, Condition 9	The outcomes of the noise mitigation study currently being completed should be captured in a revised noise management plan and reflect any changes to monitoring, as relevant.
<b>Still relevant 2019 IEA recommendations</b>		
10	Schedule 4, Condition 1-4	Assess the triggers from the Extraction Plans e.g. ANOVA/ANOSIM level is approaching 5% in the bi-annual monitoring reports.
11	Schedule 4, Condition 2	Develop a TARP when updating the Benthic Communities Management Plan. This should address the wording of Schedule 4 Condition 2 SSD 5465. A series of triggers should be developed based on quantitative data and this should be reported in the bi - annual monitoring reports and the Annual Review. An example of a trigger would be '% change in organisms between monitoring events'.

# Appendices

# **Appendix A**

**Audit team approval letter**



Mr Lachlan McWha  
Environmental Compliance Coordinator  
Great Southern Energy Pty Ltd (t/a Delta Coal)  
Chain Valley Colliery  
Awabakal Country  
PO Box 7115  
Manning Park NSW 2259

23/02/2022

Dear Mr McWha

**Chain Valley Extension - IEA Auditor Endorsement Request (SSD-5463 and MP 06\_0311)**

I refer to your request (SSD-5465-PA-70) submitted to the Department of Planning and Environment (the Department) on 17 February 2022 requesting the Secretary's endorsement of suitably qualified persons to prepare the Independent Environmental Audit (IEA) for the Chain Valley Colliery in accordance with Schedule 6 Condition 9 of SSD-5465, as modified and Schedule 5 Condition 9 of MP 06\_0311, as modified (the consents).

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 endorses the appointment of the following audit team to prepare the IEA for the Chain Valley Colliery:

- Mr Elliot Holland (Lead Auditor); and
- Ms Michelle Kiejda (Technical Review).

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

The Independent Audit must be prepared, undertaken and finalised in accordance with the Department's *Independent Audit Guideline – Post approval requirements for state significant developments* (October 2016). Failure to meet these requirements will require revision and resubmission.

The Department reserves the right to request an alternate auditor or audit team for future audits.

Notwithstanding the agreement for the above listed audit team, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the Department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

Should you wish to discuss the matter further, please contact James Epstein, Senior Compliance Officer, on (02) 6575 3419 or via email [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely

Heidi Watters  
Team Leader Northern  
Compliance  
As nominee of the Planning Secretary



Department of Planning and Environment

# **Appendix B**

**Agency consultation**

Your ref: 0001  
Our ref: 12572751

23 March 2022

James Epstein  
Senior Compliance Officer  
Locked Bag 5022  
Parramatta, NSW, 2124

**Chain Valley Colliery (SSD-5465) and Mannering Colliery (PA06\_0311) Independent Environmental Audit**

Dear James

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). 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 EPLs or Mining Leases (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 yourself in regard to CVC operations (as they relate to SSD-5465 (as modified)) and Mannering Colliery operations (as they relate to PA06\_0311)), as well as Delta Coal's performance with other requirements for each site, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of Delta Coal's 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
- Adequacy of the requirements of the licence

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

The site visit for the audit is currently scheduled to be conducted the Thursday/Friday, 7 and 8 April 2022. We wish to invite you to provide comment on Delta Coal's compliance/performance so that we may adequately address any concerns during the audit.

It would be appreciated if you could submit your written comments by close of business Wednesday, 6 April 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:** 12572751

**23 March 2022**

**Biodiversity Conservation Division  
Locked Bag 1002  
Dangar, NSW, 2259**

**Chain Valley Colliery (SSD-5465) and Mannering Colliery (PA06\_0311) Independent Environmental Audit**

To whom it may concern

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). 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 EPLs or Mining Leases (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 (BCD) in regard to CVC operations (as they relate to SSD-5465 (as modified)) and Mannering Colliery operations (as they relate to PA06\_0311)), as well as Delta Coal's performance with other requirements for each site, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of Delta Coal's 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
- Adequacy of the requirements of the licence.

I also invite you to comment on Delta Coal'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 April 2022. We wish to invite you to provide comment on Delta Coal'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 Wednesday, 6 April 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:** 12572751

**23 March 2022**

**Margaret MacDonald-Hill  
Committee Independent Chair**

**Chain Valley Colliery (SSD-5465) and Mannering Colliery (PA06\_0311) Independent Environmental Audit**

Dear Margaret

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). 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 EPLs or Mining Leases (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 yourself in regard to CVC operations (as they relate to SSD-5465 (as modified)) and Mannering Colliery operations (as they relate to PA06\_0311), as well as Delta Coal's performance with other requirements for each site, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of Delta Coal's 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
- Adequacy of the requirements of the licence.

I also invite you to comment on Delta Coal'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 April 2022. We wish to invite you to provide comment on Delta Coal'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 Wednesday, 6 April 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:** 12572751

**23 March 2022**

**General Manager  
Central Coast Council  
PO Box 20  
Wyong, NSW, 2259**

**Chain Valley Colliery (SSD-5465) and Mannering Colliery (PA06\_0311) Independent Environmental Audit**

To whom it may concern

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). 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 EPLs or Mining Leases (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 Central Coast Council in regard to CVC operations (as they relate to SSD-5465 (as modified)) and Mannering Colliery operations (as they relate to PA06\_0311), as well as Delta Coal's performance with other requirements for each site, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of Delta Coal's 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
- Adequacy of the requirements of the licence.

I also invite you to comment on Delta Coal'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 April 2022. We wish to invite you to provide comment on Delta Coal'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 Wednesday, 6 April 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:** 12572751

**23 March 2022**

**James Epstein  
Senior Compliance Officer  
Locked Bag 5022  
Parramatta, NSW, 2124**

**Chain Valley Colliery (SSD-5465) and Mannering Colliery (PA06\_0311) Independent Environmental Audit**

Dear James

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). 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 EPLs or Mining Leases (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 yourself in regard to CVC operations (as they relate to SSD-5465 (as modified)) and Mannering Colliery operations (as they relate to PA06\_0311)), as well as Delta Coal's performance with other requirements for each site, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of Delta Coal's 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
- Adequacy of the requirements of the licence.

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

The site visit for the audit is currently scheduled to be conducted the Thursday/Friday, 7 and 8 April 2022. We wish to invite you to provide comment on Delta Coal's compliance/performance so that we may adequately address any concerns during the audit.

It would be appreciated if you could submit your written comments by close of business Wednesday, 6 April 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:** 12572751

**23 March 2022**

**Department of Planning and Environment – Water  
Locked Bag 5022  
Parramatta, NSW, 2124**

**Chain Valley Colliery (SSD-5465) and Mannering Colliery (PA06\_0311) Independent Environmental Audit**

To whom it may concern

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). 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 EPLs or Mining Leases (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 Department of Planning and Environment – Water in regard to CVC operations (as they relate to SSD-5465 (as modified)) and Mannering Colliery operations (as they relate to PA06\_0311)), as well as Delta Coal's performance with other requirements for each site, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of Delta Coal's 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
- Adequacy of the requirements of the licence.

I also invite you to comment on Delta Coal'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 April 2022. We wish to invite you to provide comment on Delta Coal'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 Wednesday, 6 April 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:** 12572751

**23 March 2022**

**Department of Primary Industries – Fisheries  
Locked Bag 1  
Nelson Bay, NSW, 2315**

**Chain Valley Colliery (SSD-5465) and Mannering Colliery (PA06\_0311) Independent Environmental Audit**

To whom it may concern

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). 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 EPLs or Mining Leases (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 DPI – Fisheries in regard to CVC operations (as they relate to SSD-5465 (as modified)) and Mannering Colliery operations (as they relate to PA06\_0311)), as well as Delta Coal's performance with other requirements for each site, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of Delta Coal's 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
- Adequacy of the requirements of the licence.

I also invite you to comment on Delta Coal'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 April 2022. We wish to invite you to provide comment on Delta Coal'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 Wednesday, 6 April 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:** 12572751

**23 March 2022**

**Environment Protection Authority  
Locked Bag 5022  
Parramatta, NSW, 2124**

**Chain Valley Colliery (SSD-5465) and Mannering Colliery (PA06\_0311) Independent Environmental Audit**

To whom it may concern

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). 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 EPLs or Mining Leases (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 EPA in regard to CVC operations (as they relate to SSD-5465 (as modified)) and Mannering Colliery operations (as they relate to PA06\_0311)), as well as Delta Coal's performance with other requirements for each site, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of Delta Coal's 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
- Adequacy of the requirements of the licence.

I also invite you to comment on Delta Coal'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 April 2022. We wish to invite you to provide comment on Delta Coal'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 Wednesday, 6 April 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:** 12572751

**23 March 2022**

**General Manager  
Lake Macquarie City Council  
PO Box 1906  
Hunter Regional Mail Centre, NSW, 2310**

**Chain Valley Colliery (SSD-5465) and Mannering Colliery (PA06\_0311) Independent Environmental Audit**

To whom it may concern

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). 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 EPLs or Mining Leases (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 Lake Macquarie City Council in regard to CVC operations (as they relate to SSD-5465 (as modified)) and Mannering Colliery operations (as they relate to PA06\_0311), as well as Delta Coal's performance with other requirements for each site, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of Delta Coal's 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
- Adequacy of the requirements of the licence.

I also invite you to comment on Delta Coal'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 April 2022. We wish to invite you to provide comment on Delta Coal'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 Wednesday, 6 April 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:** 12572751

**23 March 2022**

**NSW Resource Regulator  
516 High St,  
Maitland, NSW, 2320**

**Chain Valley Colliery (SSD-5465) and Mannering Colliery (PA06\_0311) Independent Environmental Audit**

To whom it may concern

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). 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 EPLs or Mining Leases (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 NSW Resources Regulator in regard to CVC operations (as they relate to SSD-5465 (as modified)) and Mannering Colliery operations (as they relate to PA06\_0311)), as well as Delta Coal's performance with other requirements for each site, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of Delta Coal's 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
- Adequacy of the requirements of the licence.

I also invite you to comment on Delta Coal'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 April 2022. We wish to invite you to provide comment on Delta Coal'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 Wednesday, 6 April 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)

## Jane Mackintosh

---

**From:** Heidi Watters <Heidi.Watters@Planning.nsw.gov.au> on behalf of DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>  
**Sent:** Friday, 25 March 2022 9:27 AM  
**To:** Elliot Holland  
**Subject:** RE: 12572751 - Chain Valley Colliery (CVC) and Mannering Colliery Independent Environmental Audits

Dear Elliot

Thank you for the invitation to comment on the upcoming IEA for CVC and Mannering Colliery.

In addition to the requirements of the IEA conditions for both sites, the department would like the audit team to pay particular attention to the following:

- Implementation of approved management plans
- Noise management and monitoring – in particular, is the current monitoring regime adequate for the surrounding receivers and are the monitoring locations most representative of the nearest residential receivers?
- Surface water management and discharge events
- Complaints management and responses

Regards

**Heidi Watters**  
**Team Leader Compliance**

Planning & Assessment | Department of Planning and Environment  
T 02 6575 3401 | M 0472 820 374 | E [heidi.watters@planning.nsw.gov.au](mailto:heidi.watters@planning.nsw.gov.au)  
Suite 14, Level 1, 1 Civic Avenue, Singleton NSW 2333  
[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)



*The Department of Planning and Environment acknowledges that it stands on Aboriginal land.*

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

---

**From:** Elliot Holland <[Elliot.Holland@ghd.com](mailto:Elliot.Holland@ghd.com)>  
**Sent:** Wednesday, 23 March 2022 11:55 AM  
**To:** DPE PSVC Compliance Mailbox <[compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)>  
**Subject:** 12572751 - Chain Valley Colliery (CVC) and Mannering Colliery Independent Environmental Audits

Hi,

As per the attached, GHD has been engaged by Great Southern Energy Pty Ltd (trading as 'Delta Coal') to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery, in accordance with relevant requirements of their consents.

I am writing to the Compliance team at Department of Planning and Environment (DPE) to invite comment in regard to CVC operations (as they relate to SSD-5465 (as modified)) and Mannering Colliery operations (as they relate to PA06\_0311)), as well as Delta Coal's performance with other requirements for each site, as you may deem appropriate.

A copy of consolidated consent conditions for each site have been attached for your reference.

Regards

**Elliot Holland**

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

**Exemplar Global – Lead Auditor: EMS**

**Senior Environmental Scientist**

**GHD**

**Proudly employee-owned | [ghd.com](http://ghd.com)**

24 Honeysuckle Drive Newcastle NSW 2300 Australia

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

➔ **The Power of Commitment**

Connect



Please consider the environment before printing this email.

CONFIDENTIALITY NOTICE: This email, including any attachments, is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately, and please delete it; you should not copy it or use it for any purpose or disclose its contents to any other person. GHD and its affiliates reserve the right to monitor and modify all email communications through their networks.

## Jane Mackintosh

---

**From:** Steven James <Steven.James@epa.nsw.gov.au>  
**Sent:** Friday, 25 March 2022 1:23 PM  
**To:** Elliot Holland  
**Subject:** RE: 12572751 - Chain Valley Colliery (CVC) and Mannering Colliery Independent Environmental Audits

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

Hi Elliot,

Thanks for your email. The EPA does not have any comments at this time.

Regards,

Steve.

### Steven James

Unit Head Regulatory Operations – Metro North

NSW Environment Protection Authority

+61 2 4908 6823 +61 413 450 328

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

Report pollution and environmental incidents 131 555 (NSW only) or +61 2 9995 5555

---

**From:** Elliot Holland <Elliot.Holland@ghd.com>  
**Sent:** Wednesday, 23 March 2022 10:26 AM  
**To:** EPA RSD Hunter Region Mailbox <hunter.region@epa.nsw.gov.au>  
**Subject:** 12572751 - Chain Valley Colliery (CVC) and Mannering Colliery Independent Environmental Audits

Hi,

As per the attached, GHD has been engaged by Great Southern Energy Pty Ltd (trading as 'Delta Coal') to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery, in accordance with relevant requirements of their consents.

I am writing to you to invite comment in regard to CVC operations (as they relate to SSD-5465 (as modified)) and Mannering Colliery operations (as they relate to PA06\_0311), as well as Delta Coal's performance with other requirements for each site, as you may deem appropriate.

A copy of consolidated consent conditions for each site have been attached for your reference.

Regards

**Elliot Holland**

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

**Exemplar Global – Lead Auditor: EMS**

**Senior Environmental Scientist**

**GHD**

Proudly employee-owned | [ghd.com](http://ghd.com)

24 Honeysuckle Drive Newcastle NSW 2300 Australia

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

➔ **The Power of Commitment**

Connect



Please consider the environment before printing this email.

CONFIDENTIALITY NOTICE: This email, including any attachments, is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately, and please delete it; you should not copy it or use it for any purpose or disclose its contents to any other person. GHD and its affiliates reserve the right to monitor and modify all email communications through their networks.

-----  
-----  
This email is intended for the addressee(s) named and may contain confidential and/or privileged information. If you are not the intended recipient, please notify the sender and then delete it immediately. Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the Environment Protection Authority.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

## Jane Mackintosh

---

**From:** mmacdonald-hill@bigpond.com  
**Sent:** Friday, 1 April 2022 1:58 PM  
**To:** Elliot Holland  
**Subject:** RE: 12572751 - Chain Valley Colliery (CVC) and Mannering Colliery Independent Environmental Audits

Hi Elliot,

I have forwarded the information and scope of the IEA to the CCC members and as expected, no one has raised any matters of concern they wish you to investigate. The general consensus received is that the mine's operations and performance are in accordance with the relevant approvals.

All minutes and presentations of the Committee are available on the Delta Coal website.

Thank you for the opportunity to comment.

*Margaret MacDonald-Hill*  
0448 414 888

---

**From:** Elliot Holland <Elliot.Holland@ghd.com>  
**Sent:** Thursday, 24 March 2022 5:49 AM  
**To:** mmacdonald-hill@bigpond.com  
**Subject:** RE: 12572751 - Chain Valley Colliery (CVC) and Mannering Colliery Independent Environmental Audits

Hi Margaret,

Correct, audit period considered will be from 10 April 2019 to the site inspection date (7/8 April 2022)

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

### GHD

Proudly employee-owned | [ghd.com](http://ghd.com)

24 Honeysuckle Drive Newcastle NSW 2300 Australia

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

⇒ **The Power of Commitment**

Connect



Please consider the environment before printing this email.

---

**From:** [mmacdonald-hill@bigpond.com](mailto:mmacdonald-hill@bigpond.com) <[mmacdonald-hill@bigpond.com](mailto:mmacdonald-hill@bigpond.com)>  
**Sent:** Wednesday, 23 March 2022 5:09 PM  
**To:** Elliot Holland <[Elliot.Holland@ghd.com](mailto:Elliot.Holland@ghd.com)>  
**Subject:** RE: 12572751 - Chain Valley Colliery (CVC) and Mannering Colliery Independent Environmental Audits

Hi Elliot,

Thanks for your email. Before I pass this on to the CCC members, I take it the audit period is from April 2019 to April 2022?

Margaret MacDonald-Hill  
0448 414 888

---

**From:** Elliot Holland <[Elliot.Holland@ghd.com](mailto:Elliot.Holland@ghd.com)>  
**Sent:** Wednesday, 23 March 2022 11:04 AM  
**To:** [mmacdonald-hill@bigpond.com](mailto:mmacdonald-hill@bigpond.com)  
**Subject:** 12572751 - Chain Valley Colliery (CVC) and Mannering Colliery Independent Environmental Audits

Hi Margaret

As per the attached, GHD has been engaged by Great Southern Energy Pty Ltd (trading as 'Delta Coal') to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery, in accordance with relevant requirements of their consents.

I am writing to you to invite you, and by extension CCC members, to comment in regard to CVC operations (as they relate to SSD-5465 (as modified)) and Mannering Colliery operations (as they relate to PA06\_0311)), as well as Delta Coal's performance with other requirements for each site, as you may deem appropriate.

A copy of consolidated consent conditions for each site have been attached for your reference.

Regards,

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

## GHD

Proudly employee-owned | [ghd.com](http://ghd.com)  
24 Honeysuckle Drive Newcastle NSW 2300 Australia  
D +612 4979 9923 E [elliott.holland@ghd.com](mailto:elliott.holland@ghd.com)

➔ **The Power of Commitment**

Connect



Please consider the environment before printing this email.

**CONFIDENTIALITY NOTICE:** This email, including any attachments, is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately, and please delete it; you should not copy it or use it for any purpose or disclose its contents to any other person. GHD and its affiliates reserve the right to monitor and modify all email communications through their networks.

AREQ0026557

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: Chain Valley Colliery and Mannering Colliery – Independent Environmental Audit**

Thank you for your email dated 23 March 2022 requesting consultation on the independent audits to be undertaken of the Chain Valley Colliery and Mannering Colliery which are covered by the following mining leases:

Chain Valley Colliery

- CCL706 (1973)
- CCL707 (1973)
- ML1051 (1906)
- ML1052 (1906)
- ML1308 (1906)
- ML1785 (1992)
- MPL1349 (1906)
- MPL1389 (1906)
- MPL1400 (1906)
- MPL337 (1973)

Mannering Colliery

- CCL719 (1973)
- CCL 721 (1973)

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

23 March 2022

# **Appendix C**

**Compliance tables**

# 1. Chain Valley

## 1.1 EPL 1770

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>&gt; 2000000 - 5000000 T annual handing capacity</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>&gt; 2000000 - 3500000 T annual production capacity</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	> 2000000 - 5000000 T annual handing capacity	Mining for coal	Mining for coal	> 2000000 - 3500000 T annual production capacity	Compliant	<p>Site interviews conducted 12/13 April 2022</p> <p>Site inspection conducted 12 April 2022</p> <p>Annual Returns for 2019, 2020 and 2021</p>	The development is being conducted in generally in accordance with this licence.
Scheduled Activity	Fee Based Activity	Scale											
Coal works	Coal works	> 2000000 - 5000000 T annual handing capacity											
Mining for coal	Mining for coal	> 2000000 - 3500000 T annual production capacity											
A1.2	A1.2 The licensee must not extract by mining activities more than 2.1 million tonnes of ROM coal from the premises in any calendar year in line with Development Consent SSD5465 MOD 4.	Compliant	Annual Reviews for 2019, 2020 and 2021	<p>Delta Coal produced coal within the limits of this condition.</p> <ul style="list-style-type: none"> <li>– 2019: 0.79 million tonnes</li> <li>– 2020: 1.38 million tonnes</li> <li>– 2021: 1.25 million tonnes</li> </ul> <p>Compliance for 2022 was not assessed as the reporting period did not encompass the entire calendar year.</p>									

Condition	Details	Compliance status	Relevant evidence	Commentary							
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>CHAIN VALLEY COLLIERY</td> </tr> <tr> <td>CONSTRUCTION ROAD</td> </tr> <tr> <td>CHAIN VALLEY BAY</td> </tr> <tr> <td>NSW 2259</td> </tr> <tr> <td> </td> </tr> <tr> <td>THE LICENSED PREMISES IS AS DEFINED IN THE FOLLOWING PLANS, "DELTA COAL CHAIN VALLEY COLLIERY, SURFACE EPA PREMISES PLAN, DRG NO:C1SO165_2, 10 AUGUST 2021" AND "DELTA COAL CHAIN VALLEY COLLIERY, FIGURE 1 PROJECT OVERVIEW, DRG NO:C1SO165_1, 10 AUGUST 2021", WHICH SHOWS THE UNDERGROUND COAL WORKINGS PREMISES BOUNDARIES VIA A LIME GREEN LINE ALONG WITH THE EASTINGS AND NORTHINGS AT "TURNAROUND" LOCATIONS. THESE PLANS ARE SAVED AS EPA DOCUMENT NO. DOC21/691135.</td> </tr> </tbody> </table>	Premises Details	CHAIN VALLEY COLLIERY	CONSTRUCTION ROAD	CHAIN VALLEY BAY	NSW 2259		THE LICENSED PREMISES IS AS DEFINED IN THE FOLLOWING PLANS, "DELTA COAL CHAIN VALLEY COLLIERY, SURFACE EPA PREMISES PLAN, DRG NO:C1SO165_2, 10 AUGUST 2021" AND "DELTA COAL CHAIN VALLEY COLLIERY, FIGURE 1 PROJECT OVERVIEW, DRG NO:C1SO165_1, 10 AUGUST 2021", WHICH SHOWS THE UNDERGROUND COAL WORKINGS PREMISES BOUNDARIES VIA A LIME GREEN LINE ALONG WITH THE EASTINGS AND NORTHINGS AT "TURNAROUND" LOCATIONS. THESE PLANS ARE SAVED AS EPA DOCUMENT NO. DOC21/691135.	Note	SIX Maps/SEED Portal	Noted
Premises Details											
CHAIN VALLEY COLLIERY											
CONSTRUCTION ROAD											
CHAIN VALLEY BAY											
NSW 2259											
THE LICENSED PREMISES IS AS DEFINED IN THE FOLLOWING PLANS, "DELTA COAL CHAIN VALLEY COLLIERY, SURFACE EPA PREMISES PLAN, DRG NO:C1SO165_2, 10 AUGUST 2021" AND "DELTA COAL CHAIN VALLEY COLLIERY, FIGURE 1 PROJECT OVERVIEW, DRG NO:C1SO165_1, 10 AUGUST 2021", WHICH SHOWS THE UNDERGROUND COAL WORKINGS PREMISES BOUNDARIES VIA A LIME GREEN LINE ALONG WITH THE EASTINGS AND NORTHINGS AT "TURNAROUND" LOCATIONS. THESE PLANS ARE SAVED AS EPA DOCUMENT NO. DOC21/691135.											
A3	A3 Other activities										
A3.1	<p>A3.1 This licence applies to all other activities carried on at the premises, including:</p> <table border="1"> <tbody> <tr> <td>Ancillary Activity</td> </tr> <tr> <td>Sewage Treatment Systems</td> </tr> </tbody> </table>	Ancillary Activity	Sewage Treatment Systems	Compliant	Site interviews conducted 12/13 April 2022 Annual Reviews for 2019, 2020 and 2021	There is a sewage treatment system being operated on site, which was viewed in the site inspection.					
Ancillary Activity											
Sewage Treatment Systems											
A4	A4 Information supplied to the EPA										
A4.1	<p>A4.1 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.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <p>a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and</p> <p>b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</p>	Compliant	Site interviews conducted 12/13 April 2022 Site inspection conducted 12 April 2022	Review of relevant documentation verifies compliance with the requirements of this condition							

Condition	Details	Compliance status	Relevant evidence	Commentary																
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 colspan="4">Air</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>25</td> <td>Air Monitoring Point Particulate Matter PM10 Thermo Fisher Scientific TEOM 1405</td> <td></td> <td>TEOM Monitor located on the site of the Mannering Park Sewage Treatment Plant, shown as "EPA25" on the plan titled "Delta Coal - Chain Valley Colliery - Figure 1 - Project Overview", which as been filed as EPA document DOC21/691135</td> </tr> </tbody> </table>	Air				EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	25	Air Monitoring Point Particulate Matter PM10 Thermo Fisher Scientific TEOM 1405		TEOM Monitor located on the site of the Mannering Park Sewage Treatment Plant, shown as "EPA25" on the plan titled "Delta Coal - Chain Valley Colliery - Figure 1 - Project Overview", which as been filed as EPA document DOC21/691135	Compliant	<p>Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022), including DPE approval 21/03/2022</p> <p>Noise Management Plan (Rev 2– Dated 12 March 2014)</p>	<p>Delta Coal operate a meteorological station that collects data continually.</p> <p>Whilst not a non-compliance, the AQGGMP does not show the location of the meteorological station.</p> <p><b>Recommendation 1: As part of updates required to the AQMP, update figure 3 to show the location of the meteorological station.</b></p>				
Air																				
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																	
25	Air Monitoring Point Particulate Matter PM10 Thermo Fisher Scientific TEOM 1405		TEOM Monitor located on the site of the Mannering Park Sewage Treatment Plant, shown as "EPA25" on the plan titled "Delta Coal - Chain Valley Colliery - Figure 1 - Project Overview", which as been filed as EPA document DOC21/691135																	
P1.2	<p>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.</p>	Note		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>1</td> <td>Discharge to waters Discharge quality and volume monitoring</td> <td>Discharge to waters Discharge quality and volume monitoring</td> <td>Discharge to waters and monitoring from final settlement pond, gravity fed discharge pipe as identified in plan titled "Delta Coal Chain Valley Colliery, Surface EPA Premises Plan, DRG No: C1S0165_2" 10 August 2021 and saved as EPA Document DOC21/691135.</td> </tr> <tr> <td>27</td> <td>Discharge to waters Discharge quality and volume monitoring</td> <td>Discharge to waters Discharge quality and volume monitoring</td> <td>Discharge to waters via dam spillway from final settlement pond adjacent to EPA Point 1 as identified in plan titled "Delta Coal Chain Valley Colliery, Surface EPA Premises Plan, DRG No: C1S0165_2" 10 August 2021 and saved as EPA Document DOC21/691135.</td> </tr> </tbody> </table>	Water and land				EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	1	Discharge to waters Discharge quality and volume monitoring	Discharge to waters Discharge quality and volume monitoring	Discharge to waters and monitoring from final settlement pond, gravity fed discharge pipe as identified in plan titled "Delta Coal Chain Valley Colliery, Surface EPA Premises Plan, DRG No: C1S0165_2" 10 August 2021 and saved as EPA Document DOC21/691135.	27	Discharge to waters Discharge quality and volume monitoring	Discharge to waters Discharge quality and volume monitoring	Discharge to waters via dam spillway from final settlement pond adjacent to EPA Point 1 as identified in plan titled "Delta Coal Chain Valley Colliery, Surface EPA Premises Plan, DRG No: C1S0165_2" 10 August 2021 and saved as EPA Document DOC21/691135.	Compliant	<p>Water Management Plan (Rev 5– Dated 24 August 2021)</p> <p>Monthly website report</p> <p>Annual Reviews for 2019, 2020 and 2021</p>	<p>Discharge data is presented in annual reviews and the monthly website reports.</p> <p>Discharge locations were viewed in the site audit.</p>
Water and land																				
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																	
1	Discharge to waters Discharge quality and volume monitoring	Discharge to waters Discharge quality and volume monitoring	Discharge to waters and monitoring from final settlement pond, gravity fed discharge pipe as identified in plan titled "Delta Coal Chain Valley Colliery, Surface EPA Premises Plan, DRG No: C1S0165_2" 10 August 2021 and saved as EPA Document DOC21/691135.																	
27	Discharge to waters Discharge quality and volume monitoring	Discharge to waters Discharge quality and volume monitoring	Discharge to waters via dam spillway from final settlement pond adjacent to EPA Point 1 as identified in plan titled "Delta Coal Chain Valley Colliery, Surface EPA Premises Plan, DRG No: C1S0165_2" 10 August 2021 and saved as EPA Document DOC21/691135.																	

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> <table border="1"> <thead> <tr> <th colspan="3">Noise/Weather</th> </tr> <tr> <th>EPA identification no.</th> <th>Type of monitoring point</th> <th>Location description</th> </tr> </thead> <tbody> <tr> <td>9</td> <td>Noise monitoring</td> <td>Noise monitoring site R8 as defined in Development Consent SSD-5465 (MOD 3), located at 109 Griffith Street, MANNERING PARK, 2259</td> </tr> <tr> <td>12</td> <td>Noise monitoring</td> <td>Noise monitoring site R11 as defined in Development Consent SSD-5465 (MOD 3), located at 35 Lakeshore Avenue, CHAIN VALLEY BAY, 2259</td> </tr> <tr> <td>13</td> <td>Noise monitoring</td> <td>Noise monitoring site R12 as defined in Development Consent SSD-5465 (MOD 3), located at 20 Lakeshore Avenue, Kingfisher Shores, CHAIN VALLEY BAY, 2259</td> </tr> <tr> <td>14</td> <td>Noise monitoring</td> <td>Noise monitoring site R13 as defined in Development Consent SSD-5465 (MOD 3), located at 33 Karoola Avenue, Kingfisher Shores, CHAIN VALLEY BAY, 2259</td> </tr> <tr> <td>16</td> <td>Noise monitoring</td> <td>Noise monitoring site R15 as defined in Development Consent SSD-5465 (MOD 3), located at Short Street, Macquarie Shores, CHAIN VALLEY BAY, 2259</td> </tr> <tr> <td>20</td> <td>Noise monitoring</td> <td>Noise monitoring site R19 as defined in Development Consent SSD-5465 (MOD 3), located at 2 Sunset Parade, CHAIN VALLEY BAY, 2259</td> </tr> <tr> <td>23</td> <td>Noise monitoring</td> <td>Noise monitoring site R22 as defined in Development Consent SSD-5465 (MOD 3), located at 275a Cams Boulevard, CHAIN VALLEY BAY, 2259</td> </tr> <tr> <td>26</td> <td>Meteorological Station</td> <td>Manning Colliery Meteorological Station, Ruttleys Road, Doyalson 2259.</td> </tr> </tbody> </table>	Noise/Weather			EPA identification no.	Type of monitoring point	Location description	9	Noise monitoring	Noise monitoring site R8 as defined in Development Consent SSD-5465 (MOD 3), located at 109 Griffith Street, MANNERING PARK, 2259	12	Noise monitoring	Noise monitoring site R11 as defined in Development Consent SSD-5465 (MOD 3), located at 35 Lakeshore Avenue, CHAIN VALLEY BAY, 2259	13	Noise monitoring	Noise monitoring site R12 as defined in Development Consent SSD-5465 (MOD 3), located at 20 Lakeshore Avenue, Kingfisher Shores, CHAIN VALLEY BAY, 2259	14	Noise monitoring	Noise monitoring site R13 as defined in Development Consent SSD-5465 (MOD 3), located at 33 Karoola Avenue, Kingfisher Shores, CHAIN VALLEY BAY, 2259	16	Noise monitoring	Noise monitoring site R15 as defined in Development Consent SSD-5465 (MOD 3), located at Short Street, Macquarie Shores, CHAIN VALLEY BAY, 2259	20	Noise monitoring	Noise monitoring site R19 as defined in Development Consent SSD-5465 (MOD 3), located at 2 Sunset Parade, CHAIN VALLEY BAY, 2259	23	Noise monitoring	Noise monitoring site R22 as defined in Development Consent SSD-5465 (MOD 3), located at 275a Cams Boulevard, CHAIN VALLEY BAY, 2259	26	Meteorological Station	Manning Colliery Meteorological Station, Ruttleys Road, Doyalson 2259.	Non-compliance (administrative)	<p>Noise Management Plan (Rev 2–Dated 12 March 2014)</p> <p>Annual noise compliance assessment reports for 2019, 2020 and 2021</p> <p>Quarterly noise monitoring reports</p> <p>Annual Reviews for 2019, 2020 and 2021</p>	<p>Monitoring locations are shown in Figure 2 of the Noise Management Plan and are described in Section 5.2. These locations are generally consistent with the requirements of this condition, however point 13 (R12) and point 14 (R13) are not shown, thus forming an administrative non-compliance.</p> <p>The auditor notes that a new noise management plan is being prepared for the site, which adequately describes the monitoring locations. Therefore, no corrective action is required.</p>
Noise/Weather																																		
EPA identification no.	Type of monitoring point	Location description																																
9	Noise monitoring	Noise monitoring site R8 as defined in Development Consent SSD-5465 (MOD 3), located at 109 Griffith Street, MANNERING PARK, 2259																																
12	Noise monitoring	Noise monitoring site R11 as defined in Development Consent SSD-5465 (MOD 3), located at 35 Lakeshore Avenue, CHAIN VALLEY BAY, 2259																																
13	Noise monitoring	Noise monitoring site R12 as defined in Development Consent SSD-5465 (MOD 3), located at 20 Lakeshore Avenue, Kingfisher Shores, CHAIN VALLEY BAY, 2259																																
14	Noise monitoring	Noise monitoring site R13 as defined in Development Consent SSD-5465 (MOD 3), located at 33 Karoola Avenue, Kingfisher Shores, CHAIN VALLEY BAY, 2259																																
16	Noise monitoring	Noise monitoring site R15 as defined in Development Consent SSD-5465 (MOD 3), located at Short Street, Macquarie Shores, CHAIN VALLEY BAY, 2259																																
20	Noise monitoring	Noise monitoring site R19 as defined in Development Consent SSD-5465 (MOD 3), located at 2 Sunset Parade, CHAIN VALLEY BAY, 2259																																
23	Noise monitoring	Noise monitoring site R22 as defined in Development Consent SSD-5465 (MOD 3), located at 275a Cams Boulevard, CHAIN VALLEY BAY, 2259																																
26	Meteorological Station	Manning Colliery Meteorological Station, Ruttleys Road, Doyalson 2259.																																
3	3 Limit Conditions																																	
L1	L1 Pollution of waters																																	
L1.1	L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Non-compliant (low-risk)	Annual Reviews for 2019, 2020 and 2021	Several incidents related to water pollution occurred over the reporting period. These are described below in L2.4. L3.1 and L3.2																														

Condition	Details	Compliance status	Relevant evidence	Commentary																								
L2	L2 Concentration limits																											
L2.1	L2.1 For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	Non-compliant (low risk)t	Annual Reviews for 2019, 2020 and 2021 Monitoring data for 2019, 2020, 2021 and 2022	<i>2019 Audit recommendation: The Annual Reviews need to provide a clear statement regarding whether discharge criteria have been met.</i> Several non-compliances have occurred within the reporting period. Refer to condition L2.4, L3.1 and L3.2 In regard to recommendation from the previous audit, the Annual Review includes a statement whether the discharge criteria have been met,. If any exceedances occurred in a reporting year, they are detailed in section 6.1.2. This recommendation has been closed out.																								
L2.2	L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Compliant	Annual Reviews for 2019, 2020 and 2021 Monitoring data for 2019, 2020, 2021 and 2022	Whilst several non-compliances occurred over the reporting period, no exceedances of pH quality has occurred.																								
L2.3	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	L2.4 Water and/or Land Concentration Limits  POINT 1,27 <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>50 percentile concentration limit</th> <th>90 percentile concentration limit</th> <th>3DGM concentration limit</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>Faecal Coliforms</td> <td>colony forming units per 100 millilitres</td> <td></td> <td></td> <td></td> <td>200</td> </tr> <tr> <td>pH</td> <td>pH</td> <td></td> <td></td> <td></td> <td>6.5-8.5</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>50</td> </tr> </tbody> </table>	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Faecal Coliforms	colony forming units per 100 millilitres				200	pH	pH				6.5-8.5	Total suspended solids	milligrams per litre				50	Non-compliant (low-risk)	Annual Reviews for 2019, 2020 and 2021 Monitoring data for 2019, 2020, 2021 and 2022	Several non-compliances were recorded against this condition over the reporting period: <ul style="list-style-type: none"> <li>– Exceedance of faecal coliform limit at LDP01 on 31 August 2019</li> <li>– Exceedance of faecal coliform limit at LDP01 on 18 September 2019</li> <li>– Exceedance of faecal coliform limit at LDP01 on 17 December 2019</li> <li>– Exceedance of faecal coliform and TSS limit at LDP27 on 7 February 2020</li> <li>– Exceedance of faecal coliform and TSS limit at LDP27 on 26 July 2020</li> <li>– Exceedance of faecal coliform and TSS limit at LDP27 on 9 September 2020</li> <li>– Exceedance of faecal coliform and TSS limit at LDP27 on 18 March 2021</li> <li>– Exceedance of faecal coliform and TSS limit at LDP27 on 21 March 2021</li> <li>– Exceedance of faecal coliform limit at LDP01 on 18 January 2022</li> <li>– Exceedance of faecal coliform limit at LDP27 on 31 March 2022.</li> </ul>
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																							
Faecal Coliforms	colony forming units per 100 millilitres				200																							
pH	pH				6.5-8.5																							
Total suspended solids	milligrams per litre				50																							

Condition	Details	Compliance status	Relevant evidence	Commentary									
				<p>These exceedances therefore form a non-compliance against this condition.</p> <p><b>Corrective action 1: Keep DPE up-to-date on the progress of works under DA 845-2020 to address exceedances associated with licensed discharges.</b></p> <p><b>Recommendation 2: There is an inconsistent naming convention for the discharge locations between sites. It is recommended that they are consistently referenced across management plans and annual reviews.</b></p>									
<b>L3</b>	L3 Volume and mass limits												
<b>L3.1</b>	<p>L3.1 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; must not exceed the volume/mass limit specified for that discharge point or area.</p> <table border="1" data-bbox="309 699 1099 790"> <thead> <tr> <th>Point</th> <th>Unit of Measure</th> <th>Volume/Mass Limit</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>kilolitres per day</td> <td>12161</td> </tr> <tr> <td>27</td> <td>kilolitres per day</td> <td>12161</td> </tr> </tbody> </table>	Point	Unit of Measure	Volume/Mass Limit	1	kilolitres per day	12161	27	kilolitres per day	12161	Non-compliant (low risk)	<p>Annual Reviews for 2019, 2020 and 2021</p> <p>Monitoring data for 2019, 2020, 2021 and 2022</p>	<p>Several non-compliances were recorded against this condition over the reporting period:</p> <ul style="list-style-type: none"> <li>– Exceedance of daily volume limit at LDP01 on 30 August 2019</li> </ul> <p>This exceedance therefore forms a non-compliance against this condition.</p>
Point	Unit of Measure	Volume/Mass Limit											
1	kilolitres per day	12161											
27	kilolitres per day	12161											
<b>L3.2</b>	L3.2 The volumetric daily discharge limit for the premises is the combined discharge measured at EPA discharge points 1 and 27 and must not exceed 12161 kilolitres per day.	Non-compliant (low risk)	<p>Annual Reviews for 2019, 2020 and 2021</p> <p>Monitoring data for 2019, 2020, 2021 and 2022</p>	<p>Several non-compliances were recorded against this condition over the reporting period:</p> <ul style="list-style-type: none"> <li>– Exceedance of combined daily volume limit at LDP1 and LDP27 on 9 February 2020</li> <li>– Exceedance of combined daily volume limit at LDP1 and LDP27 on 26 July 2020 – there was also an exceedance of faecal coliforms and TSS at LDP27 on this day. This forms a medium risk non-compliance.</li> <li>– Exceedance of combined daily volume limit at LDP1 and LDP27 on 18 March 2021 – there was also an exceedance of faecal coliforms and TSS at LDP27 on this day. This forms a medium risk non-compliance.</li> <li>– Exceedance of combined daily volume limit at LDP1 and LDP27 on 21 March 2021- there was also an exceedance of faecal coliforms and TSS at LDP27 on this day. This forms a medium risk non-compliance.</li> </ul> <p>In addition, volumetric monitoring ceased between 26 December 2021 and 10 January 2022 due to vandalism and damage sustained to the discharge flow monitor. This has since been fixed and monitoring has recommenced.</p> <p><b>Corrective action 1: Refer to L2.4</b></p>									

Condition	Details	Compliance status	Relevant evidence	Commentary																																								
L4	L4 Waste																																											
L4.1	<p>L4.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.</p> <p>Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.</p> <p>Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.</p> <p>This condition does not limit any other conditions in this licence.</p> <table border="1"> <thead> <tr> <th>Code</th> <th>Waste</th> <th>Description</th> <th>Activity</th> <th>Other Limits</th> </tr> </thead> <tbody> <tr> <td>NA</td> <td>General or Specific exempted waste</td> <td>Waste that meets all the conditions of a resource exemption under Clause 92 of the Protection of the Environment Operations (Waste) Regulation 2014.</td> <td>As specified in each particular resource recovery exemption</td> <td>NA</td> </tr> </tbody> </table>	Code	Waste	Description	Activity	Other Limits	NA	General or Specific exempted waste	Waste that meets all the conditions of a resource exemption under Clause 92 of the Protection of the Environment Operations (Waste) Regulation 2014.	As specified in each particular resource recovery exemption	NA	Compliant	<p>Annual Reviews for 2019, 2020 and 2021</p> <p>Waste tracking register</p> <p>Site interviews conducted 12/13 April 2022</p> <p>Site inspection conducted 12 April 2022</p>	No waste has been received at the premises over the reporting period.																														
Code	Waste	Description	Activity	Other Limits																																								
NA	General or Specific exempted waste	Waste that meets all the conditions of a resource exemption under Clause 92 of the Protection of the Environment Operations (Waste) Regulation 2014.	As specified in each particular resource recovery exemption	NA																																								
L5	L5 Noise limits																																											
L5.1	<p>L5.1 Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.</p> <p>POINT 12</p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day</td> <td>Day-LAeq (15 minute)</td> <td>-</td> <td>49</td> </tr> <tr> <td>Evening</td> <td>Evening-LAeq (15 minute)</td> <td>-</td> <td>49</td> </tr> <tr> <td>Night</td> <td>Night-LAeq (15 minute)</td> <td>-</td> <td>49</td> </tr> <tr> <td>Night</td> <td>Night-LA1 (1 minute)</td> <td>-</td> <td>54</td> </tr> </tbody> </table> <p>POINT 13</p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day</td> <td>Day-LAeq (15 minute)</td> <td>-</td> <td>49</td> </tr> <tr> <td>Evening</td> <td>Evening-LAeq (15 minute)</td> <td>-</td> <td>49</td> </tr> <tr> <td>Night</td> <td>Night-LAeq (15 minute)</td> <td>-</td> <td>49</td> </tr> <tr> <td>Night</td> <td>Night-LA1 (1 minute)</td> <td>-</td> <td>53</td> </tr> </tbody> </table>	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day	Day-LAeq (15 minute)	-	49	Evening	Evening-LAeq (15 minute)	-	49	Night	Night-LAeq (15 minute)	-	49	Night	Night-LA1 (1 minute)	-	54	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day	Day-LAeq (15 minute)	-	49	Evening	Evening-LAeq (15 minute)	-	49	Night	Night-LAeq (15 minute)	-	49	Night	Night-LA1 (1 minute)	-	53	Non-compliance (administrative)	<p>Noise Management Plan (Rev 2– Dated 12 March 2014)</p> <p>Annual noise compliance assessment reports for 2019, 2020 and 2021</p> <p>Quarterly noise monitoring reports</p> <p>Annual Reviews for 2019, 2020 and 2021</p>	<p>A review of the data presented in the quarterly noise monitoring reports and the annual compliance assessments found that Chain Valley Colliery is operating within the noise limits defined by this condition, with the exception of Point 23 (ATN007).</p> <p>There was noted that there appears to be a typographical error in the limits for Point 23 (ATN007) and that the noise limits of the EPL were not consistent with the noise limits in SSD-5465.</p> <p>The EPL was modified on 30 September 2021 so that the noise limits for Point 23 (ATN007) were consistent with those presented in SSD-5465. Even so, noise monitoring results did not compare findings against previous EPL criteria, thus constituting an administrative non-compliance.</p> <p>As this issue with the EPL has been resolved, no corrective actions are required.</p>
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)																																									
Day	Day-LAeq (15 minute)	-	49																																									
Evening	Evening-LAeq (15 minute)	-	49																																									
Night	Night-LAeq (15 minute)	-	49																																									
Night	Night-LA1 (1 minute)	-	54																																									
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)																																									
Day	Day-LAeq (15 minute)	-	49																																									
Evening	Evening-LAeq (15 minute)	-	49																																									
Night	Night-LAeq (15 minute)	-	49																																									
Night	Night-LA1 (1 minute)	-	53																																									

Condition	Details	Compliance status	Relevant evidence	Commentary																																																																																																				
	<p><b>POINT 14</b></p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day</td> <td>Day-LAeq (15 minute)</td> <td>-</td> <td>43</td> </tr> <tr> <td>Evening</td> <td>Evening-LAeq (15 minute)</td> <td>-</td> <td>43</td> </tr> <tr> <td>Night</td> <td>Night-LAeq (15 minute)</td> <td>-</td> <td>43</td> </tr> <tr> <td>Night</td> <td>Night-LA1 (1 minute)</td> <td>-</td> <td>49</td> </tr> </tbody> </table> <p><b>POINT 16</b></p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day</td> <td>Day-LAeq (15 minute)</td> <td>-</td> <td>36</td> </tr> <tr> <td>Evening</td> <td>Evening-LAeq (15 minute)</td> <td>-</td> <td>36</td> </tr> <tr> <td>Night</td> <td>Night-LAeq (15 minute)</td> <td>-</td> <td>36</td> </tr> <tr> <td>Night</td> <td>Night-LA1 (1 minute)</td> <td>-</td> <td>45</td> </tr> </tbody> </table> <p><b>POINT 20</b></p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day</td> <td>Day-LAeq (15 minute)</td> <td>-</td> <td>37</td> </tr> <tr> <td>Evening</td> <td>Evening-LAeq (15 minute)</td> <td>-</td> <td>37</td> </tr> <tr> <td>Night</td> <td>Night-LAeq (15 minute)</td> <td>-</td> <td>37</td> </tr> <tr> <td>Night</td> <td>Night-LA1 (1 minute)</td> <td>-</td> <td>45</td> </tr> </tbody> </table> <p><b>POINT 23</b></p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day</td> <td>Day-LAeq (15 minute)</td> <td>-</td> <td>46</td> </tr> <tr> <td>Evening</td> <td>Evening-LAeq (15 minute)</td> <td>-</td> <td>46</td> </tr> <tr> <td>Night</td> <td>Night-LAeq (15 minute)</td> <td>-</td> <td>46</td> </tr> <tr> <td>Night</td> <td>Night-LA1 (1 minute)</td> <td>-</td> <td>46</td> </tr> </tbody> </table> <p><b>POINT 9</b></p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day</td> <td>Day-LAeq (15 minute)</td> <td>-</td> <td>38</td> </tr> <tr> <td>Evening</td> <td>Evening-LAeq (15 minute)</td> <td>-</td> <td>38</td> </tr> <tr> <td>Night</td> <td>Night-LAeq (15 minute)</td> <td>-</td> <td>38</td> </tr> <tr> <td>Night</td> <td>Night-LA1 (1 minute)</td> <td>-</td> <td>45</td> </tr> </tbody> </table>	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day	Day-LAeq (15 minute)	-	43	Evening	Evening-LAeq (15 minute)	-	43	Night	Night-LAeq (15 minute)	-	43	Night	Night-LA1 (1 minute)	-	49	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day	Day-LAeq (15 minute)	-	36	Evening	Evening-LAeq (15 minute)	-	36	Night	Night-LAeq (15 minute)	-	36	Night	Night-LA1 (1 minute)	-	45	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day	Day-LAeq (15 minute)	-	37	Evening	Evening-LAeq (15 minute)	-	37	Night	Night-LAeq (15 minute)	-	37	Night	Night-LA1 (1 minute)	-	45	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day	Day-LAeq (15 minute)	-	46	Evening	Evening-LAeq (15 minute)	-	46	Night	Night-LAeq (15 minute)	-	46	Night	Night-LA1 (1 minute)	-	46	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day	Day-LAeq (15 minute)	-	38	Evening	Evening-LAeq (15 minute)	-	38	Night	Night-LAeq (15 minute)	-	38	Night	Night-LA1 (1 minute)	-	45			
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)																																																																																																					
Day	Day-LAeq (15 minute)	-	43																																																																																																					
Evening	Evening-LAeq (15 minute)	-	43																																																																																																					
Night	Night-LAeq (15 minute)	-	43																																																																																																					
Night	Night-LA1 (1 minute)	-	49																																																																																																					
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)																																																																																																					
Day	Day-LAeq (15 minute)	-	36																																																																																																					
Evening	Evening-LAeq (15 minute)	-	36																																																																																																					
Night	Night-LAeq (15 minute)	-	36																																																																																																					
Night	Night-LA1 (1 minute)	-	45																																																																																																					
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)																																																																																																					
Day	Day-LAeq (15 minute)	-	37																																																																																																					
Evening	Evening-LAeq (15 minute)	-	37																																																																																																					
Night	Night-LAeq (15 minute)	-	37																																																																																																					
Night	Night-LA1 (1 minute)	-	45																																																																																																					
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)																																																																																																					
Day	Day-LAeq (15 minute)	-	46																																																																																																					
Evening	Evening-LAeq (15 minute)	-	46																																																																																																					
Night	Night-LAeq (15 minute)	-	46																																																																																																					
Night	Night-LA1 (1 minute)	-	46																																																																																																					
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)																																																																																																					
Day	Day-LAeq (15 minute)	-	38																																																																																																					
Evening	Evening-LAeq (15 minute)	-	38																																																																																																					
Night	Night-LAeq (15 minute)	-	38																																																																																																					
Night	Night-LA1 (1 minute)	-	45																																																																																																					

Condition	Details	Compliance status	Relevant evidence	Commentary
L5.2	<p>L5.2 The licensee must ensure that noise generated on the premises does not exceed:</p> <p>a) 35 LAeq(15min) during the day, evening or night at any privately owned land nearest to the residence apart from those receivers identified in Condition 5.1; and</p> <p>b) 45 LA1(1min) during the night at any privately owned land nearest to the residence apart from those receivers identified in Condition 5.1.</p> <p>Note: The licensee may provide to the EPA written evidence of any agreement with a landholder which is subject to the above noise limits. The written evidence may be submitted with a licence variation to remove the landholder from the above tables.</p>	Compliant	<p>Annual Reviews for 2019, 2020 and 2021</p> <p>Annual noise compliance assessment reports for 2019, 2020 and 2021</p> <p>Quarterly noise monitoring reports for 2019, 2020 and 2021</p>	Monitoring results over the reporting period were in compliance with condition L5.1, therefore no further monitoring at residences were required.
L5.3	<p>L5.3 For the purpose of condition L5.1 and condition L5.2:</p> <p>(a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and public holidays;</p> <p>(b) Evening is defined as the period 6pm to 10pm, and</p> <p>(c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and public holidays.</p>	Note		Noted
	<p>L5.4 The noise limits set out in condition L5.1 and condition L5.2 apply under all meteorological conditions except for any one of the following:</p> <p>(a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or</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>(d) Or as defined under the NSW EPA Noise Policy for Industry 2017.</p>	Note		Noted
L5.5	<p>L5.5 For the purpose of condition L5.4:</p> <p>(a) the meteorological data to be used for determining meteorological conditions is the data recorded at the meteorological station identified in this licence as EPA Identification Point 26.</p> <p>(b) Stability category temperature inversion conditions are to be determined in accordance with the NSW EPA Noise Policy for Industry 2017.</p> <p>Note: The weather station must be designed, commissioned and operated in a manner to obtain the necessary parameters required under the above condition.</p>	Compliant	<p>Annual Reviews for 2019, 2020 and 2021</p> <p>Noise Management Plan (Rev 2– Dated 12 March 2014)</p> <p>Quarterly noise monitoring reports for 2019, 2020 and 2021</p>	The onsite meteorological station is used to determine weather parameters for the site during monitoring events in compliance with the requirements of this condition.
L5.6	<p>L5.6 For the purpose of determining the noise generated at the premises the licensee must use a Class 1 or Class 2 noise monitoring device as defined by AS IEC61672.1 and AS IEC61672.2-2004, or other noise monitoring equipment accepted by the EPA in writing.</p>	Compliant	<p>Quarterly noise monitoring reports for 2019, 2020 and 2021</p>	Quarterly noise monitoring reports indicate that measurements are being taken using calibrated machinery compliant with the requirements of this condition.

Condition	Details	Compliance status	Relevant evidence	Commentary
L5.7	<p>L5.7 To determine compliance:</p> <p>1. With the LAeq(15 min) noise limits in condition L5.1 and condition L5.2, the licensee must locate noise monitoring equipment;</p> <p>(a) within 30 metres of a dwelling facade (but not closer than 3 metres) where any dwelling on the property is situated more than 30 metres from the property boundary that is closest to the premises;</p> <p>(b) approximately on the boundary where any dwelling is situated 30 metres or less from the property boundary that is closest to the premises, or, where applicable,</p> <p>(c) within approximately 50 metres if the boundary of a national park or nature reserve.</p> <p>2. With the LA1(1 minute) noise limits in condition L5.1 and L5.2, the noise monitoring equipment must be located within 1 metre of a dwelling facade.</p> <p>3. With the noise limits in condition L5.1 and condition L5.2, the noise monitoring equipment must be located;</p> <p>(a) at the most affected point at a location where there is no dwelling at the location, or</p> <p>(b) at the most affected point within an area at a location prescribed by conditions L5.7 1(a) or L5.7 1(b).</p>	Administrative non-compliance	<p>Noise Management Plan (Rev 2– Dated 12 March 2014)</p> <p>Quarterly noise monitoring reports for 2019, 2020 and 2021</p>	Monitoring for LA1(1minute) noise levels is not completed at 1m from a façade; however, such noise monitoring is generally not practical due to disturbance to residents during the sensitive night-time period. Furthermore, operation of Schedule 6, Condition 12 of SSD-5465 allows monitoring from representative locations.
L5.8	<p>L5.8 A non-compliance of condition L5.1 or condition L5.2 will still occur where noise generated from the premises in excess of the appropriate limit is measured;</p> <p>a) at a location other than an area prescribed by conditions L5.7 1(a) and L5.7 1(b), and /or</p> <p>b) at a point other than the most affected point at a location.</p>	Note		Noted
L5.9	L5.9 For the purposes of determining the noise generated at the premises all applicable modification factors as described in the NSW EPA Noise Policy for Industry 2017 must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.	Compliant	Quarterly noise monitoring reports for 2019, 2020 and 2021	The NSW EPA Noise Policy for Industry is referenced in the noise management reports, as well as a discussion on its applicability with the data from the monitoring period.
4	4 Operating Conditions			
O1	O1 Activities must be carried out in a competent manner	Compliant	<p>Site interviews conducted 12/13 April 2022</p> <p>Site inspection conducted 12 April 2022</p> <p>Induction</p> <p>Servicing record samples on Pulse</p>	During the conduct of the audit, documentation reviewed, and the site inspection indicates general compliance with the requirements of this condition.

Condition	Details	Compliance status	Relevant evidence	Commentary
O1.1	<p>O1.1 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>	Non-compliance (low risk)	<p>Site interviews conducted 12/13 April 2022</p> <p>Site inspection conducted 12 April 2022</p> <p>Waste tracking sheet</p>	<p><i>Recommendation from 2019 IEA:</i></p> <p><i>Ensure the minor waste management issues identified during the audit are rectified:</i></p> <ul style="list-style-type: none"> <li>– <i>Improve bin labelling;</i></li> <li>– <i>Ensure all hydrocarbon containers (empty or full) are stored within bunds</i></li> </ul> <p>2022 IEA findings: Waste tracking sheets were viewed during the site audit and were found to be adequate and in compliance with this condition.</p> <p>During the site inspection, the auditor noted that waste was not always appropriately sorted on site – for example rubbish in the oily rags bin.</p> <p>In regard to the previous audit, it was noted that all hydrocarbon waste containers were stored within a bund.</p> <p><b><i>Corrective Action 2: As bins are clearly labelled and adequate disposal facilities are available across the site, Delta should investigate means to address the workforce culture in relation to inadequate disposal of waste that has persisted across this, and the previous, audit.</i></b></p>
O2	O2 Maintenance of plant and equipment			
O2.1	<p>O2.1 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 12/13 April 2022</p> <p>Site inspection conducted 12 April 2022</p> <p>Servicing records</p>	<p>During the conduct of the audit, documentation reviewed, and the site inspection indicates general compliance with the requirements of this condition.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
O3	O3 Dust			
O3.1	O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust on or from the premises.	Compliant	Annual Review for 2019, 2020 and 2021 Site inspection conducted 12 April 2022 Monitoring data for 2019, 2020, 2021 and 2022	<p><i>Recommendation from 2019 IEA:</i>  <i>Ensure TEOM is setup with alarms/notifications for when results are approaching or have exceeded the short term criterion for particulate matter. This will ensure exceedances are immediately detected and reported as soon as possible to the EPA and DPE.</i></p> <p><i>Ensure exceedances and other incidents are reported as per this condition (Detailed Incident Report within 7 days).</i></p> <p>2022 IEA findings: There were several non-compliances against depositional dust and 24 hour PM<sub>10</sub> criteria as presented in SSD-5465. These exceedances were investigated and all but one exceedance was attributed to factors outside the site. This exceedance has not occurred again over the reporting period, showing that steps have been taken to manage dust at the premises.</p> <p>There were also exceedances of the PM2.5 daily limits as defined by SSD-5465 in 2022, however these were found to be attributed to other factors outside the site.</p> <p>Several incident reports were viewed during the audit. Appropriate action was taken by Delta Coal in responding to incidents.</p> <p>During the site inspection some dust being generated on site was observed. It was noted that on dry days a watercart would be employed to keep dust down, and that as rain was forecast on the day of the audit, it had not been used.</p> <p>The 2019 IEA recommended that the TEOM is set up with alarms and notifications when the short term criterion for particulate matter is approached or exceeded. Delta Coal provided evidence that this has occurred, and this recommendation is considered closed out.</p>
O3.2	O3.2 Activities occurring in or on the premises must be carried out in a manner that will minimise the generation of wind-blown or traffic generated dust.	Compliant	Annual Review for 2019, 2020 and 2021 Site inspection conducted 12 April 2022	<p>Trafficable areas were generally sealed or gravel roads. During the site inspection some dust being generated on site was observed. It was noted that on dry days a watercart would be employed to keep dust down, and that as rain was forecast on the day of the audit, it had not been used. Given the circumstances, the auditor considers Delta Coal compliant with this condition.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
O3.3	O3.3 All trafficable areas, coal stockpile(s) and 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 of dust.	Compliant	Site inspection conducted 12 April 2022 Site interviews conducted 12/13 April 2022	Refer to condition O3.2
O3.4	O3.4 All vehicles transporting coal from the premises must be covered immediately after loading to prevent wind blown emissions and spillage Note: Vehicles transporting coal on the private haul road from Chain Valley Colliery to Vales Point Power station are exempt from covering their load if surface coal moisture is above 8%.	Compliant	Coal Haulage Reports for 2019, 2020, 2021 and 2022 Site inspection conducted 12 April 2022 Site interviews conducted 12/13 April 2022	Delta Coal have generally used conveyor systems to transport coal. There have been several limited occasions over the reporting period where coal has been transported via haul trucks. When haul trucks were used, no transport on public roads occurred.
O3.5	O3.5 Activities occurring in or on the premises must be carried out in a manner that will minimise the tracking of dust from the premises.	Compliant	Site inspection conducted 12 April 2022 Site interviews conducted 12/13 April 2022	Given that coal transport is predominantly done by conveyor and not haul truck, there is limited scope for dust to be tracked off the premises.
O4	O4 Effluent application to land			
O4.1	O4.1 An area must be provided for the use of effluent from the office building sewage treatment system. The design of the effluent irrigation area must be in accordance with the EPA's Environmental Guideline: Use of Effluent by Irrigation.	Compliant	Water Management Plan (Rev 5– Dated 24 August 2021)	There are two separate wastewater systems on site, each with their own treatment systems. Following treatment of water, it is used for irrigating grassed areas.
O4.2	O4.2 The quantity of wastewater applied to the utilisation area(s) must not exceed the capacity of the utilisation area(s) to effectively utilise the effluent. For the purpose of this condition, "effectively utilise" includes the ability of the soil to absorb the nutrient, salt and hydraulic loads and the applied organic material without causing harm to the environment.	Compliant	Site inspection conducted 12 April 2022 Site interviews conducted 12/13 April 2022 Monitoring data for 2019, 2020, 2021 and 2022 Annual Review for 2019, 2020 and 2021	As discussed above, the wastewater system comprises of two systems with independent treatment systems. The system is serviced regularly and operates below capacity.

Condition	Details	Compliance status	Relevant evidence	Commentary
O5	O5 Emergency response			
	Note: The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must be developed in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO Regulations. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The PIRMP must be tested annually or following a pollution incident.	Compliant	Pollution Incident Response Plan (Rev 2.4 – Dated 15 December 2021) Site inspection conducted 12 April 2022	<p>2019 IEA Recommendation: Update PIRMP to include:</p> <ul style="list-style-type: none"> <li>– Current site contacts;</li> <li>– Email details for government contacts; and</li> <li>– Figures that clearly show the location of hazardous substances and where pollution response equipment is stored.</li> </ul> <p>2022 IEA findings: A review of the PIRMP found that the recommendations of the 2019 IEA have been incorporated and are closed out.</p> <p>The PIRMP was tested 3 times in the reporting period:</p> <ul style="list-style-type: none"> <li>– 17 December 2019</li> <li>– 23 December 2020</li> <li>– 21 December 2021</li> </ul>
O6	O6 Processes and management			
	Bunding			
O6.1	O6.1 All above ground tanks containing material that is likely to cause environmental harm must be banded or have an alternative spill containment system in place.	Compliant	Site inspection conducted 12 April 2022	All above ground storage tanks observed during the audit were surrounded by bunds.
O6.2	O6.2 Bunds must: <ul style="list-style-type: none"> <li>a) have walls and floors constructed of impervious materials;</li> <li>b) be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);</li> <li>c) have floors graded to a collection sump; and</li> <li>d) not have a drain valve incorporated in the bund structure, or be constructed and operated in a manner that achieves the same environmental outcome.</li> </ul>	Compliant	Site inspection conducted 12 April 2022	Bunds were viewed in the site inspection and were compliant with the requirements of this condition.
O7	O7 Waste management			
O7.1	O7.1 The licensee must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed in accordance with the EPA Waste Classification Guidelines as in force from time to time.	Compliant	Site inspection conducted 12 April 2022 Site interviews conducted 12/13 April 2022	Wastewater and oil water separator systems viewed in site audit. Septic systems were adequate.

Condition	Details	Compliance status	Relevant evidence	Commentary
07.2	O7.2 The licensee must ensure that waste identified for recycling is stored separately from other waste.	Non-compliance (low risk)	Site inspection conducted 12 April 2022	<p><i>2019 Audit recommendation: Ensure the minor waste management issues identified during the audit are rectified. Including:</i></p> <ul style="list-style-type: none"> <li>– <i>Improve bin labelling;</i></li> <li>– <i>Ensure all hydrocarbon containers (empty or full) are stored within bunds.</i></li> </ul> <p>2022 IEA Findings: The site audit identified that there were adequate vessels for recycling on site, however recycling was not adequately implemented by staff. There were several instances of incorrect waste being placed into a clearly labelled waste stream bin.</p> <p><b>Refer to Corrective Action 2 at Condition O1.1</b></p>
O8	O8 Other operating conditions			
	Sewage Treatment			
O8.1	O8.1 All sewage generated on the premises must be directed, collected and treated by the sewage treatment system(s).	Compliant	Annual Review for 2019, 2020 and 2021 Servicing records Waste tracking sheet	Servicing records were provided showing evidence of regular servicing. Disposal effluent is tracked in the waste tracking sheet.
O8.2	O8.2 The licensee is responsible for the correct operation of the sewage treatment system(s) on their premises.	Compliant	Water Management Plan (Rev 5– Dated 24 August 2021) Annual Review for 2019, 2020 and 2021 Servicing records	<p><i>2019 Audit recommendation:</i></p> <ul style="list-style-type: none"> <li>– <i>Include additional detail in the Water Management Plan regarding sewage management.</i></li> <li>– <i>Include an update of sewage system during the audit period in the Annual Review.</i></li> <li>– <i>Ensure servicing is completed and records kept onsite.</i></li> </ul> <p>2022 IEA findings: Records of servicing were provided to the auditor during the audit. No incidents or emergencies have occurred with the sewage system during the reporting period. The sewage system is described in the WMP. The Annual Reviews include sufficient detail regarding the amendments to the sewage system on site.</p>
O8.3	O8.3 Correct operation involves regular supervision and system maintenance. The licensee must be aware of the system requirements and must ensure that the necessary service contracts are in place.	Compliant	Servicing records	Servicing records were provided showing evidence of regular servicing.

Condition	Details	Compliance status	Relevant evidence	Commentary
O8.4	O8.4 The sewage treatment system(s) must be serviced by a suitably qualified and experienced waste water technician at least once each quarterly period and a minimum of four times per year.	Non-compliance (administrative)	Servicing records	Servicing records were provided showing evidence of regular servicing. It was noted by the auditors that the servicing for Q4 2020 was not completed on time, therefore constituting an administrative non-compliance. However, the servicing event occurred 7 days following the end of Q4 2020, and therefore no corrective action is proposed.
O8.5	O8.5 The licensee must record each inspection and any actions required or recommended by the technician; including all results from tests performed on the sewage treatment system(s) by the technician as defined in Condition O8.4.	Compliant	Servicing records	Sampling records have been provided to the auditor, which contained no actions or recommendations required.
O8.6	O8.6 All treated sewage that is discharged from the premises must be discharged through licensed discharge point "EPA Identification no. 1", as defined in condition P1.3.	Compliant	Water Management Plan (Rev 5– Dated 24 August 2021) Annual Review for 2019, 2020 and 2021 Site inspection conducted 12 April 2022	Conduct of the site inspection verified compliance with the requirements of this condition.
5	Monitoring and Recording Conditions			
M1	M1 Monitoring records			
M1.1	M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition	Compliant	Monitoring data for 2019, 2020, 2021 and 2022 Annual Return for 2019, 2020 and 2021	A review of the published data and the raw data provided found Delta Coal to be compliant with this condition.
M1.2	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, 2021 and 2022 Annual Return for 2019, 2020 and 2021	Evidence of data going back four years from the data of the audit have been sighted.

Condition	Details	Compliance status	Relevant evidence	Commentary								
M1.3	<p>M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:</p> <p>a) the date(s) on which the sample was taken;</p> <p>b) the time(s) at which the sample was collected;</p> <p>c) the point at which the sample was taken; and</p> <p>d) the name of the person who collected the sample.</p>	Non-compliance (administrative)	<p>Depositional dust monitoring sheets</p> <p>Monitoring data for 2019, 2020, 2021 and 2022</p>	<p>Water sampling sheets were viewed during the site audit. They were found to be compliant with the requirements of this condition.</p> <p>Air quality sheets were found to be generally compliant, however they did not include a sample time, thus a non-compliance against clause (b) is recorded.</p> <p><b>Corrective action 3: Ensure contractors record sample time when recording air quality monitoring data in accordance with the requirements of Condition M1.3.</b></p>								
M2	M2 Requirement to monitor concentration of pollutants discharged											
M2.1	M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Compliant	<p>Annual reviews for 2019, 2020 and 2021</p> <p>Monitoring data for 2019, 2020, 2021 and 2022</p> <p>Monthly website reports</p>	Data capture is presented in the Annual Reviews and on the website in the monthly data reports. Review of relevant data indicates compliance.								
M2.2	<p>M2.2 Air Monitoring Requirements</p> <p>POINT 25</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>Particulate matter</td> <td>micrograms per cubic metre</td> <td>Continuous</td> <td>AM-22</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Particulate matter	micrograms per cubic metre	Continuous	AM-22	Non-compliant (low risk)	<p>Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022</p> <p>Monitoring data for 2019, 2020, 2021 and 2022</p> <p>Annual reviews for 2019, 2020 and 2021</p>	<p><i>2019 IEA Recommendation: Update the Air Quality Management Plan following this audit.</i></p> <p><i>Improve data capture for PM10. Review possibilities of backup power supply.</i></p> <p><i>Ensure issues with data capture are reported in Section 1 and 7 of the Annual Review.</i></p> <p><i>Ensure TEOM is setup with alarms/notifications for when results are approaching or have exceeded the short term criterion for particulate matter. This will ensure exceedances are immediately detected and reported as soon as possible to the EPA and DPE.</i></p> <p>2022 IEA findings: The AQGGMP has been updated in January 2022. A review of the monitoring data provided indicates that the development is monitoring in accordance with the requirements of this condition.</p> <p>The TEOM stopped recording data for a short period in December 2020 due to severe thunderstorms. The gap in monitoring is recorded as a non-compliance against this condition. Delta Coal have since rectified the system and no corrective action is required.</p> <p>The 2019 IEA recommended that the TEOM is set up with alarms and notifications when the short term criterion for particulate matter is approached or exceeded. Delta Coal provided evidence that this has occurred, and this recommendation is considered closed out. The 2019 IEA</p>
Pollutant	Units of measure	Frequency	Sampling Method									
Particulate matter	micrograms per cubic metre	Continuous	AM-22									

Condition	Details	Compliance status	Relevant evidence	Commentary																																												
				<p>recommendation to investigate back up power supply for the TEOM has not been carried out in the reporting period.</p> <p><b>Recommendation 3: Improve data capture for PM10. Review possibilities of backup power supply.</b></p>																																												
<b>M2.3</b>	<p>M2.3 Water and/ or Land Monitoring Requirements</p> <p><b>POINT 1</b></p> <table border="1" data-bbox="353 874 1106 1098"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Biochemical oxygen demand</td> <td>milligrams per litre</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>Enterococci</td> <td>colony forming units per 100 millilitres</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>Faecal Coliforms</td> <td>colony forming units per 100 millilitres</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 27</b></p> <table border="1" data-bbox="353 1155 1106 1347"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Enterococci</td> <td>colony forming units per 100 millilitres</td> <td>Daily during any discharge</td> <td>Grab sample</td> </tr> <tr> <td>Faecal Coliforms</td> <td>colony forming units per 100 millilitres</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>milligrams per litre</td> <td>Daily during any discharge</td> <td>Grab sample</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Biochemical oxygen demand	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample	Enterococci	colony forming units per 100 millilitres	Once a month (min. of 4 weeks)	Grab sample	Faecal Coliforms	colony forming units per 100 millilitres	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	Enterococci	colony forming units per 100 millilitres	Daily during any discharge	Grab sample	Faecal Coliforms	colony forming units per 100 millilitres	Daily during any discharge	Grab sample	pH	pH	Daily during any discharge	Grab sample	Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample	<p>Compliant</p>	<p>Water Management Plan (Rev 5– Dated 24 August 2021)</p> <p>Annual Review for 2019, 2020 and 2021</p> <p>Monitoring data for 2019, 2020, 2021 and 2022</p>	<p>A review of the data provided indicates that samples are being taken in compliance with this condition.</p>
Pollutant	Units of measure	Frequency	Sampling Method																																													
Biochemical oxygen demand	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample																																													
Enterococci	colony forming units per 100 millilitres	Once a month (min. of 4 weeks)	Grab sample																																													
Faecal Coliforms	colony forming units per 100 millilitres	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																																													
Enterococci	colony forming units per 100 millilitres	Daily during any discharge	Grab sample																																													
Faecal Coliforms	colony forming units per 100 millilitres	Daily during any discharge	Grab sample																																													
pH	pH	Daily during any discharge	Grab sample																																													
Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample																																													

Condition	Details	Compliance status	Relevant evidence	Commentary
M3	M3 Testing methods - concentration limits			
M3.1	<p>M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:</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>	Compliant	<p>Air Quality and Greenhouse Gas Management Plan DRAFT (V2 – dated 21 January 2022)</p> <p>Monitoring data for 2019, 2020, 2021 and 2022</p>	Monitoring methodology is being undertaken in compliance with the requirements of this EPL, SSD – 5465 and the POEO Act.
M3.2	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	Compliant	<p>Water Management Plan (Rev 5– Dated 24 August 2021)</p> <p>Annual Review for 2019, 2020 and 2021</p> <p>Monitoring data for 2019, 2020, 2021 and 2022</p>	A review of the data provided indicates that water monitoring is being undertaken as per the requirements of this condition.
M4	M4 Environmental monitoring			
	Requirement to monitor noise			
M4.1	<p>M4.1 To determine compliance with condition L5.1, attended noise monitoring must be undertaken in accordance with conditions L5.7 and L5.8, and</p> <p>(a) at each one of the locations listed in condition L5.1;</p> <p>(b) occur quarterly within the reporting period of the Environment Protection Licence with at least 2 months between monitoring periods;</p> <p>(c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy (EPA 2000) for a minimum of 15 minutes for three of the quarters;</p> <p>(d) the night time 15 minute attended monitoring in accordance with c) must be undertaken between the hours of 1am and 4am;</p> <p>(e) the night time LA1 (1 min) attended monitoring in accordance with c) must be undertaken between the hours of 1am and 4am;</p>	Compliant	<p>Noise Management Plan (Rev 2– Dated 12 March 2014)</p> <p>Quarterly Noise Monitoring Reports for 2019, 2020, 2021 and 2022</p>	<p><i>2019 Audit Recommendation: Update Noise Management Plan. Ensure monitoring is completed in accordance with Noise Management Plan.</i></p> <p><i>2022 IEA Findings :A review of the quarterly noise monitoring reports found that noise monitoring was being undertaken consistent with the requirements of this condition.</i></p>

Condition	Details	Compliance status	Relevant evidence	Commentary																																								
	<p>(f) one quarterly monitoring must occur during each day, evening and night period as defined in the NSW EPA Noise Policy for Industry 2017 for a minimum of 1.5 hours during the day; 30 minutes during the evening; and 1 hours during the night, and</p> <p>(g) each quarterly monitoring must be undertaken on a different day(s) of the week not including Saturdays, Sundays and public holidays; and</p> <p>(h) these monitoring conditions take effect in the 2015 Reporting period.</p> <p>Note: The intention of this condition is that quarterly monitoring be undertaken at each sensitive receiver. That at each sensitive receiver monitoring is undertaken over a range of different days excluding weekends and public holidays during the reporting period so as to be representative of operating hours. That night time 15 minute attended monitoring and the LA1 (1min) monitoring for three of the quarters be undertaken at worst case being the most stable atmospheric conditions and when noise would be most intrusive to sleep. All of the sensitive receivers do not have to be monitored on the same day, evening and night for sub condition f.</p>																																											
M4.2	M4.2 For the Annual Reporting Period ending March 2015 the EPA will accept all monitoring required by the current Department of Planning and Environment consent (usually quarterly monitoring for noise as dB(A) Leq15minutes) for compliance with noise monitoring requirements in this licence, as a single report attached to the Annual Return for the premises.	Compliant	Annual noise compliance assessment reports for 2019, 2020 and 2021	<p>2019 IEA Recommendation: For future Annual Returns a single noise monitoring report should be prepared and attached to the Annual Return.</p> <p>2022 IEA Findings: Consolidated noise reports were completed for 2019, 2020 and 2021 over the reporting period.</p>																																								
M5	M5 Weather monitoring																																											
M5.1	<p>M5.1 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> <table border="1"> <thead> <tr> <th colspan="5">POINT 26</th> </tr> <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>Rainfall</td> <td>AM-4</td> <td>millimetres</td> <td>24 hours</td> <td>Continuous</td> </tr> <tr> <td>Wind Direction at 10 metres</td> <td>AM-2 &amp; AM-4</td> <td>Degrees</td> <td>1 hour</td> <td>Continuous</td> </tr> <tr> <td>Wind Speed</td> <td>AM-2 &amp; AM-4</td> <td>metres per second</td> <td>1 hour</td> <td>Continuous</td> </tr> <tr> <td>Temperature at 10 metres</td> <td>AM-4</td> <td>degrees Celsius</td> <td>1 hour</td> <td>Continuous</td> </tr> <tr> <td>Sigma Theta</td> <td>AM-2 &amp; AM-4</td> <td>Degrees</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Relative humidity</td> <td>AM-4</td> <td>percent</td> <td>1 hour</td> <td>Continuous</td> </tr> </tbody> </table>	POINT 26					Parameter	Sampling method	Units of measure	Averaging period	Frequency	Rainfall	AM-4	millimetres	24 hours	Continuous	Wind Direction at 10 metres	AM-2 & AM-4	Degrees	1 hour	Continuous	Wind Speed	AM-2 & AM-4	metres per second	1 hour	Continuous	Temperature at 10 metres	AM-4	degrees Celsius	1 hour	Continuous	Sigma Theta	AM-2 & AM-4	Degrees	15 minutes	Continuous	Relative humidity	AM-4	percent	1 hour	Continuous	Compliant	<p>Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022), including DPE approval 21/03/2022</p> <p>Noise Management Plan (Rev 2– Dated 12 March 2014)</p> <p>Annual Review for 2019, 2020 and 2021</p> <p>Raw data export from meteorological station</p>	Weather data is presented in the Annual Review documents with relevant data recorded in accordance with this condition.
POINT 26																																												
Parameter	Sampling method	Units of measure	Averaging period	Frequency																																								
Rainfall	AM-4	millimetres	24 hours	Continuous																																								
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	1 hour	Continuous																																								
Wind Speed	AM-2 & AM-4	metres per second	1 hour	Continuous																																								
Temperature at 10 metres	AM-4	degrees Celsius	1 hour	Continuous																																								
Sigma Theta	AM-2 & AM-4	Degrees	15 minutes	Continuous																																								
Relative humidity	AM-4	percent	1 hour	Continuous																																								

Condition	Details	Compliance status	Relevant evidence	Commentary
M5.2	M5.2 The licensee may use the Vales Point Power Station Meteorological Station to determine compliance with condition M5.1, provided the licensee has authority from Sunset Power International Pty Ltd to access meteorological data at all times.	Not triggered		The Delta Coal weather station at Mannering Colliery is used to collect weather data. This condition remains not triggered.
M6	M6 Recording of pollution complaints			
M6.1	M6.1 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	Complaint and incident register ( <a href="https://www.deltacoal.com.au/community/complaint-and-incident-register">https://www.deltacoal.com.au/community/complaint-and-incident-register</a> )	The complaints register is kept on the project website.
M6.2	M6.2 The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	Compliant	Complaint and incident register ( <a href="https://www.deltacoal.com.au/community/complaint-and-incident-register">https://www.deltacoal.com.au/community/complaint-and-incident-register</a> )	<i>2019 IEA Recommendation: Ensure all complaints are recorded in the internal database on site and the relevant details required under this condition are outlined in the Annual Review.</i> 2022 IEA Findings: The auditor viewed the complaints and incidents register on the website and the internal complaints database and was found to be compliant with the requirements of this condition.
M6.3	M6.3 The record of a complaint must be kept for at least 4 years after the complaint was made.	Compliant	Complaint and incident register ( <a href="https://www.deltacoal.com.au/community/complaint-and-incident-register">https://www.deltacoal.com.au/community/complaint-and-incident-register</a> )	Complaint records back to April 2018 are available to view on the website.
M6.4	M6.4 The record must be produced to any authorised officer of the EPA who asks to see them.	Not triggered	Site interviews dated 12/13 April 2022	No request of this nature has been made over the reporting period. This condition remains not triggered.
M7	M7 Telephone complaints line			
M7.1	M7.1 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	Community information line web page <a href="https://www.deltacoal.com.au/media/community-information-line">https://www.deltacoal.com.au/media/community-information-line</a>	The community information line functions as the complaints line. The number is 1800 115 277.

Condition	Details	Compliance status	Relevant evidence	Commentary												
M7.2	M7.2 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	July 2019 Community Newsletter Community information line web page <a href="https://www.deltacoal.com.au/media/community-information-line">https://www.deltacoal.com.au/media/community-information-line</a>	<i>2019 IEA Recommendation: With the new ownership an advertisement should be placed in the paper/newsletter providing a link to the Delta Coal website and outlining the complaint management details.</i>  2022 IEA findings: The community information line is advertised on the website in an easy to find location. The Community Newsletter from July 2019 fulfilled the 2019 IEA recommendation.												
M7.3	M7.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	Note		Noted												
M7.4	M7.4 The licensee must notify the EPA with contact details of personnel capable of a timely response to emergencies or any other exigent circumstances. (a) the nominated contact must be available at all times. (b) contact details must include a telephone number and must be current. (c) such notification must be made within 14 days of receiving this licence.	Compliant	Pollution Incident Response Plan (Rev 2.4 – Dated 15 December 2021)	<i>2019 IEA Recommendation Update the details of designated representatives of the company in the PIRMP.</i>  2022 IEA Findings: The PIRMP has been updated within the reporting period. Designated representatives are nominated in Table 3.												
M8	M8 Requirement to monitor volume or mass															
M8.1	M8.1 For each discharge point or utilisation area specified below, the licensee must monitor: a) the volume of liquids discharged to water or applied to the area; b) the mass of solids applied to the area; c) the mass of pollutants emitted to the air; at the frequency and using the method and units of measure, specified below.  POINT 1 <table border="1"> <thead> <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 27 <table border="1"> <thead> <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>	Frequency	Unit of Measure	Sampling Method	Continuous during discharge	kilolitres per day	In line instrumentation	Frequency	Unit of Measure	Sampling Method	Continuous during discharge	kilolitres per day	In line instrumentation	Non-compliance (administrative)	Annual Review for 2019, 2020 and 2021 Monitoring data for 2019, 2020, 2021 and 2022	A review of the Annual Review and monitoring data has found that monitoring of discharge points was generally adequate over the reporting period. The exception being volumetric monitoring also ceased between 26 December 2021 and 10 January 2022 due to the vandalism of the volumetric flow measuring equipment. This constitutes a non-compliance against condition (a) This has been fixed and monitoring has recommenced. As Delta Coal have been prompt in addressing this issue, no corrective action is recommended.
Frequency	Unit of Measure	Sampling Method														
Continuous during discharge	kilolitres per day	In line instrumentation														
Frequency	Unit of Measure	Sampling Method														
Continuous during discharge	kilolitres per day	In line instrumentation														

Condition	Details	Compliance status	Relevant evidence	Commentary
6	6 Reporting Conditions			
R1	R1 Annual return documents			
R1.1	<p>R1.1 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	Annual Return for 2019, 2020 and 2021	Review of relevant data indicates compliance with the requirements of this condition.
R1.2	<p>R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.</p> <p>Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.</p>	Compliant	Annual Return for 2019, 2020 and 2021	Review of relevant data indicates compliance with the requirements of this condition.
R1.3	<p>R1.3 Where this licence is transferred from the licensee to a new licensee:</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol> <p>Note: An application to transfer a licence must be made in the approved form for this purpose.</p>	Not triggered	Annual Return for 2019, 2020 and 2021	<p><i>2019 IEA Recommendation: LakeCoal and Delta Coal to prepare Annual Returns based on the period of the Annual Return and dates of the sale of Chain Valley.</i></p> <p>2022 IEA Findings: The licence was transferred from LakeCoal to Delta Coal on 1 April 2019, which is outside the reporting period.</p>
R1.4	<p>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:</p> <ol style="list-style-type: none"> <li>a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or</li> <li>b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.</li> </ol>	Not triggered	Annual Return for 2019, 2020 and 2021	Delta Coal have not surrendered the licence within the reporting period, and therefore this condition remains not triggered.
R1.5	<p>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').</p>	Compliant	Annual Return for 2019, 2020 and 2021	<p><i>2019 IEA Recommendation: Ensure Annual Returns are completed as per the EPA requirements and submitted within the due date.</i></p> <p>Review of relevant data indicates compliance with the requirements of this condition.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
R1.6	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 Return for 2019, 2020 and 2021	Review of relevant data indicates compliance with the requirements of this condition.
R1.7	R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	Compliant	Annual Return for 2019, 2020 and 2021	Review of relevant data indicates compliance with the requirements of this condition.
R2	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	R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.	Compliant	Incident reports Annual Reviews for 2019, 2020 and 2021.	Notifications were made to the environment line as required, whilst there were environmental incidents occurring the audit period, none of these incidents required the PIRMP to be enacted.
R2.2	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.	Compliant	Incident reports Annual Reviews for 2019, 2020 and 2021.	Notifications were made to the environment line as required, whilst there were environmental incidents occurring the audit period, none of these incidents required the PIRMP to be enacted.
R3	R3 Written report			
R3.1	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		No requests of this nature have been made over the reporting period. This condition remains not triggered.
R3.2	R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Not triggered		As above
R3.3	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;	Not triggered		As above

Condition	Details	Compliance status	Relevant evidence	Commentary
	<p>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;</p> <p>e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;</p> <p>f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and</p> <p>g) any other relevant matters.</p>			
R3.4	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		As above
R4	R4 Other reporting conditions			
	Noise Monitoring Report			
R4.1	<p>R4.1 The licensee must submit to the EPA a noise compliance assessment report at the end of each reporting period. The report must be submitted with the Environment Protection Licence Annual Return. The report must be prepared by a suitably qualified and experienced acoustical consultant which:</p> <p>(a) details the noise monitoring undertaken in accordance with condition M4;</p> <p>(b) assesses compliance with noise limits presented in condition L5.1 and condition 5.2; and</p> <p>(c) outlines any management actions taken within the monitoring period to address any exceedences of limits contained in condition L5.1 and condition L5.2.</p> <p>Note: The licensee must provide the EPA with one report, but this report may be a combination of the monitoring undertaken by the licensee as part of their quarterly monitoring program as required by the Project Approval SSD-5456 and must include LA1(1min).</p>	Compliant	Annual noise compliance assessment reports for 2019, 2020 and 2021	<p><i>2019 IEA Recommendation:</i> Send a combined noise report for the Annual Return period to the EPA.</p> <p>2022 IEA Findings: Consolidated noise reports were completed for 2019, 2020 and 2021 over the reporting period via the EPA eConnect portal.</p>
7	General Conditions			
G1	G1 Copy of licence kept at the premises or plant	Compliant	Site inspection conducted 12 April 2022	Conduct of the site inspection verified compliance with the requirements of this condition.
G1.1	G1.1 A copy of this licence must be kept at the premises to which the licence applies	Compliant	Site inspection conducted 12 April 2022	Conduct of the site inspection verified compliance with the requirements of this condition.
G1.2	G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.	Not triggered		An EPA officer has not asked to see the licence over the reporting period. This condition remains not triggered.
G1.3	G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Compliant	Site inspection conducted 12 April 2022	Conduct of the site inspection verified compliance with the requirements of this condition.

Condition	Details	Compliance status	Relevant evidence	Commentary																								
<b>G2</b>	G2 Contact number for incidents and responsible employees																											
<b>G2.1</b>	<p>G2.1 The licensee must operate 24-hour telephone contact lines for the purpose of enabling the EPA to directly contact one or more representatives of the licensee who can:</p> <p>a) respond at all times to incidents relating to the premises; and</p> <p>b) contact the licensee's senior employees or agents authorised at all times to:</p> <p>i) speak on behalf of the licensee; and</p> <p>ii) provide any information or document required under this licence.</p>	Compliant		Changes of personnel at Chain Valley Colliery have been updated via the EPA eConnect portal.																								
<b>G2.2</b>	G2.2 The licensee is to inform the EPA in writing of the appointment of any subsequent contact persons, or changes to the person's contact details as soon as practicable and in any event within fourteen days of the appointment or change.	Compliant		Changes of personnel at Chain Valley Colliery have been updated via the EPA eConnect portal.																								
<b>G3</b>	G3 Other general conditions																											
<b>G3.1</b>	<p>G3.1 Completed Programs</p> <table border="1"> <thead> <tr> <th>Program</th> <th>Description</th> <th>Completed Date</th> </tr> </thead> <tbody> <tr> <td>Coal Mine Particulate Matter Control Best Practice</td> <td>Requires licensee to conduct a site specific Best Management Practice (BMP) determination to identify ways to reduce particle emissions.</td> <td>28-September-2012</td> </tr> <tr> <td>Assessment of Potential Impacts of Metals in wastewater</td> <td>The licensee must conduct an assessment of metals detected in wastewater discharges from the mine in accordance with the ANZECC water quality guidelines. To obtain a greater understanding of the type and concentration of metals discharged in mine water and entering the receiving waters. To limit the concentration of metals discharged in mine water within ANZECC guidelines.</td> <td>23-October-2013</td> </tr> <tr> <td>Air Quality Monitoring</td> <td>The licensee must evaluate best locations and install monitoring devices as defined in Project Approval MP10_0161 under the Environment Planning &amp; Assessment Act 1979.</td> <td>31-December-2013</td> </tr> <tr> <td>PRP4 - Upgrade to Clean and Dirty Water Management System</td> <td>The licensee must review and upgrade separation of the Clean and Dirty Water Management System and review and upgrade bunding.</td> <td>14-August-2015</td> </tr> <tr> <td>PRP5 - Remediation of Dam Wall and Spillway formalisation</td> <td>The licensee must design and remediate the dam wall on the final control pond and formalise a spillway to prevent dam seepage and to ensure that volumetric discharge can be monitored</td> <td>27-February-2015</td> </tr> <tr> <td>PRP 6 Upgrade to Sewage Treatment Systems</td> <td>Assessment of options for improved disinfection of effluent from STP on licenced premises.</td> <td>06-January-2015</td> </tr> <tr> <td>PRP7 Sewage Treatment System Concept Design</td> <td>Provide the EPA with a Concept Design and Timetable for Implementation of Upgrade to the Sewage Treatment System</td> <td>19-February-2016</td> </tr> </tbody> </table>	Program	Description	Completed Date	Coal Mine Particulate Matter Control Best Practice	Requires licensee to conduct a site specific Best Management Practice (BMP) determination to identify ways to reduce particle emissions.	28-September-2012	Assessment of Potential Impacts of Metals in wastewater	The licensee must conduct an assessment of metals detected in wastewater discharges from the mine in accordance with the ANZECC water quality guidelines. To obtain a greater understanding of the type and concentration of metals discharged in mine water and entering the receiving waters. To limit the concentration of metals discharged in mine water within ANZECC guidelines.	23-October-2013	Air Quality Monitoring	The licensee must evaluate best locations and install monitoring devices as defined in Project Approval MP10_0161 under the Environment Planning & Assessment Act 1979.	31-December-2013	PRP4 - Upgrade to Clean and Dirty Water Management System	The licensee must review and upgrade separation of the Clean and Dirty Water Management System and review and upgrade bunding.	14-August-2015	PRP5 - Remediation of Dam Wall and Spillway formalisation	The licensee must design and remediate the dam wall on the final control pond and formalise a spillway to prevent dam seepage and to ensure that volumetric discharge can be monitored	27-February-2015	PRP 6 Upgrade to Sewage Treatment Systems	Assessment of options for improved disinfection of effluent from STP on licenced premises.	06-January-2015	PRP7 Sewage Treatment System Concept Design	Provide the EPA with a Concept Design and Timetable for Implementation of Upgrade to the Sewage Treatment System	19-February-2016	Not triggered		The projects listed in the table were completed prior to the scope of the audit, and therefore this condition is not triggered.
Program	Description	Completed Date																										
Coal Mine Particulate Matter Control Best Practice	Requires licensee to conduct a site specific Best Management Practice (BMP) determination to identify ways to reduce particle emissions.	28-September-2012																										
Assessment of Potential Impacts of Metals in wastewater	The licensee must conduct an assessment of metals detected in wastewater discharges from the mine in accordance with the ANZECC water quality guidelines. To obtain a greater understanding of the type and concentration of metals discharged in mine water and entering the receiving waters. To limit the concentration of metals discharged in mine water within ANZECC guidelines.	23-October-2013																										
Air Quality Monitoring	The licensee must evaluate best locations and install monitoring devices as defined in Project Approval MP10_0161 under the Environment Planning & Assessment Act 1979.	31-December-2013																										
PRP4 - Upgrade to Clean and Dirty Water Management System	The licensee must review and upgrade separation of the Clean and Dirty Water Management System and review and upgrade bunding.	14-August-2015																										
PRP5 - Remediation of Dam Wall and Spillway formalisation	The licensee must design and remediate the dam wall on the final control pond and formalise a spillway to prevent dam seepage and to ensure that volumetric discharge can be monitored	27-February-2015																										
PRP 6 Upgrade to Sewage Treatment Systems	Assessment of options for improved disinfection of effluent from STP on licenced premises.	06-January-2015																										
PRP7 Sewage Treatment System Concept Design	Provide the EPA with a Concept Design and Timetable for Implementation of Upgrade to the Sewage Treatment System	19-February-2016																										

Condition	Details	Compliance status	Relevant evidence	Commentary
8	8 Pollution Studies and Reduction Programs			
U1	U1 PRP 8 – Connection of Bathhouse Wastewater to Sewer			
U1.1	<p>U1.1 Background</p> <p>The licensee has historically treated and disposed of effluent and grey water generated by activities at the premises through the surface water management system. The licensee has committed to undertaking scoping works and planning pathways to enable the connection of the bathhouse wastewater at the premises to the Central Coast Council sewer. The EPA understands that in 2021 the licensee was granted approval by Central Coast Council to undertake the necessary works to discharge effluent and grey water generated at the bathhouse to sewer.</p> <p>Deliverables</p> <p>The licensee must undertake all works proposed and specified under the planning approval by Central Coast Council to enable all bathhouse effluent and greywater to be disposed to the Central Coast Council sewerage network by no later than Friday 26 August 2022. Upon completion of the sewerage connection the licensee must provide the EPA with a letter report identifying all works completed under this PRP.</p>	Compliant	Site interviews conducted 12/13 April 2022	<p><i>IEA Recommendation: Liaise with the EPA regarding the current status of the Sewage System Project. Implement any agreed actions in terms of timing</i></p> <p>2022 IEA Findings: This upgrade is in the process of being completed and is on track to be completed by 26 August 2022 as per the requirements of this condition.</p>
U2	U2 PRP 9 - Office Area Wastewater System Upgrades to Best Practice			
U2.1	<p>U2.1 Background</p> <p>Wastewater from the premises office is currently managed by a sewage treatment system that employs surface irrigation of effluent via an above ground sprinkler system. The EPA understand that the sewage treatment system services around four office staff. The EPA understand that the effluent currently irrigated is not disinfected. The EPA considers that the current effluent irrigation system is in need of upgrades to reduce any potential impact to public health and the environment.</p> <p>Deliverables</p> <p>The licensee must gain any necessary approvals and upgrade the current sewage management system servicing the office building to a current best practice sewage management system. This may include upgrades to the effluent irrigation system to sub-surface irrigation or other best practice methods. The licensee must upgrade the current wastewater management system servicing the office building to best practice by no later than Friday 26 August 2022. Upon completion of all works required by this PRP the licensee must supply the EPA with a letter report identifying all works and actions taken to upgrade the office building sewage management system.</p>	Compliant	Site interviews conducted 12/13 April 2022	This upgrade is in the process of being completed and is on track to be completed by 26 August 2022 as per the requirements of this condition.

## 1.2 SSD-5465

Condition	Details	Compliance status	Relevant evidence	Commentary
	Schedule 2 – Administrative conditions			
	OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT			
1	1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	Compliant	Site inspection conducted 12 April 2022 Site interview conducted 12/13 April 2022	Conduct of the audit verifies compliance with the requirements of this condition.
	TERMS OF APPROVAL			
2	2. The development may only be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with the statement of commitments in Appendix 9; (c) in accordance with the Subsidence Zones in Appendix 3; (d) in accordance with all written directions of the Planning Secretary; and (e) generally in accordance with the EIS, SEE (Mod 1), SEE (Mod 2), SEE (Mod 3) and SEE (Mod 4).	Non-compliance (low risk)	Site inspection conducted 12 April 2022 Site interview conducted 12/13 April 2022	The following conditions of this licence were identified as being non-compliant over the reporting period: Schedule 2, Condition 2 Schedule 2, Condition 23 Schedule 3, Condition 5 Schedule 3, Condition 9 Schedule 3, Condition 17 Schedule 3, Condition 18 Schedule 3, Condition 23 Schedule 6, Condition 3 Schedule 6, Condition 4 Schedule 6, Condition 5 Schedule 6, Condition 12 Schedule 6, Condition 13  As these conditions of the licence have not been complied with, this condition is also non-compliant.  Refer to corrective actions and recommendations on each condition.

Condition	Details	Compliance status	Relevant evidence	Commentary
3	<p>3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:</p> <p>(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and</p> <p>(b) the implementation of any actions or measures contained in any such document referred to in condition 3(a).</p>	Not triggered	Annual Review for 2019, 2020 and 2021	No directions have been given to Delta Coal over the reporting period.
4	4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition 2(e). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	Note		Noted
	<b>LIMITS ON CONSENT</b>			
	<b>Mining Operations</b>			
5	<p>5. The Applicant may carry out mining operations on the site until 31 December 2027.</p> <p>Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of either the Planning Secretary or the RR. Consequently, this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.</p>	Compliant		Mining operations were undertaken within the audit period.
	<b>Coal Extraction</b>			
6	6. The Applicant must not extract more than 2.1 million tonnes of ROM coal from the site in any calendar year.	Compliant	Annual Review for 2019, 2020 and 2021	<p>Delta Coal produced coal within the limits of this condition.</p> <ul style="list-style-type: none"> <li>– 2019: 0.79 million tonnes</li> <li>– 2020: 1.38 million tonnes</li> <li>– 2021: 1.25 million tonnes</li> </ul> <p>Compliance for 2022 was not assessed as the reporting period did not encompass the entire calendar year.</p>
	<b>Coal Transport – Public Roads</b>			
7	7. The Applicant must ensure that no laden coal trucks are dispatched from the site to public roads outside of the hours of 5:30 am to 5:30 pm, Monday to Friday, and not at all on Saturdays, Sundays or public holidays.	Compliant	Site interview conducted 12/13 April 2022	<p><i>2019 IEA Recommendation: Ensure detailed records of coal transportation are recorded and able to be provided to auditors upon request. The spreadsheets should cover the requirements of the key conditions of the Development Consent.</i></p> <p>2022 IEA Findings: Coal was generally transferred to Vales Point Power Station via conveyor. Some haulage trucks were used over the reporting period to supplement the conveyor transport.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
8	<p>8. The Applicant must not dispatch from the site more than:</p> <p>(a) 660,000 tonnes of product coal in any calendar year to the Port of Newcastle for export;</p> <p>(b) 180,000 tonnes of product coal in any calendar year to domestic customers other than Vales Point Power Station;</p> <p>(c) a total of 270 laden coal trucks per day by public roads;</p> <p>(d) a total of 32 laden coal trucks per hour; and</p> <p>(e) an average of 16 laden coal trucks per hour by public roads during peak hour periods, calculated monthly, until the intersection of M1 Motorway and Sparks Road Interchange (East Side - unsignalised with stop sign) is upgraded to a signalised intersection.</p>	Compliant	Site interview conducted 12/13 April 2022	<p><i>2019 IEA Recommendation: Ensure detailed records of coal transportation are recorded and able to be provided to auditors upon request. The spreadsheets should cover the requirements of the key conditions of the Development Consent.</i></p> <p>2022 IEA Findings: No export to Port of Newcastle and generally no laden trucks by public roads. Small exceptions were during 2020 and 2021 where stockpiled coal was transported off site for treatment due to contamination. Volumes were within limits of this condition.</p>
<b>Coal Transport – Vales Point Power Station</b>				
9	<p>9. The Applicant must ensure that only private roads are used for the transport of coal by truck to Vales Point Power Station, except in an emergency. In an emergency, product coal may be transported by public roads, with the prior written approval of the Planning Secretary, and subject to any restrictions that the Planning Secretary may impose.</p>	Compliant	<p>Site interview conducted 12/13 April 2022</p> <p>Annual Review for 2019, 2020 and 2021</p> <p>Coal haulage register for 2019, 2020, 2021 and 2022</p>	<p><i>2019 IEA Recommendation: Ensure detailed records of coal transportation are recorded and able to be provided to auditors upon request. The spreadsheets should cover the requirements of the key conditions of the Development Consent.</i></p> <p>2022 IEA Findings: Small exceptions were during 2020 and 2021 where stockpiled coal was transported off site for treatment due to contamination. Volumes were within limits of this condition.</p>
10	<p>10. The Applicant must restrict the transport of coal by truck to the Vales Point Power Station between 10 pm and 5:30 am to:</p> <p>(a) 16 laden trucks per hour for the Spring and Autumn months; and</p> <p>(b) zero during Winter months</p>	Compliant	<p>Site interview conducted 12/13 April 2022</p> <p>Road Transport Protocol (Rev 3 – Dated 1 December 2019).</p>	<p><i>2019 IEA Recommendation: Ensure detailed records of coal transportation are recorded and able to be provided to auditors upon request. The spreadsheets should cover the requirements of the key conditions of the Development Consent.</i></p> <p>2022 IEA Findings: Coal is not transported to Vales Point Power Station between these hours. This is outlined in Section 2 of the Road Transport Protocol Driver Code of Conduct.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>PLANNING AGREEMENT</b>			
11	<p>11. Within 12 months of the date of this consent, unless otherwise agreed by the Planning Secretary, the Applicant must enter into a planning agreement with the CC Council in accordance with Division 6 of Part 4 of the EP&amp;A Act that provides for payment to the CC Council for community enhancement purposes.</p> <p>The agreement must include provision for those matters set out in condition 12 below.</p> <p>If there is any dispute between the Applicant and CC Council relating to the preparation or implementation of the planning agreement, then either party may refer the matter to the Planning Secretary for resolution.</p>	Not triggered		Not triggered as this was executed in 2016, which is outside reporting period.
	<b>COMMUNITY ENHANCEMENT</b>			
12	<p>12. The Applicant must pay CC Council \$0.035 for each tonne of product coal produced by the development for the purposes of improving public infrastructure and providing community projects for the communities of Summerland Point, Gwandalan, Chain Valley Bay and Mannering Park. Payments from the approval date of project approval 10_0161 must be:</p> <p>(a) made by the end of March, for coal produced in the previous calendar year;</p> <p>(b) made for each year that coal is produced by the colliery; and</p> <p>(c) subject to indexation in accordance with the Australian Bureau of Statistics Consumer Price Index.</p>	Compliant	<p>Annual Review for 2019, 2020 and 2021</p> <p>VPA Tracking spreadsheet</p> <p>Payment receipts</p>	<p>Table 1 in the Annual Review details the money accrued for the Voluntary Planning Agreement with Council.</p> <ul style="list-style-type: none"> <li>- 2019 \$29,982.33</li> <li>- 2020 \$48,205.00</li> <li>- 2021 \$52,360.00</li> </ul> <p>A comparison of production statistics and required contributions found that Delta Coal were operating in compliance with the requirements of this condition. Evidence of payment was provided during the audit.</p> <p>Compliance for 2022 was not assessed as the reporting period did not encompass the entire calendar year.</p>
13	Deleted			
14	Deleted			
	<b>STRUCTURAL ADEQUACY</b>			
15	<p>15. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structure, that are part of the development are constructed in accordance with:</p> <p>(a) the relevant requirements of the BCA; and</p> <p>(b) any additional requirements of the SA NSW 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 8 of the EP&amp;A Act, the Applicant 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 development; and</li> <li>• Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the SA NSW's approval before constructing any improvements in a Mine Subsidence District.</li> </ul>	Not triggered		No new buildings have been constructed over the audit period. This condition is not triggered.

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>DEMOLITION</b>			
16	16. The Applicant must ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	Compliant	Demolition documentation	Demolition of some old mine cottages and ROM coal bin occurred over the reporting period. Demolition was undertaken by Novocastrian Demolition. Demolition documentation was viewed in the audit and was found to be compliant with this condition.
	<b>OPERATION OF PLANT AND EQUIPMENT</b>			
17	17. All plant and equipment used on site, or to monitor the performance of the development must be: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Compliant	Calibration certificates Pulse tracking system	Calibration certificates for noise loggers and the TEOM were provided. While the Pulse tracking system was also reviewed while completing the site inspection.
18	Deleted			
	<b>ROAD MAINTENANCE CONTRIBUTION</b>			
19	19. The Applicant must pay Road Maintenance Fees to CC Council in accordance with its Road Maintenance Agreement with CC Council.	Compliant	Correspondence with Lake Macquarie Council	Correspondence with council regarding the payment of Road Maintenance Fees was provided.
	<b>COMMUNITY CONSULTATIVE COMMITTEE</b>			
20	20. A Community Consultative Committee (CCC) must continue to operate for the development in accordance with the Department's Community Consultative Committee Guidelines: State Significant Projects (2019). The CCC must continue to operate during the life of the development, or other timeframe agreed by the Planning Secretary. Notes: • The CCC is an advisory committee only. • In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Affected Councils and the local community.	Compliant	Community Consultative Committee (CCC) Meeting Minutes CCC Annual reports for 2019, 2020 and 2021	The Community Consultative Committee (CCC) were held quarterly over the reporting period and in compliance with the requirements of this condition.
21	21. With the approval of the Planning Secretary, the Applicant may combine the CCC required by this consent with any similar CCC required by a consent or approval for any adjoining mine subject to common, shared or related ownership or management.	Compliant	Community Consultative Committee (CCC) Meeting Minutes CCC Annual reports for 2019, 2020 and 2021	The CCC for the Chain Valley Colliery is combined with Mannering Colliery

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>EVIDENCE OF CONSULTATION</b>			
22	<p>22. Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <p>(a) consult with the relevant party prior to submitting the subject document;</p> <p>(b) provide details of the consultation undertaken including:</p> <p>i. the outcome of that consultation, matters resolved and unresolved; and</p> <p>ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</p>	Compliant	<p>Coal Haulage Traffic Management System Plan (Rev 3) – Dated 25 September 2020</p> <p>Independent Traffic Audits</p> <p>Air Quality and Greenhouse Gas Management Plan DRAFT (V2 – dated 21 January 2022</p> <p>Benthic Communities Management Plan (Rev 5 – 6 April 2021)</p> <p>Biodiversity Management Plan (Rev 5 – Dated 1 December 2019)</p> <p>Built Features Management Plan (Rev 0 – Dated 6 April 2021)</p> <p>Heritage Management Plan (Rev 4 – Dated 6 November 2020)</p> <p>Noise Management Plan (Rev 2–</p>	<p>Consultation requirements were generally in compliance with the requirements of this condition.</p> <p>The BMP was sent to the parties outlined in Schedule 3 Condition 20. No comments were received.</p> <p><b><i>Recommendation 4: The outcome of consultation is not included in the BMP, it is recommended that a statement saying that no comments were received is included in the plan.</i></b></p>

Condition	Details	Compliance status	Relevant evidence	Commentary
			Dated 12 March 2014) Miniwall S5 and Northern Pillar Area Extraction Plan (Rev 1.2 – Dated 10 March 2020) Public Safety Management Plan (Dated 19 March 2021) Rehabilitation Management Plan (Rev 5 – Dated 10 March 2020) Seagrass Management Plan (Rev 8 – Dated 6 April 2021) Subsidence Monitoring Program (Dated 20 November 2020) Water Management Plan (Rev 5 – Dated 24 August 2021)	
	<b>STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS</b>			
23	23. With the approval of the Planning Secretary, the Applicant may: (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);	Non-compliance (administrative)	Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022)	<i>2019 IEA Recommendation: All management plans require updating due to the length of time since the previous reviews. All should in a Delta Coal template.</i> <i>Ensure there is a cross referencing table covering this condition in management plans.</i>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<p>(b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);</p> <p>(c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and</p> <p>(d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by an adjoining mining consent or approval, in common ownership or management.</p>		<p>Biodiversity Management Plan (Rev 5 - Dated 1 December 2019)</p> <p>Environmental Management Strategy (Rev 1 – Dated 24 March 2021)</p> <p>Heritage Management Plan (Rev 3 – Dated 27 April 2020)</p> <p>Noise Management Plan (Rev 2– Dated 12 March 2014))</p> <p>Seagrass Management Plan (Rev 8 – Dated 10 July 2020)</p> <p>Water Management Plan (Rev 5 – Dated 24 August 2021)</p> <p>Benthic Communities Management Plan (Dated 6 April 2021)</p>	<p><i>Additional detail including Trigger, Action, Response Tables (contingency plan) should be developed in the next round of management plan updates.'</i></p> <p>2022 IEA Findings: The following management plans were completed for Chain Valley Colliery:</p> <ul style="list-style-type: none"> <li>– Environmental Management Strategy (EMS): The EMS was published in March 2021. Attachment 1 contains a table of compliance with the conditions of approval.</li> <li>– AQGGMP: This plan was most recently updated January 2022 to be combined with Mannering Colliery and cover both sites. The recommendation of the previous audit to incorporate Trigger Action Response Tables has not been incorporated into the plan.</li> <li>– BMP: This plan was updated recently and is not due for review until December 2022. Appendix 2 contains a table outlining how the relevant conditions of approval are satisfied in the document. Table 9 contains the Trigger Action Response Tables recommended by the previous audit.</li> <li>– HMP: This plan was updated recently and is not due for review until December 2022. Appendix 2 contains a table outlining how the relevant conditions of approval are satisfied in the document. There is no inclusion of the Trigger Action Response Tables recommended by the previous audit.</li> <li>– NMP: The NMP for the site has not been updated within the reporting period and is therefore non-compliant with Clause (c). The NMP does not include Trigger Action Response Plans or a compliance table. The auditor notes that a new NMP is being prepared that satisfies the 2019 IEA Recommendations and the requirements of this condition. Therefore, no corrective actions are required.</li> <li>– Seagrass Management Plan: This plan was most recently updated in July 2020 and was due for review in July 2021. .Appendix 2 contains a table outlining how the relevant conditions of approval are addressed in the plan. There is no inclusion of the Trigger Action Response Tables recommended by the previous audit.</li> <li>– Benthic Communities Management Plan: This plan was most recently updated in 6 April 2021. Appendix 2 contains a table outlining how the relevant conditions of approval are addressed in the plan. There is no inclusion of the Trigger Action Response Tables recommended by the previous audit.</li> <li>– WMP: This plan has been reviewed and updated recently and is not due for review until 2024. Appendix 3 contains a table outlining how the relevant conditions of approval are satisfied</li> </ul>

Condition	Details	Compliance status	Relevant evidence	Commentary
				<p>in the document. There is no inclusion of the Trigger Action Response Tables recommended by the previous audit.</p> <p>As the recommendation of the previous audit to ensure that Trigger Action Response Plans are added into the management plans has not been followed though in the audit, a non-compliance with clause (c) of this condition is recorded.</p> <p><b>Corrective action 4: Ensure that TARPs are included in the AQMP, HMP, Seagrass Management Plan, Benthic Communities Management Plan and WMP in the next update. This includes developing a TARP to further detail the management procedures for the newly established PM2.5 alarms within the AQMP.</b></p> <p>Correspondence was received from DPIE on 9 October 2020 to provide approval for the AQGGMP, HMP, Land Management Plan (LMP) and NMP to be combined for Chain Valley Colliery and Mannering Colliery in the next update. As above, the AQGGMP has been updated, however the other three plans have not at the time of audit.</p>
24	24. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	Not triggered		Delta Coal have not received directions such as this over the reporting period. This condition remains not triggered.
25	25. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.	Not triggered		Delta Coal have not received directions such as this over the reporting period. This condition remains not triggered.
	<b>APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS</b>			
26	26. The Applicant must continue to apply existing management strategies, plans or monitoring programs approved prior to the approval of Modification 3, until the approval of a similar plan, strategy or program following the approval of Modification 3.	Compliant	<p>Biodiversity Management Plan (Rev 5 - Dated 1 December 2019)</p> <p>Heritage Management Plan (Rev 3 - Dated 1 December 2019)</p> <p>Noise Management Plan (Rev 2- Dated 12 March 2014))</p>	Modification 3 (MOD3) was issued in June 2020. The current consent is MOD4 issued July 2021.

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>PROTECTION OF PUBLIC INFRASTRUCTURE</b>			
27	27. Unless the Applicant and the applicable authority agree otherwise, the Applicant must: (a) repair, or pay the full costs associated with repairing, any public infrastructure a that is damaged by carrying out the development; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure a that needs to be relocated as a result of the development. a This condition does not apply to any damage to roads caused as a result of general road usage or to damage that has been compensated under the Mining Act 1992.	Not triggered.		No public infrastructure has been damaged over the reporting period. This condition remains not triggered.
	<b>COMPLIANCE</b>			
28	28. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	Compliant	Site interview conducted 12/13 April 2022	Conduct of the site inspection and review of relevant documentation verifies compliance with the requirements of this condition.
	<b>APPLICABILITY OF GUIDELINES</b>			
29	29. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) in the condition.	Note		
30	30. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	Not triggered		No directions of this manner have been received during the audit period. This condition remains not triggered.
	<b>SCHEDULE 3 ENVIRONMENTAL CONDITIONS – GENERAL</b>			
	<b>TRANSPORT</b>			
	<b>Monitoring of Coal Transport</b>			
1	1. The Applicant must: (a) keep accurate records of the amount of coal transported from the site (on a weekly basis); and (b) make these records publicly available on its website at the end of each calendar quarter.	Compliant	Environmental Reporting webpage ( <a href="https://www.deltacoal.com.au/environment/chain-valley-colliery/chain-valley-colliery-environmental-reporting">https://www.deltacoal.com.au/environment/chain-valley-colliery/chain-valley-colliery-environmental-reporting</a> )	<i>2019 IEA Recommendation: See recommendation regarding detailed transport records. Ensure transport records from this Audit period (January 2016) onwards are recorded on the website. This could be appended to the Annual Review summarising the weekly transport.</i>  <i>2022 IEA findings: Weekly Coal Haulage has been reported on the website adequately over the reporting period.</i>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>Road Works</b>			
2	<p>2. The Applicant must upgrade the Ruttleys Road and Construction Road intersection within 6 months of the date of this consent, unless the Planning Secretary directs otherwise, by:</p> <p>(a) installing additional signage on and adjacent to Construction Road prior to the intersection;</p> <p>(b) repairing the surface of Construction Road as required and ensuring the edge seal of the left turn lane is of sufficient width to accommodate coal trucks;</p> <p>(c) installing or replacing "Stop" signs in accordance with Austroads guidelines;</p> <p>(d) repainting road line markings and raised pavements associated with this intersection; and</p> <p>(e) installing barriers to prevent trucks parking on the gravel area adjacent to the intersection and the electricity substation located in the vicinity of this intersection.</p> <p>The design and construction of these works must be undertaken in consultation with, and to the relevant satisfaction of, CC Council, TfNSW and Delta Electricity and to the satisfaction of the Planning Secretary.</p>	Not triggered		Not triggered as this was executed outside the reporting period
	<b>Road Transport Protocol</b>			
3	<p>3. The Applicant must prepare a Road Transport Protocol to the satisfaction of the Planning Secretary. This protocol must:</p> <p>(a) be prepared in consultation with TfNSW, NCC, CC Council and CCC and submitted to the Planning Secretary for approval within 6 months of the date of this consent;</p> <p>(b) describe the designated haulage routes to be used (as shown in Appendix 5); the maximum number of road movements proposed and the haulage hours permitted under this consent;</p> <p>(c) include a Traffic Management Plan, which includes:</p> <ul style="list-style-type: none"> <li>• procedures to ensure that drivers adhere to the designated haulage routes;</li> <li>• measures to maximise the use of a low frequency (regular) trucking schedule rather than an intermittently-high frequency (campaign) trucking schedule, especially during the morning peak hour;</li> <li>• contingency plans to apply when (for example) the designated haulage route is disrupted, including procedures for notifying relevant agencies and affected communities of the need to implement such contingency plans;</li> <li>• procedures to ensure that all haulage vehicles associated with the development are clearly distinguishable as Chain Valley Colliery coal haulage trucks;</li> <li>• details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the site;</li> <li>• measures to ensure that the provisions of the Traffic Management Plan are implemented, eg driver training in the heavy vehicle driver's Code of Conduct and contractual agreements with heavy vehicle operators; and</li> </ul>	Compliant	Coal Haulage Traffic Management System Plan (Rev 3) – Dated 25 September 2020	<p><i>2019 IEA Recommendations: Ensure Coal Haulage Traffic Management Plan is reviewed as per the requirements of the consent and commitments in the management plan. Attach Driver Code of Conduct to the management plan.</i></p> <p>2022 IEA Findings: The Coal Haulage Management System Plan. Evidence of consultation is provided in Appendix A . Designated haul routes are described in the Driver Code of Conduct, which is appended to the plan in Appendix 2. The Traffic Management Plan is detailed in Section 3, 4, 5 and 6 and is compliant with the requirements of this condition. The recommendations of the previous audit have been incorporated into the plan.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> <li>procedures for ensuring compliance with and enforcement of the heavy vehicle driver's Code of Conduct;</li> <li>(d) include a Code of Conduct for heavy vehicle drivers that addresses: <ul style="list-style-type: none"> <li>travelling speeds;</li> <li>instructions to avoid grouping or convoying of trucks;</li> <li>instructions to drivers not to overtake each other on the haulage route, as far as practicable, and to maintain appropriate distances between vehicles;</li> <li>instruction to drivers to adhere to the designated haulage routes;</li> <li>instruction to drivers to be properly safety conscious and to strictly obey all traffic regulations; and</li> <li>appropriate penalties for infringements of the Code.</li> </ul> </li> </ul> <p>The Applicant must implement the approved Road Transport Protocol as approved from time to time by the Planning Secretary.</p>			
4	<p>4. Prior to 31 March 2014, and every 12 months thereafter for each calendar year in which coal haulage from the site is undertaken utilising public roads, unless the Planning Secretary directs otherwise, the Applicant must commission a suitably qualified person, whose appointment has been approved by the Planning Secretary at least one month prior to undertaking the audit, to conduct an Independent Traffic Audit of the development. This audit must:</p> <p>(a) be undertaken without prior notice to the Applicant, and in consultation with TfNSW, NCC, CC Council and the CCC;</p> <p>(b) assess the impact of the development on the performance and safety of the road network, including a review of:</p> <ul style="list-style-type: none"> <li>haulage records;</li> <li>accident records on the haulage route, infringements relating to the code of conduct and any incidents involving haulage vehicles;</li> <li>community complaints register; and</li> </ul> <p>(c) assess the effectiveness of the Road Transport Protocol; and, if necessary, recommend measures to reduce or mitigate any adverse (or potentially adverse) impacts.</p>	Compliant	<p>Chain Valley Traffic Audit – Eight Independent Traffic Audit – Dated December 2019</p> <p>Chain Valley Traffic Audit – Ninth Independent Traffic Audit - 2020 – Dated February 2021</p> <p>Chain Valley Traffic Audit – Tenth Independent Traffic Audit – Dated 11 February 2022</p>	<p><i>2019 IEA Recommendation: Ensure Traffic Audits are completed annually in accordance with this condition.</i></p> <p><i>2022 IEA Findings: The independent traffic audits were undertaken on annual basis over the reporting period and were in compliance with the requirements of this condition.</i></p>
5	<p>5. Within 1 month of receiving the audit report, or as otherwise agreed by the Planning Secretary, the Applicant must submit a copy of the report to the Planning Secretary, with a detailed response to any of the recommendations contained in the audit report, including a timetable for the implementation of any measures proposed to address the recommendations in the audit report.</p> <p>A summary of the audit report must be included in the Annual Review.</p>	Non-compliance (administrative)	Annual Review for 2019, 2020 and 2021	<p><i>2019 IEA Recommendation: Ensure the report is submitted to the DPE.</i></p> <p>A summary of the Independent Traffic Audit findings are not included in the annual review documentation. This constitutes and administrative non-compliance.</p> <p><b><i>Corrective action 5: Ensure a summary of the results of Independent Traffic Audits are included in Annual Reviews.</i></b></p>

Condition	Details	Compliance status	Relevant evidence	Commentary																																																	
	<b>Alternative Coal Transport Options</b>																																																				
6	<p>6. Prior to 31 December 2014, and every three years thereafter, the Applicant must prepare and submit to the Planning Secretary for approval, a study of the reasonable and feasible options to reduce or eliminate the use of public roads to transport coal from the development, unless otherwise agreed by the Planning Secretary. The assessment must include:</p> <p>(a) an analysis of the capital, construction and operating costs of the alternative transport options; and</p> <p>(b) quantified social and environmental impacts associated with road and rail transport.</p>	Compliant	Correspondence from DPIE received 15 December 2020.	<p>2019 IEA Recommendation: Ensure the Alternative Transport Options Report is completed as per the frequency in this condition.</p> <p>2022 IEA findings: Delta Coal received correspondence from DPE on 15 December 2020 granting an exception from conducting the Alternative Coal Transport Options Assessment. The exception applies until such time coal haulage via public roads is proposed.</p>																																																	
	<b>NOISE</b>																																																				
	<b>Noise Impact Assessment Criteria</b>																																																				
7	<p>7. The Applicant must ensure that the noise generated by the development at any residence on privately-owned land does not exceed the criteria for the location in Table 1 nearest to that residence.</p> <p><i>Table 1: Noise Criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</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>R8</td> <td>38</td> <td>38</td> <td>38</td> <td>45</td> </tr> <tr> <td>R11</td> <td>49</td> <td>49</td> <td>49</td> <td>54</td> </tr> <tr> <td>R12</td> <td>49</td> <td>49</td> <td>49</td> <td>53</td> </tr> <tr> <td>R13</td> <td>43</td> <td>43</td> <td>43</td> <td>49</td> </tr> <tr> <td>R15</td> <td>36</td> <td>36</td> <td>36</td> <td>45</td> </tr> <tr> <td>R19</td> <td>37</td> <td>37</td> <td>37</td> <td>45</td> </tr> <tr> <td>R22</td> <td>46</td> <td>46</td> <td>46</td> <td>46</td> </tr> <tr> <td>all other privately-owned land</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 in Table 1, see Appendix 6 and the EIS; and</li> <li>Noise generated by the development is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy. Appendix 8 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.</li> </ul> <p>However, these criteria do not apply if the Applicant has a written agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.</p>	Location	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)	R8	38	38	38	45	R11	49	49	49	54	R12	49	49	49	53	R13	43	43	43	49	R15	36	36	36	45	R19	37	37	37	45	R22	46	46	46	46	all other privately-owned land	35	35	35	45	Compliant	<p>Noise Management Plan (Rev 2–Dated 12 March 2014)</p> <p>Annual reviews for 2019, 2020 and 2021</p> <p>Quarterly Noise Monitoring Reports for 2019, 2020, 2021 and 2022</p>	<p>2019 IEA Recommendation: Continue investigations of any noise issues and, where practicable, implement reasonable and feasible mitigation measures. Ensure accurate/consistent monitoring results are presented in Annual Reviews.</p> <p>2022 IEA findings: Noise monitoring results over the reporting period indicate that the premises is operating within the limits of this condition. The noise management plans noted that a technical non-compliance for ATN007 for every monitoring event due to access issues. Noise monitoring for ATN007 was conducted at intermediate locations. Total noise levels shown were measured at the alternative locations and site contributions were calculated back to ATN007. Operation of Schedule 6, Condition 12 of SSD-5465 allows monitoring from representative locations.</p>
Location	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)																																																	
R8	38	38	38	45																																																	
R11	49	49	49	54																																																	
R12	49	49	49	53																																																	
R13	43	43	43	49																																																	
R15	36	36	36	45																																																	
R19	37	37	37	45																																																	
R22	46	46	46	46																																																	
all other privately-owned land	35	35	35	45																																																	

Condition	Details	Compliance status	Relevant evidence	Commentary															
	<b>Operating Conditions</b>																		
8	<p>8. The Applicant must:</p> <p>(a) implement best management practice, including all reasonable and feasible noise mitigation measures, to minimise the construction, operational and transport noise generated by the development;</p> <p>(b) regularly assess the noise monitoring and meteorological data and relocate, modify, and/or stop operations on site to ensure compliance with the relevant conditions of this consent;</p> <p>(c) minimise the noise impacts of the development during meteorological conditions under which the noise limits in this consent do not apply (see Appendix 8);</p> <p>(d) use its best endeavours to achieve the long-term noise goals in Table 2, where reasonable and feasible, and report on progress towards achieving these goals in each Annual Review;</p> <p>(e) carry out a comprehensive noise audit of the development in conjunction with each independent environmental audit; and</p> <p>(f) prepare an action plan to implement any additional reasonable and feasible onsite noise mitigation measures identified by each audit; to the satisfaction of the Planning Secretary.</p> <p><i>Table 2: Long-term Noise Goals 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>L<sub>Aeq(15 min)</sub></th> <th>L<sub>Aeq(15 min)</sub></th> <th>L<sub>Aeq(15 min)</sub></th> </tr> </thead> <tbody> <tr> <td>R11 – R13</td> <td>41</td> <td>41</td> <td>41</td> </tr> <tr> <td>R22</td> <td>40</td> <td>40</td> <td>40</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> <li>To interpret the locations referred to in Table 2, see Appendix 6 and the EIS; and</li> <li>Noise generated by the development is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy. Appendix 8 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.</li> </ul>	Location	Day	Evening	Night	L <sub>Aeq(15 min)</sub>	L <sub>Aeq(15 min)</sub>	L <sub>Aeq(15 min)</sub>	R11 – R13	41	41	41	R22	40	40	40	Compliant	<p>Noise Management Plan (Rev 2– Dated 12 March 2014)</p> <p>Site interviews conducted 12/13 April 2022</p> <p>Annual reviews for 2019, 2020 and 2021</p> <p>Complaints and Incident Register</p> <p>Quarterly Noise Monitoring Reports for 2019, 2020, 2021</p>	<p>2019 IEA Recommendation: The real - time noise monitor should be re-established for the site. Liaise with the DPE regarding the best location as the majority of noise complaints have resulted from Mannering Colliery operations, not CVC. Mannering Colliery is also owned by Delta Coal. Update the Noise Management Plan.</p> <p>2022 IEA Findings: Operations were generally compliant over the reporting period. Exceedances of the long-term noise goals were recorded at R22 during:</p> <ul style="list-style-type: none"> <li>2021 Q3 -3 dB exceedance during the evening and night period</li> <li>2021 Q4 – 2 dB exceedance during the day and 4 dB exceedance during evening and night period.</li> </ul> <p>A review of the complaints register found that one noise complaints was received over the reporting period. This complaint occurred in October 2020 and did not occur again over the reporting period. This indicates that adaptive noise management is being undertaken by Delta Coal.</p> <p>As 8(d) does not require absolute compliance, instead being based on complying where reasonable and feasible, a non-compliance with this condition has not been identified.</p> <p>The real – time noise monitor was re-established on site in October 2019. Photographic evidence was provided for its installation. Data was also provided to show its implementation, therefore, the recommendation of the previous audit is considered closed.</p> <p>Real time monitoring was reported upon in the relevant Annual Reviews for the audit period.</p>
Location	Day		Evening	Night															
	L <sub>Aeq(15 min)</sub>	L <sub>Aeq(15 min)</sub>	L <sub>Aeq(15 min)</sub>																
R11 – R13	41	41	41																
R22	40	40	40																
	Noise Management Plan																		
9	<p>9. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA and submitted to the Planning Secretary for approval within 4 months of the date of this consent, unless otherwise agreed by the Planning Secretary;</p> <p>(b) describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in this consent;</p>	Non-compliance (administrative)	<p>Noise Management Plan (Rev 2– Dated 12 March 2014)</p> <p>Quarterly Noise Monitoring Reports for</p>	<p>A review of the approved management plan for the site found it generally compliant with the requirements of this condition. The plan however has not been updated since 2014, and therefore does not accurately reflect the activities and conditions occurring on site, therefore a non-compliance against condition (c).</p> <p>The auditor notes that this plan is in the process of being updated, and that no corrective action is necessary.</p> <p><b>Recommendation 9: The outcomes of the noise mitigation study currently being completed should be captured in a</b></p>															

Condition	Details	Compliance status	Relevant evidence	Commentary																			
	<p>(c) describe the proposed noise management system in detail including the mitigation measures that would be implemented to minimise noise during construction and operations, including on and off site road noise generated by vehicles associated with the development; 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 development against the noise criteria in this consent;</li> <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> <p>The Applicant must implement the Noise Management Plan as approved by the Planning Secretary.</p>		2019, 2020, 2021	<b>revised noise management plan and reflect any changes to monitoring, as relevant.</b>																			
	<b>AIR QUALITY</b>																						
	<b>Odour</b>																						
10	10. The Applicant must ensure that no offensive odours are emitted from the site, as defined under the POEO Act.	Compliant	Complaints and Incidents Register	No complaints regarding odours have been received over the reporting period.																			
	<b>Air Quality Criteria</b>																						
11	<p>11. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Table 3 at any residence on privately-owned land.</p> <p><i>Table 3: Air quality criteria</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Particulate matter &lt; 2.5 µm (PM<sub>2.5</sub>)</td> <td>Annual</td> <td><sup>a, c</sup> 8 µg/m<sup>3</sup></td> </tr> <tr> <td>24 hour</td> <td><sup>b</sup> 25 µg/m<sup>3</sup></td> </tr> <tr> <td rowspan="2">Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>Annual</td> <td><sup>a, c</sup> 25 µg/m<sup>3</sup></td> </tr> <tr> <td>24 hour</td> <td><sup>b</sup> 50 µg/m<sup>3</sup></td> </tr> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td><sup>a, c</sup> 90 µg/m<sup>3</sup></td> </tr> <tr> <td><sup>d</sup> Deposited dust</td> <td>Annual</td> <td><sup>b</sup> 2 g/m<sup>2</sup>/month    <sup>a</sup> 4 g/m<sup>2</sup>/month</td> </tr> </tbody> </table> <p>Notes: a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).</p>	Pollutant	Averaging period	Criterion	Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a, c</sup> 8 µg/m <sup>3</sup>	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a, c</sup> 25 µg/m <sup>3</sup>	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>	Total suspended particulate (TSP) matter	Annual	<sup>a, c</sup> 90 µg/m <sup>3</sup>	<sup>d</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month <sup>a</sup> 4 g/m <sup>2</sup> /month	Compliant	<p>Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022</p> <p>Annual reviews for 2019, 2020 and 2021</p> <p>Monitoring data for 2019, 2020, 2021 and 2022</p>	<p><i>2019 IEA Recommendation: Update the Air Quality Management Plan following this audit.</i></p> <p><i>Improve data capture for PM10. Review possibilities of backup power supply.</i></p> <p><i>Ensure issues with data capture are reported in Section 1 and 7 of the Annual Review.</i></p> <p><i>Ensure TEOM is setup with alarms/notifications for when results are approaching or have exceeded the short term criterion for particulate matter. This will ensure exceedances are immediately detected and reported as soon as possible to the EPA and DPE.</i></p> <p>2022 IEA findings: Several exceedances of criteria were recorded for 24 hour PM<sup>10</sup> over the reporting period:</p> <ul style="list-style-type: none"> <li>– 19 exceedances during 2019, between 26 October and 31 December. Exceedances were reported to DPIE who considered them representative of regional bushfires and dust storms and not non-compliances attributed to the site.</li> </ul>
Pollutant	Averaging period	Criterion																					
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a, c</sup> 8 µg/m <sup>3</sup>																					
	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>																					
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a, c</sup> 25 µg/m <sup>3</sup>																					
	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>																					
Total suspended particulate (TSP) matter	Annual	<sup>a, c</sup> 90 µg/m <sup>3</sup>																					
<sup>d</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month <sup>a</sup> 4 g/m <sup>2</sup> /month																					

Condition	Details	Compliance status	Relevant evidence	Commentary
	<p>b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).</p> <p>c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.</p> <p>d 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.</p>			<p>– Four exceedances during 2020, between 4 January and 24 January. As per the 2019 exceedances, these were reported to DPIE who considered them representative of regional bushfires and dust storms and not non-compliances attributed to the site.</p> <p>Seven exceedances of PM<sup>2.5</sup> criteria occurred during January 2022. Investigation of these exceedances found that they were attributed to factors off site and not activities occurring at Chain Valley Colliery.</p> <p>Several exceedances of depositional dust occurred over the reporting period, including exceedances of monthly criteria during 2020 at DDG005 in February, April, June, July, September, November and December. Exceedances at this location also occurred in February, April, August, September and December of 2021. The annual average depositional dust for this location was exceeded as well. These exceedances were attributed to contamination. DDG005 is proposed to be moved in the latest revision of the AQGGMP yet to be approved by DPE. These exceedances are not considered non-compliances.</p> <p>The 2019 IEA recommended that the TEOM is set up with alarms and notifications when the short term criterion for particulate matter is approached or exceeded. Delta Coal provided evidence that this has occurred, and this recommendation is considered closed out.</p> <p>Therefore, in accordance with note c of this condition. These exceedances are not considered non-compliances with this condition.</p>
11A	11A. The air quality criteria in Table 3 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	Note		Noted
	<b>Operating Conditions</b>			
12	<p>12. The Applicant must:</p> <p>(a) implement best practice air quality management at the site, including all reasonable and feasible measures to minimise the off-site odour, fume and dust emissions generated by the development;</p> <p>(b) implement best practice management to minimise the risk of spontaneous combustion and related emissions;</p> <p>(c) implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site;</p> <p>(d) operate an air quality management system on site to ensure compliance with the relevant conditions of this consent;</p>	Compliant	<p>Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022</p> <p>Site inspection 12 April 2022</p>	<p><i>2019 IEA Recommendation: Update the Air Quality Management Plan following this audit.</i></p> <p><i>Improve data capture for PM10. Review possibilities of backup power supply.</i></p> <p><i>Ensure issues with data capture are reported in Section 1 and 7 of the Annual Review.</i></p> <p><i>Ensure TEOM is setup with alarms/notifications for when results are approaching or have exceeded the short term criterion for particulate matter. This will ensure exceedances are immediately detected and reported as soon as possible to the EPA and DPE.</i></p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<p>(e) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note c to Table 3 above);</p> <p>(f) regularly assess the air quality monitoring data, and modify operations on site to ensure compliance with the relevant conditions of this consent, to the satisfaction of the Planning Secretary.</p>		<p>Annual reviews for 2019, 2020 and 2021</p> <p>Monitoring data for 2019, 2020, 2021 and 2022</p>	<p>2022 IEA findings: As discussed in Schedule 3 Condition 11, there have been numerous exceedances of air quality criteria. The majority of these exceedances have been attributed to contamination or regional events. A single exceedance at DG001 was reported in December 2020, which has not occurred since demonstrating that adaptive management has been undertaken.</p> <p>A review of the controls and monitoring program in the AQGGMP found them satisfactory with the requirements of this condition. The site inspection identified that the site produces limited dust, and that measures such as water carts are used on days where rain is not forecast.</p> <p>In regard to spontaneous combustion (clause (b)), there have been no incidents occurring over the reporting period. Controls such as sealing of extracted panels and monitoring of mine gasses occur to mitigate the risk of spontaneous combustion on site.</p>
	<p><b>Air Quality Management Plan</b></p>			
<p>13</p>	<p>13. The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA, and submitted to the Planning Secretary for approval within 6 months of the date of this consent;</p> <p>(b) describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this consent;</p> <p>(c) describe the measures that would be implemented to minimise the release of 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 consent;</li> <li>• evaluates and reports on: <ul style="list-style-type: none"> <li>- the effectiveness of the air quality management system; and</li> <li>- compliance against the air quality operating conditions;</li> </ul> </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> <p>The Applicant must implement the Air Quality Management Plan as approved by the Planning Secretary.</p>	<p>Compliant</p>	<p>Air Quality and Greenhouse Gas Management Plan DRAFT (V2 – dated 21 January 2022</p> <p>Site inspection 12 April 2022</p> <p>Annual reviews for 2019, 2020 and 2021</p> <p>Monitoring data for 2019, 2020, 2021 and 2022</p>	<p><i>2019 IEA Recommendation: Update the Air Quality Management Plan following this audit.</i></p> <p><i>Improve data capture for PM10. Review possibilities of backup power supply.</i></p> <p><i>Ensure issues with data capture are reported in Section 1 and 7 of the Annual Review.</i></p> <p><i>Ensure TEOM is setup with alarms/notifications for when results are approaching or have exceeded the short term criterion for particulate matter. This will ensure exceedances are immediately detected and reported as soon as possible to the EPA and DPE</i></p> <p>2022 IEA Findings: The AQGGMP has been updated in January 2022. The plan adequately describes measures to be implemented on the site to minimise the impact of dust generation and air quality modifiers. These measures are adequately described in Section 3. Greenhouse gas management is adequately described in Section 5.</p> <p>The monitoring program presented in Section 4 reflects the removal of DG005 as requested by Delta Coal due to ongoing contamination issues. The monitoring program also adequately described</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>METEOROLOGICAL MONITORING</b>			
14	<p>14. During the life of the development, the Applicant must 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 Planning Secretary following consultation with the EPA.</p>	Compliant	<p>Air Quality and Greenhouse Gas Management Plan DRAFT (V2 – dated 21 January 2022</p> <p>Noise Management Plan (Rev 2– Dated 12 March 2014)</p>	<p>Delta Coal operate a meteorological station that collects data continually.</p> <p>Whilst not a non-compliance, the AQGGMP does not show the location of the meteorological station.</p>
	<b>SOIL &amp; WATER</b>			
	Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development.	Compliant	Annual reviews for 2019, 2020 and 2021	Annual reviews indicate Water Access Licence 41508/Work Approval 20MW065025 have been obtained for the project
	<b>Water Supply</b>			
15	15. The Applicant must 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 Planning Secretary.	Compliant	Annual reviews for 2019, 2020 and 2021	Annual reviews indicate Water Access Licence 41508/Work Approval 20MW065025 have been obtained for the project
	<b>Water Pollution</b>			
16	16. Unless an EPL authorises otherwise, the Applicant must comply with Section 120 of the POEO Act.	Compliant		There were no pollution events over the reporting period, and therefore Delta Coal complied with Section 120 of the POEO Act.
	<b>Sewage Management</b>			
17	17. The Applicant must manage sewage generated by the development in accordance with the requirements of an EPL.	Non-compliant (Administrative)	<p>Water Management Plan (Rev 5– Dated 24 August 2021)</p> <p>Annual Review for 2019, 2020 and 2021</p>	<p><i>2019 IEA Recommendation: Include additional detail in the Water Management Plan regarding sewage management.</i></p> <p><i>Include an update of sewage system during the audit period in the Annual Review. Ensure servicing is completed and records kept onsite.</i></p> <p>2022 IEA Findings: The wastewater system was viewed during the site audit. The sewage system installation is proposed to be completed by 26 August 2022 as per condition U1.1 and U1.2 of EPL 1770. An update on the progress of this project is included in</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
			Monitoring data for 2019, 2020, 2021 and 2022 Site inspection on 12 April 2022 Servicing records	Section 12.2 of the Annual Review, In regard to the recommendation from the 2019 IEA, additional details have been included in the WMP regarding the wastewater system. The proposed upgrades are not discussed as at the time of audit they have not been constructed. <b>Recommendation 5: Ensure the WMP is updated to reflect the changes to on-site sewage management, which are scheduled to be completed by 26 August 2022.</b> The wastewater system was generally being operated in accordance with this condition and of the conditions of the EPL. However, quarterly servicing regimes were not followed at times during the reporting period, constituting a non-compliance against the condition of the EPL (refer to condition O8.4). Quarterly servicing was missed due to scheduling and contractor delay.
	<b>Water Management Plan</b>			
18	<p>18. The Applicant must prepare a Water Management Plan for the surface facilities sites to the satisfaction of the Planning Secretary. This plan must be prepared in consultation with DPIE Water and EPA, by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary and submitted to the Planning Secretary for approval within 6 months of the date of this consent. This plan must include:</p> <p>(a) a comprehensive water balance for the development 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 transfers from the underground operations to the surface;</li> <li>• water use; and</li> <li>• any water discharges;</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;</li> <li>• measures to manage acid sulphate soils, if encountered;</li> <li>• activities that would involve ground disturbance at the site; and</li> <li>• monitoring and reporting procedures.</li> </ul> <p>(c) a Surface Water Management Plan which:</p> <ul style="list-style-type: none"> <li>• includes baseline data on surface water flows and quality of Swindles Creek;</li> </ul>	Non-compliant (Administrative)	Water Management Plan (Rev 5– Dated 24 August 2021) Site inspection on 12 April 2022	<p><i>2019 IEA Recommendations: Update the water balance or justify why the current water balance is still applicable to the current operations.</i></p> <p><i>Ensure dams and drainage lines are free on silt. Establish a maintenance schedule.</i></p> <p>2022 IEA findings: The WMP includes a Water Balance that adequately fulfils the requirements of clause (a). The Water Balance has been updated since the previous IEA fulfilling the recommendation. Surface water management is described in Section 4 and satisfies the requirements of (b). Inspection and maintenance are described in Section 5.8.</p> <p>The implementation of the plan on site was generally adequate. It is noted that maintenance schedules are currently not established for desilting dams on site. Therefore the recommendation of the previous IEA is still applicable.</p> <p><b>Recommendation 6: Ensure a maintenance schedule is established to ensure dams and drainage lines are free of silt and water storage is maximised.</b></p> <p>In addition, per commentary on Condition 17 Schedule 3 above, the WMP is considered to not be implemented as approved in relation to onsite sewage management and therefore the WMP should be updated to reflect the current practices onsite. This is in line with Recommendation 5 above.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary						
	<ul style="list-style-type: none"> <li>• details surface water impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on surface water resources or surface water quality;</li> <li>• provides a program to monitor:               <ul style="list-style-type: none"> <li>- surface water discharges;</li> <li>- surface water flows and quality; and</li> <li>- channel stability;</li> </ul> </li> <li>(d) a Ground Water Monitoring Program which includes a program to:               <ul style="list-style-type: none"> <li>• monitor and report groundwater inflows to underground workings;</li> <li>• predict, manage and monitor impacts to nearby groundwater bores on privately-owned land that may be impacted by the development; and</li> </ul> </li> <li>(e) a detailed review of surface water management at the site, with particular reference to the water storages within the dirty water management system, to:               <ul style="list-style-type: none"> <li>• determine whether the capacity, integrity, retention time and management of the dirty water storages (particularly the final Pollution Control Dam) are sufficient to ensure that water discharged from the site meets the EPL limits and surface water impact assessment criteria within the Surface Water Management Plan; and</li> <li>• propose any appropriate changes to the surface water management system.</li> </ul> </li> </ul> <p>The Applicant must implement the Water Management Plan as approved by the Planning Secretary.</p> <p>Note: The Planning Secretary may require the Applicant to implement upgrades and other changes identified under paragraph (e), in accordance with condition 3 of Schedule 2.</p>									
	<b>BIODIVERSITY</b>									
	<b>Biodiversity Enhancement Strategy</b>									
19	<p>19. The Applicant must implement a Biodiversity Enhancement Strategy as described in the EIS and summarised in Table 4, in consultation with BCD, and to the satisfaction of the Planning Secretary.</p> <p><i>Table 4: Summary of the Biodiversity Enhancement Strategy</i></p> <table border="1" data-bbox="327 1102 1075 1265"> <thead> <tr> <th data-bbox="327 1102 521 1134">Area</th> <th data-bbox="521 1102 880 1134">Offset Type</th> <th data-bbox="880 1102 1075 1134">Minimum Size/Amount</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 1134 521 1265">Biodiversity Enhancement Area</td> <td data-bbox="521 1134 880 1265">Enhancement and restoration measures, including weed and rubbish removal, return of natural hydrological regime and regeneration with native endemic species.</td> <td data-bbox="880 1134 1075 1265">3 ha (in total) of Swamp Sclerophyll Floodplain Forest and Swamp Oak Floodplain Forest endangered ecological communities within the surface facilities sites</td> </tr> </tbody> </table> <p><i>Note: To identify the Biodiversity Enhancement Area referred to in Table 4 see the applicable figures in Appendix 7.</i></p> <p>The Applicant must implement its preferred option of the three options set out in new dot point 1 of the Terrestrial Ecology section of its Statement of Commitments by 1 December 2016, following consultation with BCD and to the satisfaction of the Planning Secretary.</p>	Area	Offset Type	Minimum Size/Amount	Biodiversity Enhancement Area	Enhancement and restoration measures, including weed and rubbish removal, return of natural hydrological regime and regeneration with native endemic species.	3 ha (in total) of Swamp Sclerophyll Floodplain Forest and Swamp Oak Floodplain Forest endangered ecological communities within the surface facilities sites	Compliant	<p>Biodiversity Management Plan (Rev 5 – Dated 1 December 2019)</p> <p>Annual Review for 2019, 2020 and 2021</p>	<p><i>2019 IEA Recommendations: Include the biodiversity monitoring reports as appendices to the Annual Review.</i></p> <p><i>The current monitoring is provided in a spreadsheet with an email summary. Prepare a small Biodiversity Monitoring Report outlining results, a comparison against trigger levels and potential reasons for changes</i></p> <p>2022 IEA Findings: The Biodiversity Enhancement Strategy is described in section 6 of the Biodiversity Management Plan.</p> <p>The recommendations of the 2019 IEA have been closed out, whereby a standalone annual Biodiversity Report is appended to the Annual Review.</p>
Area	Offset Type	Minimum Size/Amount								
Biodiversity Enhancement Area	Enhancement and restoration measures, including weed and rubbish removal, return of natural hydrological regime and regeneration with native endemic species.	3 ha (in total) of Swamp Sclerophyll Floodplain Forest and Swamp Oak Floodplain Forest endangered ecological communities within the surface facilities sites								

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>Biodiversity Management Plan</b>			
20	<p>20. The Applicant must prepare a Biodiversity Management Plan for the surface facilities sites, for all areas that are not, or will not, be subject to condition 7 of schedule 4, to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified person approved by the Planning Secretary; in consultation with BCD, and submitted to the Planning Secretary within 6 months of the date of this consent;</p> <p>(b) establish baseline data for the existing habitat in the Biodiversity Enhancement Area and elsewhere 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 the impacts of clearing vegetation;</li> <li>• manage the remnant vegetation and habitat in the Biodiversity Enhancement Area and elsewhere on the site; and</li> <li>• implement the Biodiversity Enhancement 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 the detailed performance and completion criteria;</p> <p>(e) identify the potential risks to the successful implementation of the Biodiversity Enhancement 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> <p>The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.</p>	Compliant	<p>Biodiversity Management Plan (Rev 5 – Dated 1 December 2019)</p> <p>Annual Review for 2019, 2020 and 2021</p>	<p><i>2019 IEA Recommendations: Include the biodiversity monitoring reports as appendices to the Annual Review.</i></p> <p><i>The current monitoring is provided in a spreadsheet with an email summary. Prepare a small report outlining results, a comparison against trigger levels and potential reasons for changes.</i></p> <p><i>Prepare a separate section with short, medium and long-term measures in the Biodiversity Management Plan.</i></p> <p>2022 IEA Findings: As discussed in Schedule 3 Condition 19, the recommendations of the 2019 IEA to include a Biodiversity Monitoring Report in the Annual Reviews have been closed out.</p> <p>The BMP was prepared by a suitably qualified person. The BMP was submitted to the EPA, BCD and DPIE on 1 December for review and comment. There is no record of response from agencies to the BMP.</p> <p>Baseline data is adequately described in section 3.2, satisfying the requirements of clause (b)</p> <p>Short-, medium- and long-term measures are described adequate within the report.</p> <p>The biodiversity monitoring program is described in Section 11 and is consistent with clause (d). The main risks to implementation are described in Table 3, with appropriate corrective actions provided that fulfil the requirements of (e). Roles and responsibilities for implementation are described in Section 17 consistent with clause (f).</p>
20A	<p>20A. Within 3 months of the approval of MOD 2, the Applicant must revise the Biodiversity Management Plan to incorporate the measures required to implement its commitments described in new dot point 2 of the Terrestrial Ecology section of its Statement of Commitments, and submit it to the Planning Secretary for approval.</p>	Not triggered		<p>Conduct of the audit indicates this condition has not been triggered.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>HERITAGE</b>			
	<b>Protection of Aboriginal Heritage</b>			
21	21. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item located outside the approved disturbance area, beyond those predicted in the documents listed in condition 2(e) of Schedule 2.	Compliant	Heritage Management Plan (Rev 4 – Dated 6 November 2020)  Annual Review for 2019, 2020 and 2021	During the 2020 reporting period 2 previously unidentified Aboriginal Heritage Sites were disturbed during the demolition of former mine cottages. Incident report was submitted to DPIE-compliance, BCD, the EPA and to Registered Aboriginal Parties (RAPs) on 22 October 2020.  An independent heritage consultant inspected the site to provide further management recommendations. The sites were added to the AHIMS register as CV002 (AHIMS Site ID 45-7-0412) and CV003 (45-7-0413). Access to sites CV002 and CV003 is prevented by locked gates, and the sites were fenced off to prevent any further accidental damage.
	<b>Heritage Management Plan</b>			
21A	21A. The Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This Plan must:  (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;  (b) be prepared in consultation with BCD and Registered Aboriginal Parties;  (c) include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site;  (d) describe the procedures and management measures to be implemented on the site or within any offset area to:  i. ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;  ii. protect, monitor and manage identified non-Aboriginal heritage, Aboriginal objects and Aboriginal places (including any proposed archaeological investigations of potential subsurface objects and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition 2(e) of Schedule 2 and including the ongoing monitoring of site 45-7-0189 at Summerland Point;  iii. protect non-Aboriginal heritage, Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;  iv. manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;  v. maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and	Compliant	Heritage Management Plan (Rev 4 – Dated 6 November 2020)	<i>2019 IEA Recommendations: Update the Heritage Management Plan, including the removal of Site #45-7-0154.</i>  2022 IEA Findings:  Section 1.5 outlines the consultation completed in the preparation of the plan, which is satisfactory of clause (b).  The Aboriginal cultural context is adequately described in Section 3. Section 8.1 of the HMP details that the plan should be reviewed, and if necessary, updated if an incident report has been submitted. As discussed in Schedule 3 Condition 21, an incident report was submitted to DPIE during 2020 as an unexpected find occurred. In addition, the HMP was revised to cover these additional sites and was approved as part of the Extraction Plan for Miniwall S5 and NPA Extraction Plan on 6 April 2021.  Non-Aboriginal cultural context is described in Section 4 satisfying the requirements of clause c.  Management measures for Aboriginal Heritage are described in Section 5.1. non-Aboriginal heritage is described in Section 5.2. Both sections are compliant with clause (d).  Management of Aboriginal item salvage is described in Section 5.1.3 and is compliant with the requirements of this condition.

Condition	Details	Compliance status	Relevant evidence	Commentary
	vi. facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and (e) include a strategy for the care, control and storage of Aboriginal objects salvaged on site, both during the life of the development and in the long term. The Applicant must implement the Heritage Management Plan approved by the Planning Secretary.			
	<b>VISUAL</b>			
	<b>Visual Amenity and Lighting</b>			
22	22. The Applicant must: (a) minimise visual impacts, and particularly the off-site lighting impacts, of the Surface facilities sites; (b) take all reasonable and feasible measures to further mitigate off-site lighting impacts from the development; and . (c) ensure that all external lighting associated on site complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting, to the satisfaction of the Planning Secretary.	Compliant	Chain Valley and Mannering Lighting Survey (July 2019)	2019 IEA Recommendations: Complete a visual and lighting assessment against the Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting.  2022 IEA findings: Delta Coal undertook a lighting survey to assess the sites compliance with this condition and Australian Standards. The survey found that the development is being carried out in compliance with this condition.  This survey closed out the recommendation from the previous IEA.
	<b>WASTE</b>			
23	23. The Applicant must: (a) minimise and monitor the waste generated by the development; (b) ensure that the waste generated by the development is appropriately stored, handled and disposed of and (c) report on waste management and minimisation in the Annual Review, to the satisfaction of the Planning Secretary.	Non-compliant (low)	Annual Review for 2019, 2020 and 2021  Waste tracking register  Site inspection conducted 12 April 2022	A review of the Waste Tracking register found that waste was being adequately tracked as per clause (a). Waste management is reported in section 3.6 in the Annual Reviews as per clause (c)  Waste systems were viewed on site during the site inspection. There were adequate, clearly marked receptacles placed around the site for waste, however it was noticed that staff were not segregating waste appropriately. This therefore constitutes a non-compliance with clause (b).

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>BUSHFIRE MANAGEMENT</b>			
24	<p>24. The Applicant must:</p> <p>(a) ensure that the development is suitably equipped to respond to any fires on site; and</p> <p>(b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the vicinity of the Surface facilities sites.</p>	Compliant	<p>Site interviews conducted 12 April 2022</p> <p>Site inspection conducted 12 April 2022</p> <p>STD 00110 – Standards Template – Fire Water Reticulation and Bushfire Fighting (Rev 1) – Dated 23 April 2018</p>	<p>STD 00110 – Standards Template – Fire Water Reticulation and Bushfire Fighting (Rev 1) outlines the procedure for bushfire fighting and water reticulation for the site.</p> <p>It was noted during audit interviews the Land Management Plan (combined with Mannering) has been revised and will be submitted to RFS soon for comment/information.</p>
	<b>REHABILITATION</b>			
	<b>Rehabilitation Objectives</b>			
25	<p>25. The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS, and comply with the objectives in Table 5.</p>	Compliant	<p>Mining Operations Plan Amendment 1 – Rehabilitation Management Plan 2021-2023 (Dated 23 February 2021)</p> <p>Mining Operations Plan Rehabilitation Management Plan 2020-2023 (Dated 10 June 2020)</p> <p>Mining Operations Plan Amendment 1 –</p>	<p>Minor rehabilitation works have been undertaken though the demolition of former mine cottages in Mining Domain 1A has occurred over the reporting period. Land is being returned to open grasslands.</p> <p>Rehabilitation has been undertaken in compliance with the approved MOP.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary														
	<p><i>Table 5: Rehabilitation Objectives</i></p> <table border="1"> <thead> <tr> <th data-bbox="344 252 584 272">Feature</th> <th data-bbox="584 252 1079 272">Objective</th> </tr> </thead> <tbody> <tr> <td data-bbox="344 272 584 308">Mine site (as a whole)</td> <td data-bbox="584 272 1079 308"> <ul style="list-style-type: none"> <li>• Safe, stable and non-polluting.</li> <li>• Final land use compatible with surrounding land uses.</li> </ul> </td> </tr> <tr> <td data-bbox="344 308 584 343">Surface infrastructure</td> <td data-bbox="584 308 1079 343"> <ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless the RR agrees otherwise.</li> </ul> </td> </tr> <tr> <td data-bbox="344 343 584 403">Portals and ventilation shafts</td> <td data-bbox="584 343 1079 403"> <ul style="list-style-type: none"> <li>• To be decommissioned and made safe and stable.</li> <li>• Retain habitat for threatened species (eg bats), where practicable.</li> </ul> </td> </tr> <tr> <td data-bbox="344 403 584 493">Other land affected by the development</td> <td data-bbox="584 403 1079 493"> <ul style="list-style-type: none"> <li>• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of:               <ul style="list-style-type: none"> <li>- local native plant species (unless the RR agrees otherwise); and</li> <li>- a landform consistent with the surrounding environment.</li> </ul> </li> </ul> </td> </tr> <tr> <td data-bbox="344 493 584 569">Built features damaged by mining operations</td> <td data-bbox="584 493 1079 569"> <ul style="list-style-type: none"> <li>• Repair to pre-mining condition or equivalent unless:               <ul style="list-style-type: none"> <li>- the owner agrees otherwise; or</li> <li>- the damage is fully restored, repaired or compensated under the <i>Coal Mine Subsidence Compensation Act 2017</i>.</li> </ul> </li> </ul> </td> </tr> <tr> <td data-bbox="344 569 584 624">Community</td> <td data-bbox="584 569 1079 624"> <ul style="list-style-type: none"> <li>• Ensure public safety.</li> <li>• Minimise the adverse socio-economic effects associated with mine closure.</li> </ul> </td> </tr> </tbody> </table> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <li>• These rehabilitation objectives apply to all subsidence impacts and environmental consequences caused by underground mining taking place after the granting of project approval MP 10_0161, and to all development surface infrastructure that is part of the development, whether constructed prior to or following the date of this consent.</li> <li>• Rehabilitation of subsidence impacts and environmental consequences caused by mining which took place prior to the date of project approval (MP 10_0161) may be subject to the requirements of other approvals (eg under a mining lease or a Subsidence Management Plan approval).</li> </ul>	Feature	Objective	Mine site (as a whole)	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting.</li> <li>• Final land use compatible with surrounding land uses.</li> </ul>	Surface infrastructure	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless the RR agrees otherwise.</li> </ul>	Portals and ventilation shafts	<ul style="list-style-type: none"> <li>• To be decommissioned and made safe and stable.</li> <li>• Retain habitat for threatened species (eg bats), where practicable.</li> </ul>	Other land affected by the development	<ul style="list-style-type: none"> <li>• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of:               <ul style="list-style-type: none"> <li>- local native plant species (unless the RR agrees otherwise); and</li> <li>- a landform consistent with the surrounding environment.</li> </ul> </li> </ul>	Built features damaged by mining operations	<ul style="list-style-type: none"> <li>• Repair to pre-mining condition or equivalent unless:               <ul style="list-style-type: none"> <li>- the owner agrees otherwise; or</li> <li>- the damage is fully restored, repaired or compensated under the <i>Coal Mine Subsidence Compensation Act 2017</i>.</li> </ul> </li> </ul>	Community	<ul style="list-style-type: none"> <li>• Ensure public safety.</li> <li>• Minimise the adverse socio-economic effects associated with mine closure.</li> </ul>		<p>Rehabilitation Management Plan 2018 - 2020 (23 December 2019)</p> <p>Annual Review for 2019, 2020 and 2021</p>	
Feature	Objective																	
Mine site (as a whole)	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting.</li> <li>• Final land use compatible with surrounding land uses.</li> </ul>																	
Surface infrastructure	<ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless the RR agrees otherwise.</li> </ul>																	
Portals and ventilation shafts	<ul style="list-style-type: none"> <li>• To be decommissioned and made safe and stable.</li> <li>• Retain habitat for threatened species (eg bats), where practicable.</li> </ul>																	
Other land affected by the development	<ul style="list-style-type: none"> <li>• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of:               <ul style="list-style-type: none"> <li>- local native plant species (unless the RR agrees otherwise); and</li> <li>- a landform consistent with the surrounding environment.</li> </ul> </li> </ul>																	
Built features damaged by mining operations	<ul style="list-style-type: none"> <li>• Repair to pre-mining condition or equivalent unless:               <ul style="list-style-type: none"> <li>- the owner agrees otherwise; or</li> <li>- the damage is fully restored, repaired or compensated under the <i>Coal Mine Subsidence Compensation Act 2017</i>.</li> </ul> </li> </ul>																	
Community	<ul style="list-style-type: none"> <li>• Ensure public safety.</li> <li>• Minimise the adverse socio-economic effects associated with mine closure.</li> </ul>																	
	<b>Progressive Rehabilitation</b>																	
26	26. The Applicant must carry out the rehabilitation of the site progressively, that is, as soon as reasonably practicable following disturbance.	Compliant	<p>Mining Operations Plan Amendment 1 – Rehabilitation Management Plan 2021-2023 (Dated 23 February 2021)</p> <p>Mining Operations Plan Rehabilitation Management Plan 2020-2023 (Dated 10 June 2020)</p> <p>Mining Operations Plan Amendment 1</p>	<p>The former mine cottages in Mining Domain 1A are being progressively rehabilitation in accordance with the approved MOP. This area is currently being rehabilitated to open grassland.</p>														

Condition	Details	Compliance status	Relevant evidence	Commentary
			– Rehabilitation Management Plan 2018 - 2020 (23 December 2019)	
	<b>Rehabilitation Management Plan</b>			
27	<p>27. The Applicant must prepare a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. This plan must:</p> <p>(a) be prepared in consultation with BCD, DPIE Water, CC Council, LMCC and the CCC;</p> <p>(b) be submitted to the RR within 12 months of the date of approval of this development consent;</p> <p>(c) be prepared in accordance with any relevant RR guideline and be consistent with the rehabilitation objectives in the EIS and in Table 5;</p> <p>(d) describe how the performance of the rehabilitation would be monitored and assessed against the objectives in Table 5;</p> <p>(e) describe the process whereby additional measures would be identified and implemented to ensure the rehabilitation objectives are achieved;</p> <p>(f) 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>(g) be integrated with the other management plans required under this consent.</p> <p>Note: The Rehabilitation Management Plan should address all land impacted by the development whether prior to, or following, the date of this consent.</p>	Compliant	Rehabilitation Management Plan (Rev 5 – Dated 10 March 2020)	<p><i>2019 IEA Recommendations: Ensure a copy of the approved Rehabilitation Management Plan is put on the website</i></p> <p><b>2022 IEA Findings:</b> The RMP was updated in 2020 following the 2019 IEA. The RMP is available on the project website, therefore closing out the 2019 IEA Recommendation.</p> <p>Consultation with relevant parties is detailed in Section 1.4 and included in Appendix 1. This is compliant with clause (a)</p> <p>Clause (b) is not applicable as the scope of the audit.</p> <p>In regard to clause (d), (e) and (f), the RMP does not contain extensive details about closure, rehabilitation monitoring and adaptive measures due to the site still being operational over the course of the reporting period, and being an underground mine there is no rehabilitation that can be completed except that required due to subsidence.</p> <p>Integration with other management plans is discussed in Section 4.5.</p> <p><b>Recommendation 8: Ensure the RMP required by SSD-5465 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>
	<b>EXPLORATION ACTIVITIES AND SURFACE INFRASTRUCTURE</b>			
	<b>Exploration Activities and Minor Surface Infrastructure Management Plan</b>			
28	<p>28. Prior to carrying out exploration activities on the site under this consent that would cause temporary surface disturbance, or exploration activities within the waters or lake bed of Lake Macquarie, or the construction and/or upgrade of minor surface infrastructure on the site, the Applicant must prepare an Exploration Activities and Minor Surface Infrastructure Management Plan for the development to the satisfaction of the Planning Secretary. This Plan must:</p> <p>(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be prepared in consultation with MEG, NSW Maritime Division of TfNSW, NSW Fisheries and BCD;</p>	Not triggered		No physical exploration has occurred over the reporting period. This condition is not triggered.

Condition	Details	Compliance status	Relevant evidence	Commentary
	<p>(c) include a description of the measures to be implemented for:</p> <ul style="list-style-type: none"> <li>i. managing exploration activities;</li> <li>ii. managing construction and operation of minor surface infrastructure and associated access tracks;</li> <li>iii. consulting with and if necessary compensating affected landowners;</li> <li>iv. assessing noise, air quality, traffic, biodiversity, heritage, public safety and other impacts;</li> <li>v. beneficial re-use or flaring of drained hydrocarbon gases, wherever practicable;</li> <li>vi. avoiding significant impacts and minimisation of impacts generally;</li> <li>vii. avoiding or minimising impacts on threatened species, populations or their habitats and EECs;</li> <li>viii. minimising clearance and disturbance of native vegetation (including seagrasses);</li> <li>ix. minimising and managing erosion and sedimentation; and</li> <li>x. rehabilitating disturbed areas.</li> </ul> <p>The Applicant must implement the Exploration Activities and Minor Surface Infrastructure Management Plan as approved by the Planning Secretary.</p>			
	<p><b>SCHEDULE 4</b> <b>ENVIRONMENTAL CONDITIONS – UNDERGROUND MINING</b></p>			
	<p><b>SUBSIDENCE</b></p>			
<p><b>1</b></p>	<p>1. The Applicant must ensure that vertical subsidence within the High Water Mark Subsidence Barrier and within seagrass beds is limited to a maximum of 20 millimetres (mm). If at any stage predicted subsidence levels are exceeded within these areas, an ecological monitoring program shall be initiated to assess the impacts to ecological communities and threatened species and if appropriate, offsets are to be provided for any impacts detected.</p>	<p>Compliant</p>	<p>Annual Review for 2019, 2020 and 2021 Subsidence Monitoring Program (Dated 20 November 2020)</p>	<p><i>2019 Audit Recommendations: See Section 5.2 of the 2019 IEA Report for Subsidence Recommendations.</i></p> <p>Subsidence reporting is presented in section 6.13 of the Annual Review and in Appendix 8. A review of the data presented found that subsidence impacts remained in compliance with the requirements of this condition.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary														
	<b>Performance Measures – Natural Environment</b>																	
2	<p>2. The Applicant must ensure that the development does not cause any exceedance of the performance measures in Table 6 to the satisfaction of the Planning Secretary.</p> <p><i>Table 6: Subsidence Impact Performance Measures – Natural and Heritage Features</i></p> <table border="1"> <thead> <tr> <th colspan="2"><b>Biodiversity</b></th> </tr> </thead> <tbody> <tr> <td>Threatened species or endangered populations</td> <td>Negligible environmental consequences</td> </tr> <tr> <td>Seagrass beds</td> <td>Negligible environmental consequences including: <ul style="list-style-type: none"> <li>• negligible change in the size and distribution of seagrass beds;</li> <li>• negligible change in the functioning of seagrass beds; and</li> <li>• negligible change to the composition or distribution of seagrass species within seagrass beds.</li> </ul> </td> </tr> <tr> <td>Benthic communities</td> <td>Minor environmental consequences, including minor changes to species composition and/or distribution.</td> </tr> <tr> <th colspan="2"><b>Mine workings</b></th> </tr> <tr> <td>First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible environmental consequences</td> <td>To remain long-term stable and non-subsiding.</td> </tr> <tr> <td>Second workings</td> <td>To be carried out only in accordance with an approved Extraction Plan.</td> </tr> </tbody> </table> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <li>• The Applicant 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 consent (see Condition 7 below).</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 Planning Secretary will be the final arbiter.</li> <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 this consent.</li> </ul>	<b>Biodiversity</b>		Threatened species or endangered populations	Negligible environmental consequences	Seagrass beds	Negligible environmental consequences including: <ul style="list-style-type: none"> <li>• negligible change in the size and distribution of seagrass beds;</li> <li>• negligible change in the functioning of seagrass beds; and</li> <li>• negligible change to the composition or distribution of seagrass species within seagrass beds.</li> </ul>	Benthic communities	Minor environmental consequences, including minor changes to species composition and/or distribution.	<b>Mine workings</b>		First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible environmental consequences	To remain long-term stable and non-subsiding.	Second workings	To be carried out only in accordance with an approved Extraction Plan.	Compliant	<p>Annual Review for 2019, 2020 and 2021</p> <p>Benthic Communities monitoring report 2021</p> <p>Seagrass monitoring reports for 2019, 2020 and 2021</p> <p>Subsidence Monitoring Program (Dated 20 November 2020)</p>	<p><i>2019 Audit Recommendations: See Section 5.2 of the 2019 IEA Report for Subsidence Recommendations.</i></p> <p>A review of Annual Reviews and Seagrass, Benthic and the Annual Subsidence Reports are that the criteria in Table 6 has not been exceeded in the reporting period.</p>
<b>Biodiversity</b>																		
Threatened species or endangered populations	Negligible environmental consequences																	
Seagrass beds	Negligible environmental consequences including: <ul style="list-style-type: none"> <li>• negligible change in the size and distribution of seagrass beds;</li> <li>• negligible change in the functioning of seagrass beds; and</li> <li>• negligible change to the composition or distribution of seagrass species within seagrass beds.</li> </ul>																	
Benthic communities	Minor environmental consequences, including minor changes to species composition and/or distribution.																	
<b>Mine workings</b>																		
First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible environmental consequences	To remain long-term stable and non-subsiding.																	
Second workings	To be carried out only in accordance with an approved Extraction Plan.																	
	<b>Offsets</b>																	
3	<p>3. If the Applicant exceeds the performance measures in Table 6 and the Planning Secretary determines that:</p> <p>(a) it is not reasonable or feasible to remediate the impact or environmental consequence; or</p> <p>(b) the remediation measures implemented by the Applicant have failed to satisfactorily remediate the impact or environmental consequence;</p> <p>then the Applicant must provide a suitable offset to compensate for the impact or environmental consequence to the satisfaction of the Planning Secretary.</p> <p>Note: Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence.</p>	Not triggered	<p>Annual Review for 2019, 2020 and 2021</p>	<p><i>2019 Audit Recommendations: See Section 5.2 of the 2019 IEA Report for Subsidence Recommendations.</i></p> <p>2022 IEA Findings: As subsidence monitoring did not exceed criteria presented in Table 6, this condition is not triggered.</p>														

Condition	Details	Compliance status	Relevant evidence	Commentary								
	<b>Performance Measures – Built Features</b>											
4	<p>4. The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 7, to the satisfaction of the Planning Secretary.</p> <p><i>Table 7: Subsidence Impact Performance Measures – Built Features</i></p> <table border="1"> <thead> <tr> <th>Built Features</th> <th>Performance Measure</th> </tr> </thead> <tbody> <tr> <td>Trinity Point Marina Development Other built features</td> <td> <ul style="list-style-type: none"> <li>Always safe.</li> <li>Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated.</li> <li>Damage must be fully repaired, replaced or fully compensated.</li> </ul> </td> </tr> <tr> <th colspan="2">Public Safety</th> </tr> <tr> <td>Public Safety.</td> <td>Negligible additional risk.</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> <li>The Applicant will be required to define more detailed performance indicators for each of these performance measures in Built Features Management Plans or a Public Safety Management Plan (see Condition 7 below).</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 Planning Secretary 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 development consent.</li> <li>Requirements regarding safety or serviceability do not preclude preventative actions or mitigation being taken prior to or during mining in order to achieve or maintain these outcomes.</li> <li>Requirements under this condition may be met by measures undertaken in accordance with the Coal Mine Subsidence Compensation Act 2017.</li> </ul>	Built Features	Performance Measure	Trinity Point Marina Development Other built features	<ul style="list-style-type: none"> <li>Always safe.</li> <li>Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated.</li> <li>Damage must be fully repaired, replaced or fully compensated.</li> </ul>	Public Safety		Public Safety.	Negligible additional risk.	Compliant	Annual Review for 2019, 2020 and 2021	<p><i>2019 Audit Recommendations: See Section 5.2 of the 2019 IEA Report for Subsidence Recommendations.</i></p> <p>Review of relevant documentation indicates compliance with the requirements of this condition.</p>
Built Features	Performance Measure											
Trinity Point Marina Development Other built features	<ul style="list-style-type: none"> <li>Always safe.</li> <li>Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated.</li> <li>Damage must be fully repaired, replaced or fully compensated.</li> </ul>											
Public Safety												
Public Safety.	Negligible additional risk.											
5	<p>5. Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the subsidence performance measures in Table 7 is to be settled by the Planning Secretary, following consultation with the SA NSW and MEG. Any decision by the Planning Secretary shall be final and not subject to further dispute resolution under this consent.</p>	Not triggered		No disputes of this nature have occurred over the reporting period and therefore this condition remains not triggered.								

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>Multi-Seam Mining Feasibility Investigation</b>			
6	<p>6. Prior to the submission of an Extraction Plan related to the Chain Valley Bay mining area as shown in Appendix 3, the Applicant must prepare a detailed Multi-Seam Mining Feasibility Investigation to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared in consultation with MEG by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) assess the extent of the soft claystone floor/roof conditions within former workings in the Great Northern and Wallarah Seams;</p> <p>(c) assess the stability of remnant coal pillars within former workings in the Great Northern and Wallarah Seams;</p> <p>(d) give particular consideration to the risks of irregular subsidence, pillar run and long-term subsidence leading to subsidence outside of the predicted angle of draw;</p> <p>(e) include revised multi-seam subsidence predictions for the proposed second workings; and</p> <p>(f) recommend final design of the second workings and any necessary adaptive management measures.</p>	Not triggered	Annual Review for 2019, 2020 and 2021	Mining in the Chain Valley Bay area has not recommenced, and therefore the requirement to undertake the Multi-Seam Mining Feasibility Investigation has not been triggered.
	<b>Extraction Plan</b>			
7	<p>7. The Applicant must prepare an Extraction Plan for all second workings on site, to the satisfaction of the Planning Secretary. Each Extraction Plan must:</p> <p>(a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be approved by the Planning Secretary before the Applicant carries out any 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, including any applicable adaptive management measures;</p> <p>(d) include detailed performance indicators for each of the performance measures in Tables 6 and 7;</p> <p>(e) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this consent;</p> <p>(f) describe the measures that would be implemented to ensure compliance with the performance measures in Tables 6 and 7, and manage or remediate any impacts and/or environmental consequences;</p> <p>(g) include a Built Features Management Plan, which has been prepared in consultation with RR and the owners of affected public infrastructure, to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings, and which</p>	Compliant	<p>Miniwall S5 and Northern Pillar Area Extraction Plan (Rev 1.2 – Dated 10 March 2020)</p> <p>Benthic Communities Management Plan (Rev 5 – 6 April 2021)</p> <p>Seagrass Management Plan (Rev 8 – Dated 6 April 2021)</p> <p>Subsidence Monitoring Program (Dated 20 November 2020)</p>	<p>The Miniwall S5 and Northern Pillar Area Extraction Plan (Extraction Plan) was prepared in 2020. Compliance against the requirements of this condition are detailed below:</p> <p>a) A letter of approval of plan authors was received from DPIE on 22 October 2020. This is included in Appendix 16</p> <p>b) Approval of the plan was granted on 6 April 2021. This approval letter is included in Appendix 16</p> <p>c) Existing and proposed first and second workings are shown on the plans in Appendix 14</p> <p>d) Performance measures and requirements of this consent are outlined in Section 3.3</p> <p>e) Subsidence predictions are described in Section 3.2</p> <p>f) Section 3.4 outlines general measures that Delta Coal will take to manage environmental impact. Section 4 lists related plans that would also form part of the management framework. There is no discussion on how these will be implemented to directly relate to Tables 6 and 7 in this consent.</p> <p>g) A review of the Built Features Management plan found it to be generally compliant with the requirements of this condition.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> <li>• addresses in appropriate detail all items of public infrastructure and all classes of 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> </ul> <p>(h) include a Benthic Communities Management Plan, which has been prepared in consultation with BCD, LMCC, and DPI Fisheries, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on benthic communities, and which includes:</p> <ul style="list-style-type: none"> <li>• surveys of the lake bed to enable contours to be produced and changes in depth following subsidence to be accurately measured;</li> <li>• benthic species surveys within the area subject to second workings, as well as control sites outside the area subject to second workings (at similar depths) to establish baseline data on species number and composition within the communities;</li> <li>• a program of ongoing seasonal monitoring of benthic species in both control and impact sites;</li> <li>• development of a model to predict likely impact of increased depth and associated subsidence impacts and effects, including but not limited to light reduction and sediment disturbance, on benthic species number and benthic communities composition, incorporating the monitoring and survey data collected; and</li> <li>• updating the model every 2 years using the most recent monitoring and survey data;</li> </ul> <p>(i) include a Seagrass Management Plan, which has been prepared in consultation with BCD, LMCC, and DPI Fisheries, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on seagrass beds, and which includes:</p> <ul style="list-style-type: none"> <li>• a program of ongoing monitoring of seagrasses in both control and impact sites; and</li> <li>• a program to predict and manage subsidence impacts and environmental consequences to seagrass beds to ensure the performance measures in Table 6 are met;</li> </ul> <p>(j) include a Public Safety Management Plan, which has been prepared in consultation with RR, to ensure public safety;</p> <p>(k) include a Subsidence Monitoring Program which has been prepared in consultation with RR, to:</p> <ul style="list-style-type: none"> <li>• provide data to assist with the management of the risks associated with subsidence;</li> <li>• validates the subsidence predictions;</li> </ul>		<p>Built Features Management Plan (Rev 0 – Dated 6 April 2021)</p> <p>Public Safety Management Plan (Dated 19 March 2021)</p>	<p>h) A review of the Benthic Communities Management Plan against the requirements of the requirements of this condition found that its satisfactory.</p> <p>i) A review of the Seagrass Management Plan against the requirements of the requirements of this condition found that its satisfactory.</p> <p>j) The Public Management Plan was prepared with RR (as well as other parties) to ensure public safety. Evidence of consultation is provided in the plan.</p> <p>k) The subsidence monitoring program is compliant with the requirement of this condition.</p> <p>l) The contingency plan is located in the form of Trigger Action Response Plans in Appendix 4 of the Extraction Plan.</p> <p>m) Rehabilitation Management Plan is included in Appendix</p> <p>n) Subsidence monitoring is discussed in Section 5.2 and Appendix 13 of the Extraction Plan. Plans appended contain monitoring criteria for assessment that would feed into future extraction plans.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> <li>• analyses 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>• informs the contingency plan and adaptive management process;</li> </ul> (l) 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 6 and 7, or where any such exceedance appears likely; (m) include appropriate revisions to the Rehabilitation Management Plan required under Condition 27 of Schedule 3; and (n) include a program to collect sufficient baseline data for future Extraction Plans. The Applicant must implement the Extraction Plan as approved by the Planning Secretary.			
8	8. The Applicant must ensure that the management plans required under conditions 7(g)-(j) above include: (a) an assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this consent; and (b) a detailed description of the measures that would be implemented to remediate predicted impacts.	Compliant	Benthic Communities Management Plan (Rev 5 – 6 April 2021) Seagrass Management Plan (Rev 8 – Dated 6 April 2021) Subsidence Monitoring Program (Dated 20 November 2020) Built Features Management Plan (Rev 0 – Dated 6 April 2021) Public Safety Management Plan (Dated 19 March 2021)	A review of the plans required under condition 7(g)-(j) found that they were revised to include the potential environmental consequences of the action plan. Measures for the relevant environmental factors are adequately proposed.

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>First Workings</b>			
9	<p>9. The Applicant may carry out first workings within Subsidence Zones A and B as shown in Appendix 3, other than in accordance with an approved Extraction Plan, provided that the first workings are designed to remain stable and non-subsiding in the long-term and do not generate more than 20 mm of vertical subsidence at the surface, except insofar as they may be impacted by approved second workings.</p> <p>Note: The intent of this condition is to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long-term stability, with negligible direct subsidence impacts.</p>	Compliant	2021 Annual Subsidence Review	First have been undertaken in Zone B over the reporting period. The workings were made in compliance with the requirements of this condition.
9A	9A. Within 3 months of the approval of MOD 1, the Applicant must produce and subsequently implement a Built Features Management Plan that considers surface infrastructure potentially affected by the first workings of the Underground Linkage between Chain Valley Colliery and Mannering Colliery, including WCS's MP01 sewer rising main, TransGrid's electricity transmission assets and infrastructure associated with the Vales Point Power Station, to the satisfaction of the Planning Secretary.	Not triggered		Not triggered – outside of audit period
	<b>Payment of Reasonable Costs</b>			
10	10. The Applicant must pay all reasonable costs incurred by the Department to engage suitably qualified, experienced and independent experts to review the adequacy of any aspect of an Extraction Plan.	Not triggered		DPE have not required Delta Coal to engage an independent expert to review the adequacy of the Extraction Plan. This condition is not triggered.
	<b>SCHEDULE 5 ADDITIONAL PROCEDURES</b>			
	<b>NOTIFICATION OF LANDOWNERS</b>			
1	<p>1. As soon as practicable after obtaining monitoring results showing:</p> <p>(a) an exceedance of any relevant criteria in Schedule 3, the Applicant must notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria; and</p> <p>(b) an exceedance of any relevant air quality criteria in Schedule 3, the Applicant must send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (NSW Health, 2017) (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).</p>	Compliant	Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022)	<p><i>2019 IEA Recommendations: Define who are potentially 'affected landowners' in the Air Quality Management Plan?</i></p> <p><i>Affected landowners should be contacted when there is a non-compliance relating to dust or noise. This should be completed even if it is a regional dust event as Delta Coal—are still recording it as a non-compliance in the Annual Review.</i></p> <p>2022 IEA findings: In response to the recommendations of the previous IEA, the updated AQMP adequately defines 'potentially affected landowners' in Section 6.3</p> <p>The auditor disagrees with the 2019 recommendation to contact landowners affected by regional dust events. Regardless of how it is reported in Annual Reviews, Schedule 3, Condition 11 of SSD-5465 specifically notes that exceedances at any residence on privately-owned land do not apply in relation to extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary of DPE.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>INDEPENDENT REVIEW</b>			
2	<p>2. If an owner of privately-owned land considers the development to be exceeding the relevant criteria in Schedule 3, then he/she may ask the Planning Secretary in writing for an independent review of the impacts of the development on his/her land.</p> <p>If the Planning Secretary is satisfied that an independent review is warranted, then within 2 months of the Planning Secretary's decision the Applicant must:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:</p> <ul style="list-style-type: none"> <li>• consult with the landowner to determine his/her concerns;</li> <li>• conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 3; and</li> <li>• if the development is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and</li> </ul> <p>(b) give the Planning Secretary and landowner a copy of the independent review.</p>	Not triggered		A request of this nature has not been received over the reporting period. This condition remains not triggered
	<b>SCHEDULE 6 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b>			
	<b>ENVIRONMENTAL MANAGEMENT Environmental Management Strategy</b>			
1	<p>1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:</p> <p>(a) provide the strategic framework for environmental management of the development;</p> <p>(b) identify the statutory approvals that apply to the development;</p> <p>(c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</p> <p>(d) set out the procedures to be implemented to:</p> <ul style="list-style-type: none"> <li>• keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>• receive record, handle and respond to complaints;</li> <li>• resolve any disputes that may arise during the course of the development;</li> <li>• respond to any non-compliance and any incident;</li> <li>• respond to emergencies; and</li> </ul> <p>(e) include:</p> <ul style="list-style-type: none"> <li>• references to any strategies, plans and programs approved under the conditions of this consent; and</li> <li>• a clear plan depicting all the monitoring to be carried out under the conditions of this consent.</li> </ul>	Compliant	Environmental Management Strategy – Chain Valley Colliery and Mannering Colliery (Rev 1 – Dated 16 March 2021)	<p><i>2019 IEA Recommendations: Prepare a cross referencing table outlining where sub conditions have been covered.</i></p> <p><i>Ensure plans are reviewed as per Schedule 6 Condition 5.</i></p> <p><i>Include Schedule 5 Condition 2 requirement in the EMS to notify landowner's of exceedances 'as soon as practical'. Define a time period for as soon as practical.</i></p> <p>2022 Findings: The EMS document provides an overview of the strategic framework and statutory approvals for the development in Appendix 3 and 4. The Environmental policy is provided in Appendix 1. The roles and responsibilities for implementation are outlined in Section 3.10.</p> <p>Community communication is adequately discussed in Section 4. Emergency response is described in Section 5.2 and 5.3. Non-compliance and incident response is adequately described in Section 5.4.</p> <p>The EMS adequately outlines the Environmental Management Plans required under this consent in Section 3.1. Monitoring requirements briefly covered in Appendix 7.</p> <p>In regard to the recommendations of the previous audit, cross referencing tables are provided in Appendix 3 and Appendix 4.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.			The EMS has been reviewed within the reporting period and is compliant with the required revision timeframe.  The recommendation from the previous audit to notify land owners has not been incorporated into the EMS. This therefore remains outstanding.  <b>Recommendation 7: Include a requirement in the EMS to notify landowner's of exceedances 'as soon as practical'. Define a time period for as 'soon as practical'.</b>
	<b>Adaptive Management</b>			
2	2. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.  Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity: (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur; (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 (c) implement reasonable remediation measures as directed by the Planning Secretary.	Compliant	Annual Review for 2019, 2020 and 2021 Quarterly Noise Monitoring Reports for 2019, 2020, 2021 Monitoring data for 2019, 2020, 2021 and 2022 Incident reports	A review of the monitoring data and the Annual Review found that exceedances occurring over the reporting period were formally investigated. The majority of exceedances were air quality related, however most of these were not attributed to the site as discussed in Schedule 3 Condition 11.  The exceedance of air quality criteria attributed to the site was adequately addressed, and has not occurred again over the reporting period.
	<b>Management Plan Requirements</b>			
3	3. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include: (a) a summary of relevant background or baseline data; (b) details of: • the relevant statutory requirements (including any relevant approval, licence or lease conditions); • any relevant limits or performance measures and criteria; and • the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; (c) any relevant commitments or recommendations identified in the document/s listed in condition 2(e) of Schedule 2; (d) a description of the measures to be implemented to comply with the relevant statutory requirements limits, or performance measures and criteria;	Non-compliant (Administrative)	Coal Haulage Traffic Management System Plan (Rev 3) – Dated 25 September 2020 Independent Traffic Audits Air Quality and Greenhouse Gas Management Plan DRAFT (V2 – dated	<i>2019 IEA Recommendations: All management plans require updating due to the length of time since the previous reviews. Include in a Delta Coal template.</i>  <i>Ensure there is a cross referencing table covering this condition in management plans.</i>  <i>Additional detail including Trigger, Action, Response Tables (contingency plan) should be developed in the next round of management plan updates.</i>  2022 IEA findings: Below is a summary of Management Plans prepared under this consent and their compliance against the requirements of this condition.  – AQGGMP: This plan was found to be generally compliant with the requirements of this condition. The recommendation of the previous audit to incorporate Trigger Action Response Tables has not been incorporated into the plan.

	<p>(e) a program to monitor and report on the:</p> <ul style="list-style-type: none"> <li>• impacts and environmental performance of the development; and</li> <li>• effectiveness of the management measures set out pursuant to condition 2(e) of Schedule 2;</li> </ul> <p>(f) 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>(g) a program to investigate and implement ways to improve the environmental performance of the development over time;</p> <p>(h) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> <li>• incident, non-compliance or exceedance of any impact assessment criterion or performance criterion;</li> <li>• complaint; or</li> <li>• failure to comply with other statutory requirements;</li> </ul> <p>(i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and</p> <p>(j) a protocol for periodic review of the plan.</p> <p>Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</p>	<p>21 January 2022</p> <p>Benthic Communities Management Plan (Rev 5 – 6 April 2021)</p> <p>Biodiversity Management Plan (Rev 5 – Dated 1 December 2019)</p> <p>Built Features Management Plan (Rev 0 – Dated 6 April 2021)</p> <p>Heritage Management Plan (Rev 4 – Dated 6 November 2020)</p> <p>Noise Management Plan (Rev 2– Dated 12 March 2014)</p> <p>Public Safety Management Plan (Dated 19 March 2021)</p> <p>Rehabilitation Management Plan (Rev 5 – Dated 10 March 2020)</p> <p>Seagrass Management Plan (Rev 8 – Dated 6 April 2021)</p> <p>Water Management Plan (Rev 5–</p>	<ul style="list-style-type: none"> <li>– Benthic Communities Management Plan: This plan was found to be compliant with the requirements of this condition. The recommendation of the previous audit to incorporate Trigger Action Response Tables has not been incorporated into the plan.</li> <li>– BMP: This plan was found to be compliant with the requirements of this condition.</li> <li>– Built Features Management Plan: This plan was found to be compliant with the requirements of this condition.</li> <li>– HMP: This plan was found to be compliant with the requirements of this condition.</li> <li>– NMP: The plan being implemented on site is date 12 March 2014 and has not been reviewed or updated over the audit period. This forms a non-compliance against clause (f) as the plan has not been periodically reviewed. The auditor notes that this plan is in the process of being updated and that no corrective action is required to be undertaken.</li> <li>– Public Safety Management Plan: This plan was found to be compliant with the requirements of this condition.</li> <li>– Rehabilitation Management Plan: This plan was found to be compliant with the requirements of this condition.</li> <li>– Seagrass Management Plan: This plan was found to be generally compliant with the requirements of this condition. The recommendation of the previous audit to incorporate Trigger Action Response Tables has not been incorporated into the plan, however the Trigger Action Response Tables in the overarching Extraction Plan cover requirements of this plan.</li> <li>– WMP: This plan was found to be generally compliant with the requirements of this condition. The WMP however does not adequately describe the baseline conditions for flows in Swindles Creek. Refer to Schedule 3 Condition 18 for corrective action. The recommendation of the previous audit to incorporate Trigger Action Response Tables has not been incorporated into the plan, however the Trigger Action Response Tables in the overarching Extraction Plan cover requirements of this plan.</li> </ul> <p>The recommendations of the previous IEA were generally carried forward in the revised management plan, with the exceptions listed above.</p>
--	--	--	---

Condition	Details	Compliance status	Relevant evidence	Commentary
			Dated 24 August 2021)	
4	4. The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site.	Non-compliant (Administrative)		Refer to discussion for Schedule 2, Condition 23 and Schedule 3, Condition 9.
	<b>REVISION OF STRATEGIES, PLANS AND PROGRAMS</b>			
5	5. Within three months of: (a) the submission of an incident report under condition 6; (b) the submission of an Annual Review under condition 8; (c) the submission of an Independent Environmental Audit under condition 9; or (d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise), the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review. Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.:	Non-compliant (Administrative)	Site interviews conducted 12 April 2022	Refer to discussion for Schedule 2, Condition 23 and Schedule 3, Condition 9. Failure to complete a review and (as necessary) a revision of the relevant plans has resulted in an administrative non-compliance with clauses (c) and (d). <b>Corrective action 6: Ensure plans are updated within three months of submission of this IEA and otherwise in accordance with the requirements of Schedule 6, Condition 5.</b>
	<b>REPORTING AND AUDITING</b> <b>Incident Notification</b>			
6	6. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Department's Major Projects website and identify the development (including the development application number and name) and set out the location and nature of the incident.	Compliant	Complaints and incidents register Incident reports	<i>2019 IEA Recommendation: Ensure TEOM is setup with alarms/notifications for when results are approaching or have exceeded the short term criterion for particulate matter. This will ensure exceedances are immediately detected and reported as soon as possible to the EPA and DPE.</i> <i>Ensure exceedances and other incidents are reported as per this condition (Detailed Incident Report within 7 days)</i> 2022 IEA findings: Several exceedances occurred over the reporting period, which are detailed in conditions above. A review of several incident reports provided by Delta Coal have found that the reporting procedures are satisfactory with the requirements of this condition.

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>Non-Compliance Notification</b>			
7	<p>7. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing via the Department's Major Projects website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.</p> <p>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance</p>	Compliant	Complaints and incidents register Incident reports	Review of relevant data verifies compliance with the requirements of this condition.
	<b>Annual Review</b>			
8	<p>8. By the end of March in each year after the commencement of the development, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:</p> <p>(a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:</p> <ul style="list-style-type: none"> <li>• relevant statutory requirements, limits or performance measures/criteria;</li> <li>• requirements of any plan or program required under this consent;</li> <li>• monitoring results of previous years; and</li> <li>• relevant predictions in the document/s listed in condition 2(e) of Schedule 2;</li> </ul> <p>(c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;</p> <p>(d) evaluate and report on:</p> <ul style="list-style-type: none"> <li>• the effectiveness of the noise and air quality management systems; and</li> <li>• compliance with the performance measures, criteria and operating conditions of this consent;</li> </ul> <p>(e) identify any trends in the monitoring data over the life of the development;</p> <p>(f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.</p> <p>Copies of the Annual Review must be submitted to the Affected Councils and made available to the CCC and any interested person upon request.</p>	Compliant	Annual Review for 2019, 2020 and 2021	<p><i>2019 IEA Recommendations: The Annual Reviews are set out differently to the DPE Annual Review Guidelines (2015). Ensure table of contents matches the guidelines. Ensure transport records from this Audit period (January 2016) onwards are recorded on the website. This could be appended to the Annual Review summarising the weekly transport. Include the biodiversity monitoring reports as appendices to the Annual Review. See Section 5.2 of the Main Audit Report for Subsidence Recommendations.</i></p> <p>2022 IEA findings: A review of the Annual Reports for 2019, 2020 and 2021 found that they were generally prepared in compliance with this condition. The form of the Annual Reports has been updated since the previous IEA and is consistent with <i>DPE Annual Review Guidelines (2015)</i>.</p> <p>Activities undertaken during the reporting period are adequately described in Section 4 of the Annual Review. Monitoring results are included in Section 6 and 7. The monitoring results presented compare results against criteria and predictions and are satisfactory with clause (b), (d) and (f) of this condition. Complaints are included adequately in 9.1.</p> <p>Non-compliances are briefly outlined in the Statement of Compliance and are detailed adequately in Section 11. Activities proposed over the subsequent reporting are described adequately in Section 12.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>Independent Environmental Audit</b>			
9	<p>9. By the end of February 2022, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:</p> <p>(a) led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be led and conducted by a suitably qualified, experienced and independent team of experts (including any be expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;</p> <p>(c) be carried out in consultation with the relevant agencies and the CCC;</p> <p>(d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);</p> <p>(e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;</p> <p>(f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and</p> <p>(g) be conducted and reported to the satisfaction of the Planning Secretary.</p>	Compliant		<p>This audit.</p> <p>Delta Coal commissioned the auditors prior to February 2022.</p>
10	<p>10. Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.</p>	Compliant	IEA submission email dated 25 June 2019	The previous IEA was submitted on 25 June 2019, within 3 months of it being conducted.
	<b>Monitoring and Environmental Audits</b>			
11	<p>11. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&amp;A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.</p> <p>For the purposes of the condition, as set out in the EP&amp;A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</p>	Note		

Condition	Details	Compliance status	Relevant evidence	Commentary
12	12. Noise and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Schedule 3, providing that these representative monitoring locations are set out in the respective management plan/s.	Non-compliance (administrative)		A review of the approved NMP for the site found it generally compliant with the requirements of this condition. The plan however has not been updated since 2014, and therefore does not accurately reflect the activities and conditions occurring on site (including relevant monitoring locations), therefore an administrative non-compliance has been identified. The current NMP does not currently identify the representative site being used for noise monitoring at site ATN007. Delta Coal advise that noise monitoring has been undertaken at this location since Q2 2019. The auditor notes a revised NMP was approved by DPE following conduct of the site inspection, addressing this non-compliance.
<b>ACCESS TO INFORMATION</b>				
13	<p>13. Until the completion of all rehabilitation required under this consent, the Applicant must:</p> <p>(a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:</p> <ul style="list-style-type: none"> <li>• the documents referred to in condition 2(e) of Schedule 2 of this consent;</li> <li>• all current statutory approvals for the development;</li> <li>• all approved strategies, plans and programs required under the conditions of this consent;</li> <li>• the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;</li> <li>• minutes of CCC meetings;</li> <li>• regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;</li> <li>• a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;</li> <li>• a summary of the current progress of the development;</li> <li>• contact details to enquire about the development or to make a complaint;</li> <li>• a complaints register, updated monthly;</li> <li>• the Annual Reviews of the development;</li> <li>• audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report; and</li> <li>• any other matter required by the Planning Secretary; and</li> </ul> <p>(b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>	Non-compliance (administrative)	Delta Coal Website ( <a href="https://www.deltacoal.com.au/">https://www.deltacoal.com.au/</a> )	<p><i>2019 IEA Recommendation: Ensure all relevant information is brought across to the Delta Coal website.</i></p> <p>A review of the documentation on the website found that it generally contained the information listed in this clause. The information was up to date, and generally easy to find.</p> <p>There were however some documents on the website that were not the most up to date versions available. These were:</p> <ul style="list-style-type: none"> <li>– Benthic Communities Management Plan</li> <li>– Seagrass Management Plan</li> <li>– Built Features Management Plan</li> <li>– Noise Management Plan</li> </ul> <p>This therefore constitutes a non-compliance against clause (b) of this condition.</p> <p><b>Corrective action 7: Ensure that the most up to date management plans are uploaded onto the website.</b></p>

# **Appendix D**

**Independent audit submission form**

Independent Audit Declaration Form	
<b>Project name</b>	Chain Valley Colliery Extension Project
<b>Consent Number</b>	SSD-5465
<b>Description of project</b>	Refer to Section 1.1
<b>Project address</b>	Off Construction Road, Vales Point, NSW, 2259
<b>Proponent</b>	Great Southern Energy Pty Ltd (trading as 'Delta Coal')
<b>Title of audit</b>	Independent Environmental Audit for SSD-5465
<b>Date</b>	20 June 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>	20 June 2022



[ghd.com](http://ghd.com)

→ **The Power of Commitment**